



**WATFORD  
BOROUGH  
COUNCIL**

# **LICENSING COMMITTEE (LICENSING ACT 2003)**

**26 September 2018**

**7.00 pm**

**Town Hall, Watford**

**Contact**

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**Publication date: 21 September 2018**

# Committee Membership

Councillor J Fahmy (Chair)

Councillor A Dychton (Vice-Chair)

Councillors A Barton, S Bolton, J Connal, A Grimston, K Hastrick, P Jeffree, B Mauthoor, M Mills, M Parker, G Saffery, D Scudder, R Smith and D Walford

## Agenda

### Part A - Open to the Public

6. **Proposed Licensing Act 2003 Statement of Licensing Policy 2018-2023** (Pages 146 - 229)

A report of the Head of Community and Environmental Services asking the Committee to finalise the policy and recommend it to Council for adoption.

# Agenda Item 6

## \*PART A

**Report to:** Licensing Committee (Licensing Act 2003)  
**Date of meeting:** 26th September 2018  
**Report of:** Head of Community and Environmental Services  
**Title:** Proposed Licensing Act 2003 Statement of Licensing Policy 2018-2023

### 1.0 Summary

1.1 At its meeting in June 2018, the Licensing Committee agreed the process by which officers would consult on a review to the Statement of Licensing Policy (SLP) under the Licensing Act 2003.

1.2 Although it was agreed that the consultation was to be a light touch consultation, a number of questions were proposed for the consultation, to focus on specific areas of the policy. The questions asked revolved around:

- If the definitions of different types premises in the policy should be kept
- If we should keep the approach to dealing with different types of premises licence applications
- If we should change the approach to licensing petrol stations and garages
- If the revised policy regarding circuses was appropriate
- If Policy LP3 (Creating a Family Friendly Town Centre) should be retained
- If the geographical area covered by Policy LP3 should be changed
- If the Sensitive Licensing Areas should be retained
- If there were any other locations that could be considered for a Sensitive Licensing Area
- If the current link between the licensing and planning regimes should be changed
- If the conditions laid out in our policy are sufficient to promote the four licensing objectives
- If the approach to certifying films that do not have a BBFA rating should be changed
- If the approach to dealing with representations should be changed
- If the current approach to complaints and enforcement regarding licensed premises should be retained
- If the current approach to dealing with requests to review a licence should be changed

1.3 The consultation has now finished, and the responses have been collated. The Committee is now asked to finalise the policy and recommend that is adopted by the Council.

## 2.0 Risks

2.1

<b>Nature of Risk</b>	<b>Consequence</b>	<b>Suggested Control Measures</b>	<b>Response</b> <i>(Treat, tolerate, terminate, transfer)</i>	<b>Risk Rating</b> (the combination of severity and likelihood)
Legal challenge from failure to properly adopt the policy	Failure to meet requirements under the Licensing Act	Ensure that a policy is adopted before 19 November 2018	Treat	2
Legal challenge from failure to properly consult	Negative perception of council and its licensing functions, and challenge through the Courts	Carry out consultation in accordance with legal requirements under the Licensing Act 2003 and in accordance with the Government's published principles of consultation	Treat	2
Policy is unreasonable, irrational, discriminatory etc.	Legal challenge through the Courts	Ensure that the results of the public consultation are taken into account in the final Statement of Policy	Treat	2
Further legislation or	Policy may be outdated as	Monitor situation and,	Treat	2

reported cases arising during course of consultation and adopting policy	soon as it is published	if necessary, take amendments to September Committee		
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### 3.0 Recommendations

- 3.1 That the Licensing Committee recommends to Council, acting as the Licensing Authority for the Borough of Watford, that it adopts the amended Statement of Licensing Policy for 2018-2023 as attached at Appendix 1 at its meeting on 16th October 2018.

**Contact Officer:**

For further information on this report please contact: Austen Young, Senior Licensing Officer on telephone extension: 8474 and email:

[austen.young@watford.gov.uk](mailto:austen.young@watford.gov.uk)

**Report approved by:** Alan Gough, Head of Community and Environmental Services

### 4.0 Detailed proposal

- 4.1 The Council is the licensing authority under the Licensing Act 2003 for alcohol, regulated entertainment and late-night refreshment within the Borough. It is required to prepare, consult and keep under review a statement of licensing policy (SLP) that sets out how it approaches its responsibilities under the Act, so that applicants, other statutory bodies and local bodies can ascertain its general approach to particular situations.
- 4.2 In preparing the SLP, the authority must have regard to the statutory guidance published under the Act by the Secretary of State and approved by Parliament. This is known as the s.182 Guidance and was most recently updated in April 2018
- 4.3 On 25th June 2018, the Committee agreed that a light touch consultation on reviewing the SLP was appropriate. This enabled the SLP to remain current and valid, to reflect minor policy changes already identified as recommended and to enable a broader and more considered and coordinated review to take place in line with other corporate timelines.
- 4.4 In particular, the broader review will take account of the Cultural Plan recently approved and the vision for the Town Centre that is currently under development. The SLP is a tool to deliver these and other similar policies and plans, therefore it must be developed after their approval. It was proposed that the SLP be reviewed again either when the Town Centre Vision has been completed, or by June 2020;

whichever is sooner. The full rationale behind the consultation can be found in the report for the Committee on 25 June and in the minutes for that meeting.

#### 4.5 **Consultation on the proposed policy**

The consultation on the SLP took place between 6 July 2018 and 17 August 2018, during which time we consulted:

- the statutory responsible authorities
- 469 residential properties within the town centre
- 1037 residential properties within the Sensitive Licensing Areas
- 14 residents' associations
- all 36 local ward councillors
- 329 licensed premises
- 5 council departments (Culture & Events, Legal & Democratic Services, Transport & Infrastructure, Place Shaping & Corporate Performance, and Corporate Strategy & Communications)
- Watford BID

4.6 The consultation was advertised on our website during this time, with people invited to participate in a survey on the proposed changes, and was also advertised in the Watford Observer on 6 July 2018.

4.7 Overall, 31 responses were received to the consultation. The breakdown of the respondents is as follows:

Residents – 9  
Responsible authorities – 4  
Councillors – 1  
Licence holders – 3  
Council officers – 2  
Residents' associations – 2  
Local business – 1  
Uncategorised – 9

4.8 The comments received during the consultation, and the officers' responses to these comments, is attached to this report at appendix 2. Not every question has the same number of comments as people sometimes skipped questions, or only commented on specific issues. Some comments did contain allegations against specific premises, and for the sake of fairness the names of premises have been sanitised. The full original responses are available upon request from officers. Officers are investigating these allegations where appropriate.

## 5.0 **Response to the consultation**

- 5.1 As stated earlier, the responses to the consultation are attached to this report at appendix 2. Broadly speaking, the responses were in favour of the policy and supportive of the revised policy.
- 5.2 As mentioned some responses did include complaints about specific premises, or about specific locations. While the comments have been sanitised for this report so that premises are not directly named, officers can advise that the comments have been passed to officers, other council departments, or outside agencies, as appropriate. Exact details can be found in the officers' comments on the appendix. The complaints have been passed as anonymous complaints, without sharing the personal data of those who made the complaints.
- 5.3 A number of comments asked for the policy to be changed in a manner which is incompatible with the legislation or the statutory guidance. Examples of such comments included a request for a cap on the issuing of licences; that owners of premises should hold a licence and not the operators of the business; or that petrol stations should not be able to sell alcohol at all. Officers have responded against the relevant comments on the appendix where a request was incompatible and the reasons why such a change cannot be made.
- 5.4 The following aspects of the consultation were supported by the majority of respondents:
- the premises definitions (Policy LP1)
  - the approach to licensing petrol stations and garages (LP2A)
  - the revised policy regarding circuses (LP2B)
  - Creating a Family Friendly Town Centre (LP3)
  - the geographic area covered by Policy LP3
  - retain the Sensitive Licensing Areas (LP4)
  - the link between planning and licensing regimes (LP5)
  - the steps to protect children from harm (LP9)
  - officers certifying films for exhibition where there is no BBFA rating
  - dealing with representations against applications (LP11)
  - the approach to dealing with complaints about licensed premises (LP12)
  - dealing with requests to review a licence (LP13)
  - the approach to enforcement
- 5.5 While there was not a majority of respondents in support of retaining Policy LP2, regarding the location and operation of premises, some of the comments received against this question were held to not be relevant to the question asked as part of the consultation. One comment was received requesting that Woodside Leisure Park be 'rezoned' to a residential area. As a result of this comment, officers have added a

clarifying statement to the policy regarding that the officers' comments are a recommendation of what location the premises falls within, but it is for the sub-committee to confirm if they agree with this or not. This confirms that the sub-committee may advise that, based on the application in front of them, they consider that the premises falls within a different location, and may therefore be treated differently.

- 5.6 No specific comments were received suggesting that a different approach to Policy LP2 was required. In the absence of such comments, officers therefore recommend that the Committee adopts the policy as laid out in the draft policy attached as appendix 1.
- 5.7 While the overwhelming majority of responses were in support of retaining the policy of Sensitive Licensing Areas, there was a slim majority of respondents in support of additional areas being covered by this policy. Cassiobury Park and Vicarage Road were specifically named as areas where respondents would like to see a Sensitive Licensing Area, although the number of comments received nominating areas were fewer than the number of respondents who indicated they would support more areas.
- 5.8 There is no significant evidence available to council officers that Cassiobury Park suffers specific problems from the supply of alcohol to street drinkers, that premises licensed for alcohol and/or late night refreshment have significantly different times from other premises in the area, or that there is a concentration of late night takeaways contributing to litter and other nuisances. These are the criteria which the council have set in order to justify highlighting an area as a Sensitive Licensing Area, and the issues which council officers have highlighted as requiring extra controls through conditions. The Police and the council's Community Safety Co-Ordinator did not provide any evidence to suggest that the licensing authority need to take such an approach in the park. For this reason, officers have not recommended the park for a Sensitive Licensing Area. Officers do recognise the importance of the park as a place where events wish to be held, and also recognise that the park is surrounded by residential houses. These are matters which have been taken into account by the responsible authorities when applications have historically been submitted for the park, and officers can see no reason as to why this approach would change.
- 5.9 With regards to Vicarage Road, officers have not received any evidence from the police or the council's Community Safety Co-Ordinator to suggest that there are any specific concerns in this location which can be addressed via a change in policy. Officers have also considered the area against the criteria set aside for Sensitive Licensing Areas, as highlighted in para 4.8, and there is no evidence to suggest that these are issues in this area that require a change in policy in order to be addressed. For this reason, officers have not recommended Vicarage Road for a Sensitive Licensing Area. Officers meet with the Police licensing unit on a regular basis and will monitor the situation in this area.



- 5.10 Officers wish to clarify that by not recommending a location for a Sensitive Licensing Area, this does not mean that there are no issues in the area. Any issues with specific licensed premises should still be reported to the licensing team for investigation. It may also be more appropriate to deal with problems from specific, existing, premises, rather than creating a new policy.
- 5.11 Although there was no majority in support of maintaining the approach as laid out in Policy LP6, regarding the promotion of the licensing objective of the prevention of crime and disorder, there were few comments received for consideration. One comment was received regarding the need for a greater Police presence, which is ultimately a matter for the Police to decide. Another comment was received regarding how this statement was too political and that current laws could be applied. Officers would advise that the statutory guidance does state that applicants should demonstrate a knowledge of the area in relation to an application, and the approach taken in this policy, and the other policies regarding the promotion of the licensing objectives, do lay out the approach that applicants should be taking, and matters which they should be considering. It also highlights areas that will be taken into consideration during a hearing. While the policy does state that specific measures, it does not limit the sub-committee to these measures, allowing the application to be considered on its own merits. In lieu of any suggestions as to how this section could be improved or changed, and considering that the policy does allow for other matters to be considered on a case-by-case basis, officers would recommend that the Committee adopts the policy as laid out in the draft policy attached as appendix 1.
- 5.12 There was also no majority in support of maintaining the approach to the promotion of public safety, as laid out in Policy LP7. Again, similar comments were made against this policy as were made against Policy LP6. The Fire Service did provide some documentation to be made available for would-be applicants, and we will make this information available through our website. This approach allows the documents to be visible, and also for them to be updated more easily than if they were physically attached to the SLP. In lieu of any further suggestions as to how this section could be improved or changed, and considering that the policy does allow for other matters to be considered on a case-by-case basis, officers would recommend that this policy remains as it was proposed.
- 5.13 There was also no majority in support of maintaining the approach to the promotion of prevention of public nuisance. One comment was submitted which asked for the definition of 'nuisance' to be defined. However, the statutory guidance does advise that 'nuisance' has the broad definition retained at common law, which is also stated within the SLP. Factors to be considered in determining when an issue could be considered to be a nuisance are also given in the SLP as examples. While not being able to give a clearer definition, officers do advise that the current approach is sufficient. A suggestion was made by the Environmental Health team to clarify the

issues of odour and light regarding nuisance, which officers did consider to be valid suggestions, and so the policy has been updated to reflect this input. In lieu of any further suggestions as to how this section could be improved or changed, officers would recommend that this policy is approved with the aforementioned changes.

## **6.0 Implications**

### **6.1 Financial**

6.1.1 The Shared Director of Finance comments that it is expected that there will be no change in income or workflow cost from the proposals, although this can only be confirmed or amended as necessary after the consultation. The income is a statutory fee and any Watford 2020 implications will be dealt with separately to this report.

### **6.2 Legal Issues (Monitoring Officer)**

6.2.1 The Head of Democracy and Governance comments that the legal implications are contained within the body of the report. The policy will need to be agreed by Council and the report asks for the Committee to recommend that the policy is agreed by full Council.

### **6.3 Equalities/Human Rights**

6.3.1 An Equalities Impact Assessment of the proposed policy was undertaken and is attached at appendix 3. The assessment did not identify any negative impacts associated with the policy so no amendments have been made to it.

### **6.4 Staffing**

6.4.1 There are no staffing issues associated with this report

### **6.5 Accommodation**

6.5.1 There are no accommodation issues associated with this report

### **6.6 Community Safety/Crime and Disorder**

6.6.1 The Statement of Licensing Policy aims to promote the four licensing objectives, one of which is the prevention of crime and disorder.

### **6.7 Sustainability**

6.7.1 There are no sustainability issues associated with this report

## **Appendices**

- Appendix 1 Draft Licensing Act 2003 Statement of Principles 2018 – 2023
- Appendix 2 Consultation Responses
- Appendix 3 Equalities Impact Assessment

## **Background Papers**

Consultation responses – available upon request.

## **File Reference**

Licensing Act 2003 Statement of Licensing Policy

**APPENDIX 1**



**LICENSING ACT 2003**

**STATEMENT OF LICENSING POLICY - *draft***

**NOVEMBER 2018**

Comments are invited on this document to:

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## PROLOGUE

Watford Borough Council is the licensing authority under the Licensing Act 2003, and are required to publish and keep under review a policy setting out our approach to our responsibilities under the Act.

It is intended that this policy will be used by a wide range of people within the Borough – from organisations who need authorisations under the Act; residents and others who may be affected by their activities, and by the statutory bodies with responsibilities under the Act.

This policy is in force from 20<sup>th</sup> November 2018 until 19<sup>th</sup> November 2023, unless revised beforehand. We hope that organisations and individuals will use it before making licence applications, and that residents and statutory bodies will use it when responding to licensing applications or existing licensed activities.

In drawing up the policy, we have consulted with:

- Local residents and their representatives
- Local community, cultural and entertainment organisations
- Holders of various licences for premises in the Borough who will be affected by it
- Hertfordshire Constabulary
- Hertfordshire Fire & Rescue Service
- Hertfordshire Trading Standards
- Hertfordshire Local Safeguarding Children Board
- Watford Community Safety Partnership
- The Home Office
- Watford Business Improvement District
- One Watford

Our consultation was conducted between 10<sup>th</sup> July 2018 and 17<sup>th</sup> August 2018, during which time we wrote to:

- 20 residents' associations;
- 329 licensed premises;
- over 450 residents within the town centre;
- over 1000 residents within the Sensitive Licensing Areas;
- all 36 local ward councillors; and
- the statutory responsible authorities.

We placed details on our website and a public advertisement, and issued a press release which was published in the Watford Observer on 6<sup>th</sup> July 2018.

It was approved by the full Council – the Licensing Authority – on 16<sup>th</sup> October 2018.

Our licensing committee will consider each Spring how the policy has operated, and whether any changes to it are needed.

## **The Borough of Watford**

Watford Borough Council is situated in the county of Hertfordshire, which contains ten district councils in total. The council area has a population of now 96,600 (mid-year estimate (2016) making it one of the smallest in the county in terms of population and one of the most densely populated in the country.

Watford Borough was granted a Royal Charter in 1922. Traditionally a market town, it has developed into an attractive sub-regional shopping centre and important centre for cultural and recreational facilities. Watford has a catchment area population of approximately 500,000 within a travel time of 20 minutes from the town centre (CACI Ltd 2001).

Situated in the south west of Hertfordshire, Watford has several locational advantages due to its excellent communication links. The M1 motorway, with direct links to the town centre, and the London to Glasgow railway pass through the Borough. London Euston can be reached in 20 minutes, while the nearby M25 motorway provides road access to the major airports at Heathrow, Gatwick, Stansted and Luton.

Watford has major A-road links to adjoining areas and is also connected to the underground rail network with the Metropolitan Line terminus adjacent to Cassiobury Park. A branch line railway serves St. Albans Abbey.

Watford Borough covers an area of 2,142 hectares (8.3 sq. miles). Watford is a major town in the region. It is a sub-regional shopping destination, centred around the Intu Shopping Centre in the town centre, and has one of the most vibrant night-time economies in Hertfordshire. The Intu centre is currently being extended with work due to be finished in autumn 2018, along with associated High Street improvement works. Upgrading works to the pond and surrounding area were completed in 2014. It was traditionally a centre for the printing industry and now boasts the headquarters of a number of nationally known firms. Unemployment figures are well below Great Britain's average. However there are pockets of deprivation, characterised by a high concentration of minority ethnic groups, single parent families, low income households and a high incidence of long term health problems.

Potential operators should however refer to the District Plan and the emerging Local Development Framework (through our Development Control Team or on our website at [www.watford.gov.uk](http://www.watford.gov.uk)) for details about the local planning authority's approach to granting planning permission for developments where such activities may take place.

Further information about the Borough is contained in the Watford Local Plan 2006-2031 Part 1 Core Strategy which can be obtained from the Council's offices or at:

[https://www.watford.gov.uk/info/20012/planning\\_and\\_building\\_control/135/planning\\_policy](https://www.watford.gov.uk/info/20012/planning_and_building_control/135/planning_policy)

## INTRODUCTION

We recognise that the four objectives of the Licensing Act – prevention of crime and disorder; public safety; prevention of nuisance; and child protection – are paramount.

Our vision is to create a safe and family-friendly environment within the Borough, particularly within the town centre. Whilst we recognise that each application must be considered on its individual merits and must be granted in the absence of any relevant representations, policies will be implemented to achieve our overall aims.

In September 2008 we launched a 24-hour strategy for the town centre (available on request), to take us to 2012. Following public consultation, we began to tackle some key issues which are now being addressed. In January 2009 we launched our Cultural Study to remodel the town centre – particularly The Parade – to act as a stimulating focal point for culture and heritage within the borough. The Cultural Plan saw physical improvements to the Pond and the Parade area and the creation of an events space.

The events space has seen events such as the Big Beach, the Big Screen and the Big Skate, and the Town Centre as a whole has hosted an 'Imagine Watford' Arts festival on a number of occasions. The council's Community Section is working on a new 5 – 7 year Cultural Plan which is due to be launched in the autumn on 2018. The council is also working on a Town Centre Vision, which will build on the extension to the INTU centre and the associated improvement works underway to the High Street between Clarendon Road and Market Street. This Statement of Licensing Policy will be used to help deliver the Town Centre Vision and accordingly may need to be reviewed before its expiry in 2023 as the Vision develops.

This approach and initiatives above led to us being awarded Purple Flag accreditation for our management with our partners of our town centre night-time economy in September 2012. The Purple Flag accreditation was renewed in 2016, and again in 2018.

Where we have discretion because relevant representations have been made about licensing applications, we may also take into account the following factors to fulfil our vision:

- (1) what contribution the application can make to creating a family-friendly town centre, specifically in terms of offer to a wide-range of customers; family-friendly policies and facilities; operating hours; and pricing;
- (2) entertainment aimed at over-25 year olds;
- (3) links with other activities in the town, to encourage day-time users to stay in the evening;
- (4) provision of a full food menu and not only alcohol;
- (5) the controlled and safe sale of alcohol;
- (6) transport/dispersal provision, particularly during periods when public transport is unavailable;



- (7) style and type of venue. The licensing authority wants to attract only high-quality operators who can provide a family-friendly environment, characterised by a range of activities and offers that would appeal to families of all backgrounds. A family-friendly environment may (but need not) be characterised by:
- a range of alcoholic and soft drinks suitable for all ages;
  - a food menu catering for different tastes and needs, available throughout the duration of the premises' operating times;
  - facilities suitable for assisting customers with young children, such as high-chairs and baby-changing facilities, and facilities for family groups such as suitably laid-out seating/table areas;
  - a range of activities or entertainment that appeals to a range of age groups, whether provided at the same time or at separate times.
- (8) involvement in local community events and organisations.
- (9) commitment to involvement in community safety partnership initiatives.
- (10) use of street pavement licences for outdoor table areas.

### **Promoting and celebrating Watford's diverse cultures**

We are keen to promote the artistic and cultural life of the town, and licensing will be approached with a view to encouraging new and innovative forms of public entertainment that are consistent with the licensing objectives and this aim.

We encourage greater live music, dance, theatre and other forms of entertainment for the wider cultural benefit of the community. We note that the Live Music Act 2012 already exempts live and recorded music from the need for a licence in specific circumstances and that certain elements of "regulated entertainment" defined in schedule 1 to the Licensing Act has also been deregulated<sup>1</sup>.

For those activities that will still require licensing, we will seek to strike a balance between the potential for limited neighbourhood disturbance and the benefits of cultural activities and we will not allow the views of vocal minorities to predominate over the general interests of the community.

We will as far as possible avoid measures that deter live music, dance, theatre and entertainment, for example by imposing conditions that have indirect costs of a disproportionate nature.

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<sup>1</sup> [The Licensing Act 2003 \(Descriptions of Entertainment\) \(Amendment\) Order 2013](#)

We are aware of the community value of a broad range of cultural entertainments, particularly live music, theatre and dancing. We want to encourage them for the benefit of all. We have issued a premises licence for the town centre for the use of community and other groups, and enquiries should be addressed to our events team at [events@watford.gov.uk](mailto:events@watford.gov.uk).

DRAFT

## **GENERAL CONSIDERATIONS**

Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licence-holder. However, as a matter of policy, we expect every holder of a licence, certificate or permission to be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the immediate vicinity of their premises and will require licence holders to demonstrate that they have taken appropriate action.

We will consider every application, on its own merits. We will have regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act (available from <https://www.gov.uk/business-and-industry/alcohol-sales>). Where it is necessary to depart from the guidance – either in this policy or at any other time – we will give clear and cogent reasons for doing so.

We will consult with relevant stakeholders on the operation of this policy where appropriate, in advance of an annual report each Spring to our Licensing Committee on the operation of the Act. We will also take advantage of other forum, such as Pubwatch and Police Licensing Unit liaison meetings.

## **PRE-APPLICATION CONSIDERATIONS**

Our experience in administering the licensing regime since 2005 shows us that many disputes start from poor communication – for example, the Act doesn't always allow applicants to fully explain their proposals, leading residents to misunderstand what is being proposed. In that case, formal representations are made and licensing hearings held to simply clarify what is being proposed.

We would strongly encourage applicants to hold pre-application discussions with us, other relevant statutory bodies and local residents or businesses before submitting all but the most straightforward applications.

Applicants should note that all applications are detailed on a weekly email bulletin, which is published on our website. Applications for the grant and variation of premises licences and club premises certificates are also circulated by letter to the fifteen nearest properties to the premises affected by the application, to ensure those potentially affected are aware of the application. Applicants are requested to submit a copy of their public notice to our officers after it has been published in a local newspaper.

Licensing is about the regulation of licensed premises, qualifying members' clubs and temporary events. We may only impose conditions on premises licences and club premises certificates in one of two circumstances:

- (1) where the applicant volunteers them as part of their operating schedule; or
- (2) on receipt of relevant representations from potentially affected parties, or from responsible authorities .

We have produced a separate document containing pools of model conditions for premises licences and club premises certificates. Applicants are under no compulsion to use these when preparing their operating schedules, but doing so may reduce the likelihood of representations being made about the application. Should relevant representations be received, we will (unless policy LP2 is involved) use those pools of conditions to address the concerns raised before we consider whether to refuse an application.

Terms and conditions attached to premises licences or club premises certificates in these circumstances will be reasonable, proportionate, and relevant and will be focused on matters within the control of the individual licence-holders and others granted relevant permissions. Conditions will be tailored to the style and characteristics of the individual premises. These matters will centre on the premises and places being used for licensable activities and in the vicinity of those premises or places.

Our officers will draft appropriate conditions for premises licence and club registration certificates from the information supplied in operating schedules accompanying premises licence and club premises certificate applications.

We recognise that we have no statutory power to place conditions where a temporary event notice has been given and no objections have been received from the police or Environmental Health, but urge premises users to take note of the guidance in this policy in appropriate circumstances.

Where no representations have been received, we must grant the authorisation in the terms sought.

**POLICY LP1  
PREMISES DEFINITIONS**

For the purposes of policy LP2 and LP3, we define licensed premises as set out below:

<b>Premises</b>	<b>Use</b>
<b>Restaurants</b>	The sale of food and drink for consumption on the premises with full waiter service and/or full food menu throughout the trading period, and which typically has only incidental background music. Alcohol sales are not predominant over other activities. It may occasionally include the provision of other licensable activities such as recorded or amplified music and limited facilities for the provision of dancing.
<b>Public houses, wine bars or other drinking establishments</b>	Primarily for the sale of alcohol and food for consumption on the premises, and which may include the provision of other licensable activities. Will include a “drinking up period” between the last sale of alcohol and the closing time of the premises.
<b>Café-bars</b>	The sale of food and or light refreshments, and where alcohol sales are not a predominant feature of the premises
<b>Hotel bars</b>	The sale of alcohol and/or food, either to hotel residents or to non-residents
<b>Night-clubs</b>	Primarily for the provision of licensable activities at night (typically including music and dancing), where alcohol sales are a strong feature
<b>Off-licences</b>	The sale of alcohol for consumption away from the premises
<b>Pavement licences</b>	The sale of alcohol and/or food on the highway outside of other premises licensed for such activities
<b>Qualifying clubs</b>	Qualify for a club premises certificate under the Licensing Act 2003
<b>Take-aways</b>	The provision of late night refreshment (hot food and drink) between 11 pm and 5 am for consumption away from the premises
<b>Other entertainment venues</b>	The sale of alcohol and provision of late night refreshment (hot food and drink) is either absent or only ancillary to other licensable activities

**POLICY LP2  
LOCATION AND OPERATION OF PREMISES**

1. The table below sets out our approach to licensing premises when we have received relevant representations to a licensing application, notwithstanding that each application will be considered on its merits:

<b>Premises type</b>	<b>Town centre (see also policy LP3)</b>	<b>Leisure or shopping area</b>	<b>Residential area</b>
<b>Café-bars</b>	Will generally be granted according to the application		
<b>Hotel bars</b>	Will generally be allowed alcohol sales and late night refreshment to residents 24-hours a day and to non-residents on the same basis as restaurants (see below)		
<b>Night-clubs (including lap-dancing clubs*)</b>	Will generally be allowed licensable activities to 1 am only and until 10.30 pm on Sunday (other than for special occasions)	Will generally be allowed licensable activities to 1 am only (other than for special occasions)	Will generally be allowed licensable activities to midnight only (other than for special occasions)
<b>Off-licences</b>	Will generally be allowed alcohol sales to 8 pm only	Will generally be allowed alcohol sales in accordance with the normal opening hours of the shop	Will generally be allowed alcohol sales in accordance with the normal opening hours of the shop
<b>Other entertainment venues not listed</b>	Will generally be granted for the hours and activities requested		May be limited to midnight
<b>Pavement licences*</b>	Will generally be allowed alcohol sales to 10 pm only	Will generally be granted according to the application	Will not generally be granted for alcohol sales in residential areas outside pubs, but will if outside restaurants and café-bars
<b>Public houses, wine bars and other drinking establishments</b>	Will generally be allowed alcohol sales to midnight only, and until	Will be allowed alcohol sales to midnight only (other than for special occasions).	

\* We have published separate policies about pavement and about sex entertainment venue licences, which are available on our website and from our licensing team.

	10.30 pm on Sunday (other than for special occasions).	
<b>Qualifying clubs</b>	Will generally be granted for the hours and activities requested	
<b>Restaurants</b>	Will generally be allowed licensable activities to 2 am only (other than for special occasions)	Will generally be allowed alcohol sales to midnight only (other than for special occasions)
<b>Take-aways</b>	Will generally be allowed late-night refreshment sales to 1 am only (other than for special occasions)	Will generally be allowed late-night refreshment sales to 1 am only Will generally be allowed late-night refreshment sales to midnight only (other than for special occasions)

2. Officers will make a recommendation of the type of operation and location of the business, using the preceding tables. However, it will be for the sub-committee to determine if they agree with the recommendation when considering the application before them, and they may decide to depart from the recommendation. Departure from the recommendation should be explained with detailed reasons.
3. Where alcohol is sold for consumption on the premises, our policy will be to generally grant an additional 60 minutes between the end of any sales of alcohol and the closing time of the premises (which we refer to as the “terminal hour”).
4. Where we have considered representations for licences that do not involve alcohol sales, we reserve the right to set a final hour for licensable activities and for the closing time of the premises (the “terminal hour”).

### Justification for LP2

We recognise that flexible licensing hours for alcohol sales can help to reduce concentrations of customers from leaving premises simultaneously, and to reduce conflict at late-night take-aways and taxi ranks. At the same time, we recognise that taxis/private hire vehicles (and private vehicles) are effectively the only form of post-midnight transport in the Borough.

We are adopting this policy with the Government’s recommendations at paragraph 14.51 of the statutory guidance in mind. This states that the Government acknowledges different licensing approaches may be appropriate for promoting the licensing objectives in different areas, and licensing authorities – in consultation with others – are best placed to make those decisions subject to the overriding principle that opening hours must be not pre-determined without giving individual consideration to the merits of each application.

This justifies a more restrictive approach in residential areas when relevant representations have been made. A more restrictive approach for take-aways within the



LP3 area is justified to reduce conflict late at night, and for off-licences to reduce the availability of alcohol being drunk on the streets (“pre-loading”) during the evening.

### **PETROL FILLING STATIONS**

Section 176 of the Licensing Act prohibits alcohol sales from premises that are used primarily as, or are part of premises that are primarily used, as garages for one or more of the retailing of petrol or derv; or the sale and maintenance of vehicles.

If premises that are primarily used as a garage are granted a licence, that licence is “of no effect” and alcohol may not be lawfully sold.

It follows that we must be satisfied whether or not any premises are used primarily as a garage before we grant a licence for it. This is not to restrict the granting of a licence in such cases but for all parties to be clear as to whether the licence is an effective one or not. This policy is intended to be applied flexibly, as we are aware many pubs and restaurants have car parks attached where customers may drink alcohol and then drive away, and that customers will also drive to supermarkets for example to buy alcohol, many of which also have car parks.

### **Policy LP2A**

1. In determining applications for garages, we require applicants to demonstrate that their premises are not primarily used as a garage. Such evidence must be based on sales and footfall data over the previous two years to show that petrol and derv sales, and vehicle maintenance and sales, are not the premises’ main feature to show the intensity of use. Where such information is not available (because for example the premises have only just started trading), we will consider imposing a condition requiring this information to be provided to the licensing authority on a regular basis for the following two years to ensure the premises are not primarily a garage.
2. Where insufficient evidence exists to establish primary use, we will decide whether or not grant a licence and deal with any subsequent issues using our enforcement powers in conjunction with other responsible authorities.
2. Where relevant representations have been made and a premises licence is granted in these circumstances, we shall treat it as an off-licence for the purposes of policy LP2 and grant hours accordingly.

### **Justification for LP2A**

Paragraph 5.22 of the statutory guidance issued under the Act makes it clear that we must decide whether or not any premises is used primarily as a garage. We are aware that different licensing authorities take a number of different approaches to this question. This approach allows us to obtain the necessary information for us to reach that decision.

## **CIRCUSES**

It is clear that authority is needed under the Licensing Act should a circus sell alcohol or provide late night refreshment.

In addition, The Legislative Reform (Entertainment Licensing) Order 2014 deregulated entertainment in travelling circuses provided that the following qualifying conditions are met:

- the entertainment is not an exhibition of a film or a boxing or wrestling entertainment;
- the entertainment takes place between 08.00 and 23.00 on the same day;
- the entertainment takes place wholly within a moveable structure and the audience present is accommodated wholly inside that moveable structure; and
- the travelling circus has not been located on the same site for more than 28 consecutive days.

The position is less clear in terms of regulated entertainment, and we are aware of extremes in approaches by licensing authorities across the country. The incidental music to a circus performance is not licensable, clowns may not necessarily be playing a dramatic role qualifying as a theatrical performance, trapeze artistes are not engaged in indoor sports and film performances are rarely included.

### **Policy LP2B**

1. It is our policy that entertainment in circuses is exempt in the following circumstances:
  - the entertainment is not an exhibition of a film or a boxing or wrestling entertainment;
  - the entertainment takes place between 08.00 and 23.00 on the same day;
  - the entertainment takes place wholly within a moveable structure and the audience present is accommodated wholly inside that moveable structure; and
  - the travelling circus has not been located on the same site for more than 28 consecutive days.
2. On other occasions will be need to be decided on a case-by-case basis

### **Justification for LP2B**

It is our experience that circuses are low risk, pose no significant risk to the licensing objectives, add value to the cultural activities of the town, and are regulated by other means including compliance with the Health and Safety at Work etc Act 1974.

### **POLICY LP3 CREATING A FAMILY FRIENDLY TOWN CENTRE**

This policy applies in these parts of the town centre:

- Albert Road South
- Church Street
- Clarendon Road, between The Parade and Beechen Grove
- George Street
- High Street (between The Parade and Beechen Grove)
- King Street, between High Street and Exchange Road
- Market Street, between High Street and Exchange Road
- New Street
- Wellstones
- Queens Road, between High Street and Beechen Grove
- The Parade

Our starting point is to seek a reduction in crime and disorder, consistent with our statutory duty under the Licensing Act and under section 17 of the Crime and Disorder Act 1998 (as amended), and an improvement in local amenity through the reduction in alcohol-related anti-social behaviour.

We have adopted a special policy for this part of the town centre, which is intended to be strictly applied. We want to encourage more restaurants, cafes, food establishments and venues offering entertainment licensable activities and would positively encourage applications for those type of premises whilst discouraging alcohol-led premises. Whether there is a need or not for further premises of a particular type, in accordance with the Secretary of State's guidance at paragraph 14.19, will not be a consideration. This type of Policy is known as a Cumulative Impact Policy (CIP).

The Policing and Crime Act 2017 placed CIPs on a statutory footing, meaning that they become a formal part of the licensing process, and will assist in strengthening controls and addressing the problems caused through a saturation of any particular type of premises.

Prior to the publication of the 2013 – 2018 Statement of Policy, joint working with the town centre Pubwatch scheme on its action plan, the Purple Flag initiative and Best Bar None had seen a reduction in violent crime and theft from the person and we look forward to continuing this successful partnership working. This joint working has continued with regular liaison between the council's Licensing Officers and the local Police Licensing unit as well as ongoing attendance at the town centre Pubwatch scheme.

In addition a Business Improvement District (BID) was set up in the Town Centre in 2016 with the aim of enhancing the look and feel of the town and by organising events and promotions. The BID have taken over the running of Best Bar One initiative and have relaunched them as the Watford Food and Drink Awards, which include a wider range of events. They have also taken over responsibility for the Purple Flag accreditation. The Town Centre was last awarded the Purple Flag in 2018.

It is felt that the above approach and initiatives continue to be effective in reducing crime and that policy LP3 needs to be retained. [this section will be expanded following the public consultation and the receipt and analysis of crime figures and complaints]

### **Policy LP3**

1. When we have received relevant representations about an application for a pub, night-club or bar (as defined in policy LP1) in this part of the town centre, our starting point will be to refuse the application.
2. Where relevant representations about an application for a restaurant, café-bar, other entertainment venue, café or premises providing other non-alcohol licensable activities (as defined in policy LP1) are received, our starting point will be to grant the application subject to conditions to address those representations.
3. Where exceptions can be shown and we have received relevant representations, variations to extend the hours of alcohol-led premises will not generally be allowed until the premises have been operating for at least 12 months without having an adverse impact on the licensing objectives.
4. Where relevant representations have been received, we will consider granting applications which limit the hours of operation to those set out in policy LP2 unless the exceptions to LP3 can be shown.
5. Where relevant representations have been received and exceptions can be shown for applications for public houses and night-clubs, we will consider whether to require waiter/table service for alcohol sales between 9 pm and the final time for the sale of alcohol.
6. Where relevant representations have been received against the sale of alcohol after 10 pm and exceptions can be shown, we will consider whether premises shall be required to demonstrate they have an effective dispersal management plan in place; to install a closed-circuit television system that meets the reasonable requirements of Hertfordshire Constabulary; to install an electronic identification entry system; and to have use of a Pubwatch radio.
7. Where relevant representations have been received in relation to applications for late-night refreshment premises that provide a delivery service, we shall consider imposing a condition that those deliveries are only made to a fixed physical address.

### **Exceptions to LP3**

1. Exceptions will not be made on the grounds that:
  - (1) the building design is of a high standard; we would expect all applicants will want to ensure the highest design standards possible;
  - (2) that the applicant is of good character. It is a legal requirement that premises

selling alcohol must be under the management of a designated premises supervisor, who must themselves hold a personal licence to sell alcohol;

(3) the premises are small. Even small premises can contribute to crime, disorder and nuisance.

2. We will consider whether to grant an application, even when relevant representations have been received, if the application:

(1) contributes to the family-friendly development of the town centre; or

(2) effects a real reduction in capacity of alcohol sales; or

(3) replaces vertical drinking establishments with seated consumption and waiter service.

3. In any case where an applicant wishes an exception to be considered, the responsibility is with them to show why it should be considered and not on our licensing committee to show why an exception should be made.

### **Justification for LP3**

Tackling violent crime continues to be a strategic priority across Hertfordshire and for Safer Watford, our local community safety partnership.

[this section will be expanded following the public consultation and the receipt and analysis of crime figures and complaints]

With our partners we have introduced a number of measures to help prevent more people becoming victims of crime:

- Additional policing resources at times of peak volumes (with an impact on policing at other times of the week)
- Town centre CCTV and requiring town centre premises to install CCTV
- Employing Council and police licensing enforcement officers
- Establishing door supervisor liaison arrangements
- Playing an active part in the town centre Pubwatch scheme (which includes a radio network linked to the CCTV control)
- Establishing a night-time economy focus group
- Implementing a late-night taxi marshal scheme
- Encouraging the installation of electronic identification checking systems at the entrances to licensed premises

This has included positive and significant measures with the licensed trade and others including:

- Achieving and maintaining Purple Flag status for the LP3 area and aspirations to develop that further

- Improving The Parade during 2013 – 2014 allowing an ambitious programme of cultural events such as the Big Beach, the Big Screen, the Big Skate and Imagine Watford to take place since mid-2014
- Organising Best Bar None / the Watford Food and Drink Awards in partnership with the Business Improvement District for a number of years

We recognise that the correct approach is to work with and not to penalise good operators and to review the licences of poor operators. We have granted applications when it has been right to do so.

We are satisfied, on receipt of numerous representations from the police and the Watford Town Centre Residents' Association, that the level of violent crime, anti-social behaviour and nuisance caused by people visiting pubs and bars in the area defined in policy LP3 undermines the crime prevention, public safety and prevention of nuisance objectives. This policy accords with the section 14 of the Secretary of State's guidance to consider the contribution to cumulative impact made by different types of premises within the area.

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## **POLICY LP4 SENSITIVE LICENSING AREAS**

We have identified four Sensitive Licensing Areas within the Borough. These are areas where we are particularly likely to make representations ourselves suggesting additional conditions to reduce any impact on the licensing objectives to address concerns about:

- (1) availability of stronger-strength alcohol to street drinkers leading to anti-social behaviour in the immediate vicinity of the premises
- (2) alcohol and/or late-night refreshment being available at times that are significantly different from other premises in that area likely to have an adverse impact on the licensing objectives
- (3) litter and other nuisances from a concentration of late-night take-aways

The Sensitive Licensing Areas are:

- (1) Whippendell Road, between its junction with Cassio Road and Hagden Lane
- (2) Queens Road, between Derby Road and Loates Lane
- (3) Market Street, between Exchange Road and Merton Road/Cassio Road; and
- (4) St Albans Road, between the A41 and Leavesden Road.

We may add to these areas where evidence of the problems identified above exist. We may consider the introduction of a cumulative impact policy within those areas should any of the licensing objectives begin to be adversely affected.

We believe that this policy has been effective in dealing with the issues mentioned above and that policy LP4 should be retained.

### **Policy LP4**

1. Where an application for alcohol sales or late-night refreshment has been received in a Sensitive Licensing Area, the licensing authority will consider making representations and will strictly apply policies LP6, LP7, L8 and LP9 in relation to those premises.
2. Where additional representations have been made by other parties, our strict starting point in these areas will be to consider whether conditions will be appropriate to address those concerns or whether a refusal is justified on the basis that the licensing objectives would be undermined.

### **Justification for LP4**

The Sensitive Licensing Areas are a mix of commercial and residential properties in densely built-up areas. Each has a relatively high number of licensed premises (7 in Whippendell Road; 9 in Queens Road; and 9 in Market Street and 30 in St Albans Road – eight restaurants; five late-night take-aways; four pubs; and seventeen off-licences with several more on roads directly connecting to St Albans Road). Although the concentration of premises has caused considerable concern in terms of the three issues identified above leading to licence reviews or significant levels of representations against

licence applications, levels of recorded crime, disorder, anti-social behaviour and nuisance are not significantly different from other parts of the Borough.

We believe that the approach outlined in Policy LP4 has been effective in dealing with the issues listed above and that it needs to be retained.

Crime figures have been provided from the Police, which have shown an overall increase in offences of violence against the person and anti-social behaviour in the Sensitive Licensing Areas between 2013, when the policy was first introduced, and March 2018 (the latest figures available upon the writing of this policy). It is acknowledged that making comparisons based upon the figures alone do not give the true picture because the way that crimes are recorded has changed over the years. However, the council's Community Safety Co-ordinator confirms that there are continuing problems within these areas, and, along with the Police, supports the retention of these areas as they are a recognised tool in the management of alcohol related anti-social behaviour.

### **PLANNING PERMISSION**

The use of any licensed premises or places is subject to planning controls. There are several differences between licensing and planning control. The most significant is that planning is concerned with how land is used and its impact on the surrounding amenity, whilst licensing concentrates on protecting public safety in its widest sense.

New occupiers are not normally required to obtain planning permission unless there is a material difference in the use of the premises, before use of it begins. Material changes by existing operators may also require additional planning permission, and advice should be sought from the planning authority.

To avoid the risk of the planning authority raising representations against a proposed licensing application, applicants are advised to ensure they have the correct planning consents in place before making a licensing application.

#### **Policy LP5**

1. Where representations have been made by the Local Planning Authority on grounds that the application will undermine the licensing objectives unless planning permission has been obtained, and we resolve to grant a premises licence or club premises certificate, it shall be subject to a condition that it will be of no effect until the appropriate planning permission has been granted by the Local Planning Authority.

#### **Exceptions to LP5**

1. Exceptions to this policy may be considered where, for example, the applicant has simultaneously applied for a licence and planning permission.



### **Justification for LP5**

The Secretary of State's guidance in paragraph 14.64 and 14.65 reinforces the view that planning and licensing are separate regulatory regimes and that licence applications may be made before a planning application. However, in the light of experience, whilst wishing to ensure the independence of the two regimes we also wish to see consistency between the two.

### **LICENSING AND OTHER LEGISLATION**

Operators of licensed premises will have to comply with planning, environmental health, health and safety at work, fire safety and building control legislation when opening or adapting premises licences.

We will seek to avoid confusion or duplication by not imposing licensing conditions that are required under other legislation, except where they can be exceptionally justified to promote the licensing objectives.

## TEMPORARY EVENTS

Most temporary events will not present any problems – for example, a temporary event notice may be needed to allow a special occasion in a pub or restaurant to be celebrated, or for wine to be sold at a parent-teacher association dinner.

In other circumstances, there may be slightly more risks involved. In these cases, we recommend that organisers consider the following points.

It would be helpful for organisers to give at least three months' notice to hold all but the smallest events, to allow us to help plan their events safely. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and haphazard. The law states that at least ten working days' notice must be given (or five working days in the case of "late" notices) but the less time that is given will increase the likelihood of the police objecting.

Our Safety Advisory Group, consisting of the emergency services and other statutory agencies such as the highways authority, advise and co-ordinate planning for public events in the borough, whether or not a premises licence or a temporary event notice is needed. Event organisers are encouraged to use the Safety Advisory Group as part of their event planning process and may find it useful to refer to the Watford Event Guide. Contact can be made through our Events team by email to [events@watford.gov.uk](mailto:events@watford.gov.uk).

Conditions may be added to a temporary event notice for existing licensed premises if representations have been made by the police or Environmental Health. Event organisers should be aware that an event cannot take place if an objection is made to a "late" temporary event notice, whereas objections to "standard" temporary event notices will usually result in the notice being considered by a licensing sub-committee.

Temporary event notices within the LP3 policy area that are objected to by the police or Environmental Health will be considered on their own merits by a licensing sub-committee, unless all parties agree a hearing is not necessary.

When organising any small-scale event (whether or not requiring a temporary event notice), organisers are recommended to consider:

- the fire alarm in the premises – how does it work? Has it been tested and maintained? Are all staff aware of how to raise the alarm in an emergency?
- fire extinguishers – are the correct number and type available? Have they been serviced within the last year?
- is emergency lighting needed and is it suitable for the purpose? Has it been tested and maintained?
- have any crime prevention measures been considered – for example, are steps taken to regularly bank large amounts of cash during the event, or to keep it in a secure location? Are there a suitable number of stewards or door supervisors available?

- have nearby occupiers been considered – have you notified neighbours of the event and provided a contact telephone number?
- have you considered noise reduction measures (such as keeping windows and doors shut or turning noise down late at night)? Have you considered how visitors will arrive and leave the event?
- have you considered whether you need to make any provision for First Aid should anyone need it, and the means for calling the emergency services?

Organisers of temporary events should be aware that although a licence or authorisation may not be needed under the Licensing Act, other legislation might apply. This can include:

- Health and Safety at Work etc Act 1974
- Fire Precautions Act 1971
- Environmental Protection Act 1990.
- Anti-Social Behaviour Act 2003.

The licensing authority's licensing enforcement officer and the police have powers to enter premises where temporary event notices are in force to ensure the crime prevention objective is not being undermined.

Organisers of large, occasional events that do require a premises licence (as opposed to the temporary event notice provisions) are advised to have regard to documents such as:

- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) ("The Purple Book")

[http://www.qub.ac.uk/safety-reps/sr\\_webpages/safety\\_downloads/event\\_safety\\_guide.pdf](http://www.qub.ac.uk/safety-reps/sr_webpages/safety_downloads/event_safety_guide.pdf)

- Managing Crowds Safely (HSE 2000)

<http://www.hse.gov.uk/pubns/books/hsg154.htm>

- 5 Steps to Risk Assessment:

<http://www.hse.gov.uk/risk/controlling-risks.htm>

- The Guide to Safety at Sports Grounds

<http://www.safetyatsportsgrounds.org.uk/publications/green-guide>

## **DESIGNATED PREMISES SUPERVISORS**

We strongly believe in the value of working in partnership with the police, other agencies and designated premises supervisors to promote the licensing objectives that may be associated with licensed premises.

Designated premises supervisors (and the holders of premises licences or club premises certificates) for any other premises may be invited to a meeting where the police or licensing authority feel it is appropriate – for example, where there has been a prior history of the premises being run badly, or following a licence review or enforcement action.

We do not expect the premises supervisor to be physically present at the premises at all times it is open. However, we expect the premises supervisor to be able to exercise sufficient management control over the premises and for the responsible authorities to be able to contact them easily in the event of problems at the premises. We would also expect premises supervisors to give specific written authorisation to their staff who are authorised to sell alcohol on their behalf in accordance with paragraphs 10.29 – 10.35 of the Secretary of State's guidance.

## **THE LICENSING OBJECTIVES PREVENTION OF CRIME AND DISORDER**

We strongly recommend that before submitting applications involving premises licences or club registration certificates, you should discuss crime prevention procedures with the police, and consider inviting a police crime reduction officer or a licensing authority officer to conduct a crime prevention audit.

Not only does this demonstrate your commitment to reducing crime and disorder within Watford, but would also reduce the likelihood of the police making representations on those grounds.

We strongly encourage all premises licence holders to play an active role in local schemes such as Pubwatch, in order to share information and exchange best practise with other venues and the responsible authorities under the Act. Not adopting this co-operative approach could lead to adverse representations being made to licensing applications from the responsible authorities.

### **Policy LP6**

1. Where relevant representations have been made, we shall either consider the report of a crime prevention assessment where voluntarily produced as part of the operating schedule, or consider whether to require one to be conducted and the recommendations implemented as conditional on the grant of a licence or certificate.
2. Where relevant representations have been made, we will particularly consider the following:
  - (1) the ability of the person in charge of the premises to monitor the premises at all times it is open for licensable activities, particularly the sale of alcohol for consumption on the premises;
  - (2) the training given to staff in crime prevention measures and licensing law appropriate to those premises;
  - (3) physical security features installed in the premises. This may include matters such as the position of cash registers, where alcohol is stored in 'off-licences', the standard of CCTV that is installed, the use of toughened drinking glasses in pubs and clubs and secure storage of waste materials; or the use of electronic scanning equipment on entry;
  - (4) the employment of licensed door supervisors. We recommend that at least one male and one female door supervisor is employed where the venue has a policy of searching customers; and consideration given to industry standards in terms of ratio of doorstaff;
  - (5) management attitudes and practices, such as the willingness to stagger trading hours with nearby competing businesses to avoid all of their patrons subsequently competing for the limited public transport late at night, their willingness to limit sales

of bottled alcohol for immediate consumption, and the use of responsible pricing promotions;

(6) any other such measures as may be appropriate, such as participation in a local Pubwatch or Shopwatch scheme, 'music wind—down policies', restrictions on 'happy hours';

(7) use of plastic or polycarbonate glasses either as a matter of routine or during particular times of high risk;

(8) the measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;

(9) where premises are subject to age restrictions, the procedures in place to conduct age verification checks;

(10) the likelihood of any anti-social behaviour, violence, public order or policing problem if the licence is granted.

#### **Justification for LP6**

We are under a statutory duty under the Licensing Act to promote the prevention of crime and disorder, and have a duty under the Crime and Disorder Act 1998 to seek a reduction in crime and disorder throughout the Borough.

## **PUBLIC SAFETY**

We are aware that applicants are legally responsible for complying with a range of legislation relating to public safety, such as the Health and Safety at Work Act 1974, the Regulatory Reform (Fire Safety) Order 2005 and conducting suitable and sufficient risk assessments of their activities under both.

A failure to comply with these provisions could lead to representations being submitted by the statutory responsible authorities, particularly the Health and Safety at Work enforcing authority or Hertfordshire Fire & Rescue Service.

Applicants are advised to seek appropriate advice on public safety matters either before opening or making variations to licensed premises.

We want to ensure the safety of everyone on licensed premises. In some cases, setting an occupancy limit for premises may be an important factor in promoting public safety where other legislation, such as the Regulatory Reform (Fire Safety) Order, is not sufficient.

### **Policy LP7**

1. Where a relevant representation relating to occupancy limits and its impact on public safety is received, we will consider setting an occupancy limit for nightclubs and other premises where regulated entertainment is to be provided. In doing so we will consider:
  - (1) advice from Hertfordshire Fire & Rescue Service to ensure any occupancy limit we set does not exceed that which would be considered acceptable for fire safety purposes;
  - (2) the design and layout of the premises;
  - (3) the nature of the premises, event or licensable activities being provided, including known busy times, special events or promotions;
  - (4) the provision or removal of temporary structures such as staging or furniture;
  - (5) the number of staff available to supervise customers both ordinarily and in emergencies, and the training they are to be given;
  - (6) the customer profile;
  - (7) the applicant's crowd management strategies and policies.
2. We will not consider imposing conditions that duplicate, enhance or 'gold-plate' existing health and safety requirements except in the following circumstances:
  - (1) where relevant representations have been received that a specific hazard has not been addressed by a suitable and sufficient risk assessment;

(2) where relevant representations have been received, to require equipment of a particular standard to be provided, and maintained and checked on the premises at specified intervals. We would not however require possession or production of specific certificates relating to such equipment where this is already covered by other legislation.

3. Other relevant factors we may take into account and which may not be adequately addressed by other legislation could include:

- (1) access by emergency services;
- (2) facilities for disabled people, particularly in an emergency;
- (3) prior notification to the emergency services of special events;
- (4) lighting levels;
- (5) staffing levels, including the numbers of licensed door supervisors;
- (6) seating arrangements;
- (7) special effects such as pyrotechnics, imitation firearms, lasers, real flame, strobe lighting, etc;
- (8) temporary electrical installations;
- (9) safety checks (before, during and after regulated entertainment);
- (10) First Aid facilities for members of the public.

**Justification for LP7**

Applicants are under a duty to comply with Health and Safety at Work and associated legislation. In some cases, where other legislation does not adequately address risks posed from licensable activities, we shall address those risks through the premises licence or club premises certificate.



## **PREVENTION OF PUBLIC NUISANCE**

We are determined to protect the amenity of residents and businesses in the vicinity of licensed premises. For these purposes 'vicinity' is taken to mean the immediate area around licensed premises where the individual's residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on those premises or immediately outside.

The statutory guidance issued by the Secretary of State makes clear that 'nuisance' has the broad definition retained at common law. When deciding whether something is a nuisance, consideration must be given to the following:

- it is a person's basic right to peacefully enjoy their property, but there is no right to total silence
- trivia cannot be taken into account when determining nuisance
- isolated acts, unless extreme, cannot be considered a nuisance. The problem must normally be continuous and regularly occurring
- the person complained of needs to substantially affect the enjoyment of comfortable living, that is it must interfere with a person's use, enjoyment or rights connected with their land. In the case of noise complaints the loss of a good night's sleep would be sufficient to meet these criteria. There would however have to be consideration for
  - the time the noise occurs
  - the area and
  - any precautions taken to minimise the disturbance.
- nuisance can only be established in law if there is material interference with comfort from normal standards. It does not give protection to abnormally sensitive people. The problems of noise or smell must therefore be considerable.
- neighbourhood character needs to be taken into account. What might be a nuisance in a residential area may not be so in the town centre and vice-versa.

### **POLICY LP8**

1. In considering all licence applications where appropriate representations have been received, we will consider any necessary measures to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application including

(1) the steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music; noise from ventilation equipment, and human voices. Such measures may include the installation of

soundproofing, air conditioning, acoustic lobbies, keeping external windows and doors closed and sound limitation devices;

(2) the steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises. This will be of greater importance between 10 pm and 7 am than at other times of the day;

(3) the steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction;

(4) the steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly;

(5) the steps taken to identify food and drink packaging from the premises in question and the steps to reduce litter as far as is reasonably practicable (particularly from off-licences and late night refreshment establishments);

(6) the arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;

(7) whether there is sufficient provision for public transport (including taxis and private hire vehicles) for patrons;

(8) whether licensed taxis or private hire vehicles are likely to disturb local residents;

(9) the installation of any special measures where licensed premises are or are proposed to be located near sensitive premises such as nursing homes, hospitals, hospices or places of worship;

(10) the use of gardens and other open-air areas, including those used for smoking;

(11) delivery and collection areas and times;

(12) the siting of internal and external lighting, including security lighting that is installed inappropriately;

(13) whether the premises would lead to increased refuse storage or disposal problems, or additional litter (including flyposters, smoking materials or illegal placards) in the vicinity of the premises;

(14) the steps taken or proposed to be taken by the applicant to limit or prevent the impact of odour from the operation of the premises upon neighbouring premises. Such measures may include limits on the operation of extract units from kitchens, maintaining such units, and keeping external windows and doors closed.

(15) the history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licence-holders.

## PROTECTION OF CHILDREN FROM HARM

Other than the sale of alcohol, we wish to encourage licensable activities that are suitable for people of all ages, including children.

We strongly encourage applicants to give full details of proposed adult entertainment on their application forms to allow the responsible authorities to assess the merits of the proposal. Policy LP9 is intended to be strictly applied.

### Alcohol sales to those under 18

We expect applicants for the sale of alcohol to adopt an acceptable age verification scheme in order to comply with the The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014. We would expect applicants to adopt as a minimum a "Challenge 21" scheme, and that the only accepted identification to be a passport, driving licence or Proof of Age Scheme (PASS) card. We would expect premises licence holders and/or designated premises supervisors to have an appropriate training scheme in place for their staff.

### Remote alcohol sales

Where alcohol is sold remotely such as via the internet or telephone ordering, age verification should take place both when the sale takes place (that is, when it is ordered), and when it is delivered to ensure both the buyer and the recipient are over the age of 18.

## Policy LP9

1. Where we receive relevant representations, we may impose conditions to restrict entry by children under 18:
  - (1) to all or part of the licensed premises;
  - (2) at certain times of the day;
  - (3) when certain licensable activities are taking place; or
  - (4) by children under specific ages unless accompanied by an adult.
2. Where we receive relevant representations we may impose conditions relating to the advertising or external display of licensable activities that may be harmful to children.
3. We will particularly take into account where:
  - (1) significant authorised gambling is taking place such as gaming machines or poker games (taking note that under-18s and alcohol are generally prohibited from most licensed gambling premises anyway)
  - (2) there is a history or likelihood of under-age sales or consumption of alcohol

- (3) activities or entertainment (whether licensed under the 2003 Act or not) of a clearly adult or sexual nature
  - (4) criminality at the premises likely to harm children
  - (5) licensable activities are taking place during times when children under 16 may be expected to attending compulsory full-time education
  - (6) other hazards to children that are not sufficiently controlled
  - (7) events or activities are specifically targeted at those under 18 without appropriate safeguarding measures being proposed (eg running youth discos without a sufficient dispersal plan to ensure young people can leave the premises and get home safely)
4. Where we receive representations that an application does not appear to have sufficient safeguards to prevent the sale and/or delivery of alcohol to people under 18, we will impose appropriate conditions (modified if necessary) from our pool of model conditions.

### **Film exhibitions**

We would expect operating schedules for the display of films to include a stipulation that children will be restricted from viewing age-restricted films certified by the British Board of Film Classification (BBFC) in line with the mandatory condition under the Licensing Act for showing films to children under 18.

Where it is proposed to show films that are not classified by the BBFC (such as at amateur film festivals), our officers will determine the classifications in accordance with the current guidelines published by the BBFC.

### **Policy LP10**

1. We will only consider substituting a classification by the BBFC for one of our determination in the light of exceptionally strong representations that the BBFC classification provides insufficient protection for children. Those making representations in this respect will be expected to provide compelling reasons as to which other classification should be substituted in place of the BBFC's.
2. We will determine the classifications of films that have not been classified by the BBFC, in line with the BBFC's current guidelines.

### **Justification for LP10**

The BBFC are the acknowledged experts with the experience and expertise who have been entrusted by the Government to classify films for viewing by all sections of society. As such, we should not lightly overturn its decisions, and we have not had previous cause to do so under either the Licensing Act or its predecessor Cinemas Act 1985.

## **REPRESENTATIONS ABOUT APPLICATIONS**

Representations may be made by people who live, or are involved in a business, within the Borough of Watford about an application for a new licence/certificate, a variation to an existing licence/certificate or when a licence/certificate is reviewed. Representations may be positively in support of an application, or may oppose an application.

Representations may also be made by organisations representing such bodies, such as residents' associations or chambers of commerce. Organisations such as churches, schools or hospitals may also make representations.

Ward councillors may represent 'interested parties' in their role as a representative of the community, make representations either in their own right, or may make representations as a member of the licensing authority about any relevant application, but may not sit on the committee dealing with that particular application.

We shall not generally make representations ourselves where other responsible authorities have done so. We shall generally only make representations where we have evidence that is not in the possession of anyone else; where an application conflicts with our statement of licensing policy; or in order to improve upon conditions that might be offered in an operating schedule and which has not been resolved through negotiation.

We recommend that representations should:

- (1) be made in writing (a legal requirement)
- (2) indicate the name and address of the person or organisation making the representation
- (3) indicate the premises to which the representation relates
- (4) indicate the proximity of the premises to the person making the representation
- (5) clearly set out the ground for making the representation.

Representations can only be considered if they are concerned with one of the four licensing objectives:

- (1) crime prevention;
- (2) public safety;
- (3) prevention of nuisance;
- (4) prevention of harm to children.

In accordance with statutory regulations, we will forward copies of representations to the applicants in order that they may respond. Representations which have not been previously withdrawn are included in reports that are considered by councillors at hearings and are published on our website.

In some exceptional and isolated cases, we may consider that an interested party has a genuine and well-founded fear of intimidation from divulging their name and/or address to the applicant. We will consider an alternative approach in these circumstances providing we are satisfied that the circumstances justify such an action and the representations or concerns are not frivolous or vexatious.

### **Policy LP11**

1. Where a person has made a valid representations or a valid application for a licence to be reviewed, we will where practicable attempt to arrange a voluntary mediation meeting to address, clarify and try to resolve issues of concern.
3. We may reject representations if it appears the representations are frivolous (lacking in seriousness) or vexatious (made repeatedly on the same or similar grounds). Where a representation is not accepted because it is frivolous or vexatious, we will give reasons why that is the case in writing. In such cases, our officers will make the determination, giving interested parties the benefit of the doubt where appropriate.
3. Decisions as to whether representations are irrelevant, frivolous or vexatious must be made objectively and not on the basis of any political judgement. Accordingly, our officers will make the decisions on whether representations or applications for licence reviews should be referred to the licensing committee or sub-committees, giving the maker of the representation the benefit of the doubt. Where representations are rejected, the person making that representation will be given a written reason as to why that is the case. A report will be made to the licensing committee indicating only the general grounds of the representation and the reason it was rejected.

## **COMPLAINTS AGAINST LICENSED PREMISES**

We will investigate complaints against any licensed premises, including in conjunction with other responsible authorities where appropriate. In the first instance, we encourage complaints to be raised directly with the licence-holder or business concerned.

### **Policy LP12**

1. Where a person has made a valid representation or a valid application for a licence to be reviewed, we will where practicable attempt to arrange a voluntary mediation meeting to address, clarify and try to resolve issues of concern.
2. This process will not override the right of any person to ask that the licensing committee consider their valid representations or an application for a licence review, or for any licence holder to decline to participate in a mediation meeting.

## LICENCE REVIEWS

It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, local residents or businesses and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. Responsible authorities are encouraged to give an early warning of concerns about problems identified at the premises concerned and of the need for improvement although it is recognised this is not always practicable or desirable. It is expected that a failure to respond to such warnings would lead to a decision to request a review.

### Policy LP13

1. We can only review a licence where it is alleged that the licensing objectives are not being kept. An application for a licence review is an acknowledgment that existing systems have broken down. We view particularly seriously applications for the review of any premises licence where it involves the:
  - (1) use of licensed premises for the sale or distribution of illegal drugs and the laundering of the proceeds of drugs crimes;
  - (2) use of licensed premises for the sale or distribution of illegal firearms;
  - (3) evasion of copyright in respect of pirated films and music;
  - (4) underage purchase or consumption of alcohol;
  - (5) use of licensed premises for prostitution or the sale of unlawful pornography;
  - (6) use of licensed premises for unlawful gaming;
  - (7) use of licensed premises as a base for organised criminal activity;
  - (8) use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
  - (9) use of licensed premises for the sale of smuggled tobacco or goods;
  - (10) the use of licensed premises for the sale of stolen goods;
  - (11) where the police are frequently called to attend to incidents of disorder;
  - (12) prolonged and/or repeated instances of public nuisance and/or anti-social behaviour;
  - (13) where serious risks to public safety have been identified and the management is unable or unwilling to correct those;



- (14) where serious risks to children have been identified;
  - (15) continuous breaches or contraventions of licence conditions;
  - (16) not operating the premises according to the agreed operating schedule.
2. Representations made by another department which is a responsible authority will be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual. In every case, an evidentiary basis for the allegations made will need to be laid before the licensing authority.
  3. We would not expect a responsible authority which is also alleging criminal conduct on the part of a licence holder, (such as allowing underage sales of alcohol), to first exhaust the relevant legal powers at their disposal before making an application for a review.
  4. Where a review follows convictions or the failure of a prosecution in the criminal courts, it is not for the licensing committee to attempt to go behind the finding of the courts, which it will treat as a matter of undisputed evidence before it.
  5. It is envisaged that the responsible authorities will use the review procedures effectively to deter unlawful activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance - could be seriously considered.
  6. We will expect that any party making an application for a licence to be reviewed will prove the facts that they are relying on to support their allegations on the balance of probabilities, that is, that it is more likely than not that the circumstances being complained of did actually occur. Because of the potentially serious consequences to a licence holder following a licence review, mere anecdotal or hearsay evidence will not be sufficient.
  7. In considering our response to an application for a review, we will adopt the approach set out at appendix 1.

## **ENFORCEMENT AND COMPLIANCE POLICY**

We no longer conduct regular pre-programmed premises inspections. We will instead conduct inspections where there are concerns about the ability of the designated premises supervisor or premises licence holder to promote the licensing objectives or to meet the conditions on their permission.

### **Enforcement**

We have a long-established licensing enforcement policy based around the principles of consistency, transparency and proportionality set out in the Government's statutory Regulators' Compliance Code, which also takes into account the Attorney-General's Guidelines to Crown Prosecutors for bringing prosecutions.

Our Environmental Services enforcement policy proposes that a graduated response is taken where offences against licensing legislation are found or where licence conditions have been contravened. An isolated and minor offence may be dealt with purely by way of a written warning whilst more serious offences which have either been committed over a period of time or which jeopardise public safety may result in a referral for prosecution.

We continue to work actively with other responsible authorities in enforcing licensing legislation. We share information about licence-holders and licensed premises under the Crime and Disorder Act 1998, and expect to be closely consulted when any enforcement action may be required.

As a council we have also signed up to the Hertfordshire Better Business for All Partnership Charter which is a voluntary undertaking between Hertfordshire Regulatory Services and all local businesses, irrespective of size or resources. It aims to support a relationship between businesses and regulators built upon trust, understanding and a desire to improve together in terms of compliance with regulation and support of business growth.

## **THE LICENSING COMMITTEE**

Our Licensing Committee will consist of fifteen Councillors that will sit at least once annually.

The chair of the Licensing Committee shall be elected at the annual meeting of the Licensing Authority in May. The chairs of the licensing sub-committees shall be elected at the meeting of the sub-committee.

We will ensure that members and officers are appropriately trained to carry out their duties under the Licensing Act. In accordance with the Council's Constitution, no councillor shall sit on any licensing committee unless they have received appropriate training.

### **Scheme of delegation**

Sub-committees of three councillors will sit to consider applications where valid representations have been received. Where a sub-committee does not have all three members present, it may only meet with the approval of the chair of the licensing committee in consultation with the Head of Democracy and Governance

Applications referred to sub-committees will be accompanied with a report prepared by our officers. This will include recommendations relating to the operating schedule, representations, the Licensing Act and other legislation, statutory guidance, national and local policy, good practice, or recommended conditions that could be considered to alleviate any concerns raised in the representations.

The Licensing Committee will also sit to determine general licensing policies not associated with the Licensing Act 2003, such as those policies under taxi and private hire vehicle legislation.

The Licensing Committee and its sub-committees will also sit to determine matters arising under the Gambling Act 2005.

The full Licensing Committee will hear and consider any representations relating to a proposed Early Morning Restriction Order, and will make its recommendation to the Council acting as the Licensing Authority. A specific protocol will be approved and published for this purpose in advance of the committee hearing should this be necessary.

Our licensing officers will deal with all other licence applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary. Officers will also

1. make representations on its behalf in appropriate cases. It will normally be clear that there is a separation of roles between officers who make representations and those who process the application
2. review and certify unclassified films in accordance with policy LP10, with the power to refer applications to a licensing sub-committee in cases of doubt.

3. consult with the responsible authorities they think are relevant to application for minor variations to premises licences and club premises certificates. They will also consult with the chair of the Licensing Committee before deciding whether to allow or refuse the application
4. suspend a premises licence or club premises certificate under sections 55A(1) or 92A(1) of the Act for non-payment of annual fees, and to specify the date (with at least two working days' notice) on which this takes effect
5. impose existing conditions from a premises licence or club premises certificate on a temporary event notice where all parties agree under section 106A of the Act that a hearing is not necessary.

### **Role of councillors**

Local councillors play an important role in their local communities. They can act on behalf of people who might be affected by licence applications. Local councillors with a prejudicial interest in an application may attend sub-committee or committee meetings to make representations, answer questions or give evidence (providing other parties may also do so). Councillors must however withdraw from the meeting immediately afterwards and on no account play a part in the decision-making process.

The licensing sub-committee will also refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

This does not apply to applications made by the Council itself for licences or permissions under the Act. In those circumstances, it is unlikely that councillors would have a prejudicial interest in the matter before them, as defined in the Model Code of Conduct for Councillors issued under the Local Government Act 2000.

### **Committee decisions**

The Licensing Committee will refer to the licensing authority any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

Every determination of a licensing decision by the Licensing Committee or a licensing sub-committee shall be accompanied with clear, cogent reasons for the decision. A summary of the decision shall be posted on the licensing authority's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the licensing authority.

## **RELATIONSHIP TO OTHER POLICIES AND LEGISLATION**

1. Although the four objectives are the only matters that the licensing authority may take into account when making licensing decisions, as a public body the licensing authority is also required:
  - (1) Under the Crime and Disorder Act 1998 to have due regard of the crime and disorder implications of any of its decisions, including the adoption of this policy;
  - (2) To implement the Licensing Act in a manner consistent with the Human Rights Act 1998 by giving due consideration to the rights contained in the European Convention on Human Rights and Fundamental Freedoms;
  - (3) To implement the Licensing Policy in a manner consistent with its equality scheme under the Race Relations (Amendment) Act 2000).
2. This policy will also integrate with other Council policies and strategies such as:
  - (1) Watford Borough Council's Corporate Plan to 2020
  - (2) Watford Local Plan 2006-2031 Part 1 Core Strategy
  - (3) Protecting Our Communities & Managing Crime 2018
  - (4) Cultural Plan 2018 TBC
  - (5) Town Centre Vision 2018 TBC

## APPENDIX 1

**Licence review guidelines**

The Licensing Committee and sub-committees when holding licence review guidelines to maintain a degree of consistency and transparency in decision-making will apply the guidelines below. The Committee reserves the right to amend and republish these guidelines in the light of operational experience.

	<b>Aggravating factors</b>	<b>Mitigating factors</b>
<b>Prevention of crime and disorder</b>	<ul style="list-style-type: none"> <li>• Failure to heed police advice</li> <li>• Encouraging or inciting criminal behaviour associated with licensed premises</li> <li>• Serious injury results</li> <li>• Previous track record</li> </ul>	<ul style="list-style-type: none"> <li>• Minor breach of condition not justifying a prosecution</li> <li>• Confidence in management ability to rectify defects</li> <li>• Previous track record</li> <li>• Voluntary proposal/acceptance of additional condition</li> </ul>
<b>Prevention of public nuisance</b>	<ul style="list-style-type: none"> <li>• Noise late at night in breach of condition</li> <li>• Previous warnings ignored</li> <li>• Long and prolonged disturbance</li> <li>• Excessive nuisance during unsocial hours (relating to locality and activity concerned)</li> </ul>	<ul style="list-style-type: none"> <li>• Noise limiting device installed</li> <li>• Licence-holder apologised to those disturbed by nuisance</li> <li>• Hotline complaints telephone available</li> <li>• Short-term disturbance</li> <li>• Undertaking/commitment not to repeat activity leading to disturbance</li> <li>• Willingness to attend mediation</li> <li>• Voluntary acceptance/proposal of additional conditions</li> </ul>
<b>Public safety</b>	<ul style="list-style-type: none"> <li>• Death or serious injury occurred</li> <li>• Substantial risk in view of a responsible authority to public safety involved</li> <li>• Previous warnings ignored</li> <li>• Review arose out of wilful/deliberate disregard of licence conditions</li> </ul>	<ul style="list-style-type: none"> <li>• Minor or technical breach of licence condition</li> <li>• Confidence in management to rectify defects</li> <li>• Confidence in management to avoid repetition of incident</li> <li>• Voluntary acceptance/proposal of additional condition</li> </ul>

	<b>Aggravating factors</b>	<b>Mitigating factors</b>
<b>Protection of children from harm</b>	<ul style="list-style-type: none"> <li>• Age of children</li> <li>• Previous warnings ignored</li> <li>• Children exposed to physical harm/danger as opposed to other threats</li> <li>• Activity arose during normal school hours</li> <li>• Deliberate or wilful exploitation of children</li> <li>• Large number of children affected</li> <li>• Children not allowed on premises as part of operating schedule</li> </ul>	<ul style="list-style-type: none"> <li>• Conduct occurred with consent of person with parental responsibility for child</li> <li>• Short duration of event</li> <li>• No physical harm</li> <li>• Short-term disturbance</li> <li>• Undertaking/commitment not to repeat activity</li> <li>• Voluntary acceptance/proposal of additional conditions</li> <li>• Children permitted on the premises as part of operating schedule</li> <li>• Not involving under-age exposure to alcohol</li> </ul>
<b>Following enforcement action by responsible authorities</b>	<ul style="list-style-type: none"> <li>• Penalty imposed by court</li> <li>• Previous warnings ignored</li> <li>• Offender previously convicted or cautioned for same or similar offence</li> <li>• Offences over prolonged periods of time</li> <li>• Offences resulted in significant danger or nuisance</li> <li>• Offences as a result of deliberate actions or reckless disregard of licensing requirements</li> <li>• Offence likely to be repeated</li> </ul>	<ul style="list-style-type: none"> <li>• Compensation paid by offender or agreement towards mediation</li> <li>• Voluntary acceptance/proposal of additional conditions</li> <li>• Offence disposed of by way of simple caution or penalty notice for disorder ("fixed penalty notice")</li> <li>• First offence or warning</li> <li>• Single offence</li> <li>• No danger to the public or nuisance</li> <li>• Offences merely administrative in nature</li> <li>• Offence unlikely to be repeated</li> </ul>
<p style="text-align: center;"><b>POSSIBLE OUTCOMES</b></p> <p>(1) To take no action</p> <p>(2) To issue a written warning</p> <p>(3) To modify the conditions of a premises licence or club premises certificate, including the addition of new conditions or deletion of old conditions</p> <p>(4) To exclude a licensable activity or qualifying club activity from the scope of the premises licence or club premises certificate</p> <p>(5) To remove the designated premises supervisor from the licence</p> <p>(6) To suspend the licence for a period not exceeding three months</p> <p>(7) To revoke the premises licence or withdraw the club premises certificate</p>		

### Responses to the consultation on proposed Statement of Licensing Principles

Please see below for comments of note which came in as a result of the consultation.

#### Question 1: Do you agree with the proposal NOT to change the current premise definitions?

Yes = 14 respondents

No = 3 respondents

Not sure = 4 respondents

Respondents' comments	Officers' comments
Watford has a drink issue, that makes the town a no go area after 8	Some of the reasons behind these concerns are reflected in the fact that the town has a cumulative impact policy in order to address this issue. The council continues to work very closely with the Police and other agencies, including the premises themselves, to achieve and maintain high standards in the town centre and address problem premises. The results of this work have seen the town awarded the Purple Flag for a safe and diverse night-time economy, and the Purple Flag was successfully awarded again following inspection in 2018. This policy does not seek to change this approach.
Watford is not somewhere I would take my child, it is bad enough in the day with all the drunks especially down the bottom of town but night time is dangerous with so many drunken idiots roaming around	As above
Agree this is a comprehensive list and meets the objective of capturing all instances where alcohol may be sold and/or consumed in a specific location.	
The policy does not appear to include the town's parks in its scope. The Cassiobury Triangle Residents' Association believes that parks deserve to be treated as sensitive areas and specifically its members would propose that Cassiobury Park be treated as such since it is closely bordered by residential houses. Recently, an application was made for a licence to sell alcohol in the park; this resulted in many objections from local residents	The current SLP does recognise that residential areas should be treated as different to the town centre and leisure parks, and it is not proposed that this is to change. There is no power for the council to prohibit licence applications in a specific location. Specific concerns can be raised on a case-by-case basis, as they were in respect of the application referenced in the comment, which can then be considered and, if



who feared that disturbance and harm would result in a number of forms including late night noise, litter thrown into gardens, broken glass in the paddling pools and anti-social behaviour.	necessary, result in a hearing to determine the application.
Resources need to be spent on policing and investing in the four targeted sensitive L.A.s not wasting money on this bureaucratic exercise in futility!	The review of the SLP is a statutory requirement, and it is appropriate to target specific areas of the policy for review in order to focus attention, but also to try and keep the policy relevant for an ever changing Watford. It is also noted that the council are not responsible for resourcing the Police, and this is matter for the Police and the Government.
Worded clearly, see no reason to redefine	

**Question 2: Do you agree with the proposal NOT to change the approach to dealing with different types of premises licence applications?**

Yes = 10 respondents

No = 9 respondents

Not sure = 1 respondent

<b>Respondents' comments</b>	<b>Officers' comments</b>
Late licencing for sale of food should be held by owner and not establishment. This should be reviewed when a new owner takes over.	There is no legal requirement that the owner of a premises has to apply for, or hold, a premises licence. Therefore, the council cannot make this a policy requirement. There is a process to transfer a licence from the existing licence holder to another person or company. Such transfer applications go to the Police and, in some cases, to the Home Office for consultation, during which time any concerns over the applicant may be raised. Any such representations which are not withdrawn will result in a hearing to determine the application.
As question 1 <i>[Watford has a drink issue, that makes the town a no go area after 8]</i>	See response to the original respondent's comment
You need to tighten up the application process & should take this opportunity to do so	Unfortunately, this comment does not make any recommendations. However, officers would advise keeping some aspects of the policy as broad and not too restrictive, which does not restrict the options available, and does allow each application to be considered on its own

	merits. This may also in turn prevent a burden on smaller businesses and known responsible operators, while requiring extra investigation of factors for more complex applications
Policy LP2 P12 of draft. We feel that an end time for pavement licences in residential areas should be set at 20.00hrs. We feel that this is necessary to prevent public nuisance.	While this comment is noted, it is more appropriate for the review of the pavement licensing policy, which has been pencilled in for 2019 or 2020, and is tied to the Cultural Plan and the Town Centre Vision.
No evidence to indicate this approach has not worked in the past.	
The approach to dealing with temporary events does not include temporary events within Cassiobury Park. Such events can be large, with far reaching effect on a large number of people, and should therefore be included within this policy.	Temporary event notices (TENs) are limited by the legislation to a maximum occupancy of 499 people at any one time, with the occupancy including attendees, staff and performers. There are also legal limits on how many TENs can be obtained for a particular premises, how many TENs can be given by a person, as well as legal requirements on how much notice must be given when submitting a TEN. We include a section on temporary events within the policy, which covers many points for premises users to consider, and is suitable for both small scale events within a premises, or larger events held outdoors, and the broad approach is held to be sufficient for dealing with any type of TEN. It should also be noted that TENs are subject to consultation with Environmental Health and the Police only, who can object should they have concerns. Should the comment refer to temporary events which are held under a temporary premises licence, because the audience is proposed to be more than 500 people, then these applications are subject to a full public consultation, Such applications are assessed on their own merits, and the residential nature of the area is something that is considered. The current policy is sufficient for this purpose.
Resources from the Town Centre need to be transferred to these areas	If this comment is referring to Police resources, then ultimately this is a matter for the Police, although of course the council do liaise with the Police on issues involving anti-social behaviour and street drinkers. The comment does appear to be more relevant to Sensitive Licensing Areas (LP4), and not the location and operation of premises (LP2). The Sensitive Licensing Areas were introduced due to concerns raised in those areas, and comments on these areas will be reviewed in the appropriate

	section.
Focus away from alcohol led is progressive	
Again, seems to be working	
<p>In the past I've been concerned in regards to how the Woodside Leisure Complex is "zoned" in our Licensing Policy.... if I remember correctly it is "zoned" differently that allows greater activities to occur particularly into the early hours of the morning (i.e. as a Leisure area to 2am). Fortunately when applications have come in for alcohol to be sold after midnight then a compromise has been achieved, or in fact after a hearing the panel has fortunately decided to kerb the request to midnight, but yes when this does arise then I've always thought that when the next licensing review takes place we need to amend/address this matter (i.e. removing it as a leisure area or putting an addendum that the Woodside Leisure Complex due to its close proximity to residential properties that sale of alcohol will be limited to 12 midnight).</p> <p>The Woodside Leisure Complex is set in a residential area surrounded by residential homes - I often received complaints from Stanborough residents of users of the Woodside Leisure Complex leaving the complex in the early hours of the morning and making a noise. There is of course the fear that allowing easier licensing in the complex (as is) would allow the establishment of a nightclub or suchlike. Woodside/Stanborough is residential area of Watford and is not a suitable location for the night time economy that stretches into the early hours of the morning.</p>	<p>We will amend the policy to be clearer and to state that officers will make a recommendation on whether the application relates to a premises within the town centre, a residential area, or a leisure or shopping area, but that the sub-committee will ultimately have final say on the location of the premises.</p>

**Question 3: Do you agree with the proposal NOT to change the approach to dealing with license issues relating to petrol stations and garages?**

Yes = 14 respondents

No = 3 respondents

Not sure = 1 respondent

<b>Respondents' comments</b>	<b>Officers' response</b>
Petrol stations should not be selling alcohol	The council must respect that it is legal for some petrol stations to sell alcohol, provided that they are not primarily used as a garage. Where a licence has been granted to a premises in the past, and that premises is now deemed to be primarily used as a garage, that licence will be of no effect. We consider that our broad approach, including the option of requesting sales data as evidence to establish use, is appropriate.
Petrol stations should not be licensed. Temptation to consume alcohol whilst/before driving.	As above. It also should also be noted that a ban on petrol stations selling alcohol would need to be introduced by national legislation.
No evidence to suggest this has not worked in the past.	
These businesses are poor quality and often exploitative employers and provide no benefit to the community they should not be rewarded with alcohol licenses!	It is acknowledged that this comment is a sweeping generalisation, although officers would point out that we can only consider licensing applications with regards to the four licensing objectives, and nothing else. It is also noted that employees are protected by specific legislation outside of the scope of licensing, regarding health and safety at work, minimum wage, and protections including holiday pay and sick pay.

**Question 4: Do you agree with the revised wording of this policy [regarding circuses]?**

Yes = 10 respondents

No = 3 respondents

Not sure = 4 respondents

<b>Respondents' comments</b>	<b>Officers' comments</b>
The current policy would allow for a circus trading at a single location for a maximum of 28 days. The hours of operation would be from 08.00hrs until 23.00hrs. We feel that the end time of 23.00hrs is excessive, especially considering that they could be onsite for 4 weeks. An end time of 22.00hrs is felt to be more appropriate as it would allow for the dispersal of people from the area after the finish of the performance. We feel that this change is required to minimise the potential for public	The qualifying conditions that circuses do not need licensing in the circumstances detailed in the policy were set by the Legislative Reform (Entertainment Licensing) Order 2014. As these limits are set in legislation, the council has no discretion to change the length of time that a circus can be in place, nor can we set different hours for the operation of the circus.

nuisance.	
Circuses are cruel and belong to another era. Time to phase them out. Non animal circuses such as appear in Cassiobury Park at Bank Holidays are disruptive to regular users of the Park, overly noisy and leave too much rubbish.	As explained previously, the provision of a circus does not require licensing in specific circumstances, and so there are no controls that the licensing authority can put in place through licensing policy. However, the comment refers specifically to events in Cassiobury Park, which is council controlled land. There is a separate process for event organisers to apply for, and obtain, permission to hold events on council land. This comment has been passed to the Parks, Open Spaces & Projects team for review. Should a non-animal circus require a licence, then such an application would be subject to a full public consultation.

**Question 5: Do you agree with the approach to dealing with licensing applications in the town centre?**

Yes = 11 respondents

No = 4 respondents

Not sure = 2 respondents

<b>Respondents' comments</b>	<b>Officers' comments</b>
Definitely not, it seems if they're happy to pay , they can do what they like	The current policy sets out the licensing authority's expectations of applicants with regards to the town centre. While it is acknowledged that the policy can only be strictly enforced should an application go to a hearing, officers do always work to promote the policy and the intention behind the policy. This often results in applications being amended, or specific conditions being adopted to a licence. It is not always obvious that such conversations have taken place, but it is not the case that applicants do not have their applications scrutinised. Officers wish to clarify that all applications are subject to a public consultation, as required by the legislation, during which time residents, businesses, and the local authorities can lodge representations. After a premises has been licensed, the licensing team do investigate complaints made against premises, and, where appropriate, start enforcement action as

	prescribed by our enforcement policy. We also work closely with the responsible authorities, and they are also able to instigate reviews of a licence should a premises be undermining the licensing objectives. The most recent example of this is a review lodged by the Police against a town centre premises in 2017
See previous explanation <i>[You need to tighten up the application process &amp; should take this opportunity to do so]</i>	As with the previous comment from this respondent, unfortunately, this comment does not make any recommendations. This policy is a Cumulative Impact Policy, which means that the council can consider refusing a licence application should it be appropriate, and if granting the application would add to the existing cumulative impact. However, the council cannot make a decision to refuse every application, and it must allow applicants the opportunity to put an argument as to why they should be granted a licence. We explain in our policy what factors will not be considered as grounds for an argument to grant a licence, but do not prescribe what grounds will be considered, so that applicants have to put together their own case and their own argument.
Agree that reducing alcohol related anti-social behaviour should be a key objective and that initiatives to reduce binge drinking and regular high consumption of alcohol by individuals should be encouraged. Reducing the number of places selling alcohol in a small area is welcome, as is encouraging premises that either do not sell alcohol or do so as part of a wider offer of food and/entertainment.	
Too many resources have been devoted to this area for far too long. Lack of responsible licensee sales have allowed sales to the intoxicated.	It is acknowledged that the town centre does attract a lot of resources, both from the council and the Police, but this is understandable given the nature of the area. This is an area with high footfall, a high number of commercial units, some of which are licensed, and is designed to accommodate a diverse crowd of customers, with a range of premises, and provision for travel in bus stops, car parks, and taxi ranks. We will investigate any complaints of licensees selling alcohol to people who are already intoxicated.
Each application should be considered on its merit. Would want to see the crime statistics first before commenting	The council are legally required to consider each application on its own merits.

**Question 6: Do you think that the area to which policy LP3 (Creating a Family Friendly Town Centre) applies is right?**

Yes = 10 respondents

No = 3 respondents

Not sure = 5 respondents

<b>Respondents' comments</b>	<b>Officers' comments</b>
As mentioned above, Cassiobury Park should be included.	Now that cumulative impact areas have been placed on a statutory footing, there is not the evidence available to justify the implementation of such a policy for Cassiobury Park. It should also be noted that there is actually only one current licensed premises within Cassiobury Park, which is the bowls club.
Too political a statement that is meaningless and open to misinterpretation	There is little information as to what parts exactly are open to misinterpretation and, unfortunately, no suggestions have been made as to how to make the policy clearer.
Don't know Watford well enough I'm afraid	
I've reviewed the Statement of Licensing Policy and consultation questions and don't have any comments to make. I did notice on page 16 a reference to Charter Place which no longer exists, except for Charter Place bus lane, so reference should be removed.	The reference to Charter Place has been removed, but the area is still covered by the policy because it is located on the High Street.

**Question 7: Do you think that the above Sensitive Licensing Areas should be retained?**

Yes = 19 respondents

No = 1 respondent

Not sure = 1 respondent

<b>Respondents' comments</b>	<b>Officers' comments</b>
Agree that decisions on sensitive licensing areas should be led by local	The licensing authority are always reviewing contact between ourselves

information and subject to regular review. Street drinkers are a vulnerable group and many have alcohol misuse related health problems - reducing availability to e.g. high-strength alcohol, single take-away cans, and miniature spirit bottles is helpful in reducing drinking at harmful levels and supports any alcohol treatment they may be accessing. Where available Public Health and NHS data (e.g. hospital attendances related to alcohol) should be taken into account when assessing the need for a sensitive licensing area.	and the responsible authorities, of which Public Health are one, in order to improve our working relationship. The policy does not specifically limit what factors have to be taken into account when considering a sensitive licensing area, and it may be that evidence from Public Health is sought in addition to input from the Police and the council's Community Safety Co-Ordinator. Since the proposed policy allows this interaction, it is not thought that this element of the policy needs amending.
Modified	This refers to how the areas should be modified.
I live in the Whippendell Rd zone. Noise, litter, speeding, inconsiderate, dangerous (and illegal) parking and cycling on pavements are all on the rise. As a dog owner and animal lover in particular the increase in the dropping of food remnants and broken glass causes daily concern and anxiety. Chicken bones are very dangerous due to the risk of splintering. This all seems to have increased in the last couple of years and most of it occurs overnight, presumably related to individuals returning drunk from town centre and/or using the local facilities. There is also an increase in illegal and dangerous, inconsiderate parking due to a lack of allowable parking for non-residents. E.g. a chicken shop causes people to park illegally on Whippendell near the traffic lights and at the end of Park Avenue on the double yellow lines which causes mayhem during rush hours. Can they not be monitored by cctv? Speeding on the section of Whippendell between Cassio and Harwoods is a real problem, both at night and in the daytime, some sort of control measures are necessary. Cycle lanes would definitely help too and get the bikes off the pavements. We have already lost our local post box due to having syringes posted so there is evidence here for an effort to clean up this part of town. Bottom line certainly no more take aways/bars and better enforcement of what we already have plus infra investment in litter collection, cycle lanes and speed controls please.	This comment raises a number of issues which both the council and the licensing authority have limited control over, if any, such as speeding. It also raises concerns over the behaviour of individuals by littering, and the statutory guidance does state that away from premises, individuals are responsible for their own behaviour. The comments about parking, littering, and cycle lanes, have been passed to other council departments for information. The comment refers to no more take-aways or bars, but the licensing authority is not able to put a blanket ban on such applications.
As before, don't know the area well	



I am a resident of Market Street identified as a Sensitive Licensing Area and prior to responding to the full draft document which is out for consultation, I would like to raise a couple of issues we experience which we are happy for you to include.

I think there is real potential for Market street area to become family friendly however it is at times more akin to a no go zone and most people in the area are well aware of what occurs in and on this street.

There a couple of factors when combined do not provide a foundation for a family friendly ethos. Firstly, there is the local brothel which attracts an interesting mix of people to the street coupled with the corner shop opening hours (7am - 1am) we endure many late nights of loud customers, street drinkers, loud car music and engines running, people knocking at our flat door.

I am all for neighbours earning a living even having fun, but I have seen a rapid decline in the liveability of this end of the street. The huge camera is seen as a joke by most people I speak to and certainly does not deter what may be considered as suspicious activity.

One solution maybe to redress the opening hours of these premises with a reasonable (say 11.30pm) cut-off point. There is a premises which sells cheaper out of date beers which also attract drinkers.

I understand the complexity of street management and licensing and also links to the displacement of the homeless further out from the city centre to areas such as Market street, especially where alcohol and substances are widely available.

The road network is also a factor with market street been a 'rat run' especially for 'boy racers'.

This comment raises some issues which the licensing authority are not able to deal with, such as the report of a brothel. These comments have been passed to the Police for information. The comment calls for the opening hours of premises to be cut. This would only be possible through a review of the existing licence, or through a variation submitted voluntarily by the premises. The policy cannot be used to reduce the existing hours of premises without the right to reply. The comments also mentions the actions of people being loud, even with cars and engines running. The statutory guidance states that away from premises, people are responsible for their own actions, and it may not be the case that all of these people have visited, or are visiting, licensed premises in the area.

That there has been a significant development, which continues, so as to rejuvenate the town centre and bring back more life to what had become a rather shabby city centre is only to be welcomed and encouraged. A diverse commercially viable exciting and enthusiastic city centre is to everybody's mutual benefit.

If, as we anticipate the Licensing Policy first introduced sought to move the city centre away from high volume vertical drinking establishments and entertainment premises trading particularly late at night, then it appears to us that that has been successful. The Intu development appears to encourage and promote a significant food and casual dining premises as well as an appropriate volume of alcohol and/or alcohol led venues. The investment has in and of itself created a lot of work for skilled tradesmen who have themselves frequented the businesses (including our own) in the city centre. Whilst there have been a few issues with regards to through traffic (pavements and roads being closed etc) this seems to be a small inconvenience for what our client believes will significantly boost Watford's appeal.

But that there are to be sensitive areas designated as meriting additional consideration is not we respectfully suggest inappropriate. It appears to us to be incumbent upon the Licensing Authority to ensure that the premises that have the opportunity to trade in these areas must do so respectfully and appropriately. Our client firmly believes, and engagement and dialogues with officers appears to confirm, that our premises (does just that).

We note the policy was particularly introduced following three specific concerns. We turn to those below.

First of all the availability of stronger strength alcohol to street drinkers leading to anti-social behaviour in the immediate vicinity of the premises. In regard to our operation this is not a point on which we can particularly comment. We don't for a moment doubt the legitimacy of

the evidence that was before the Licensing Committee in 2013 but our premises charge a high entrance fee, do not discount any drinks on any nights and works on a model, which may be categorised as quality rather than quantity. These premises have far less patrons than other alcohol or food less patrons might generally be expected to visit. This can fairly be demonstrated by the lack of incidents that occur on or in the immediate vicinity of the premises.

The second policy rationale, alcohol and/or late night refreshment being available at times that are significantly different from other premises in that area likely to have an adverse impact on the Licensing objectives also seems a perfectly proper consideration. Those premises that cannot support and/or promote the Licensing objectives couldn't and/or shouldn't be supported by the Licensing Authority but because a premises trades late is not in and of itself an issue or a problem. One must consider, particularly, the second element of the consideration namely does the operation "have an adverse impact on the Licensing objectives". It's not our view nor our understanding that it is anybody else's view, that our late night premises causes concerns that could fairly be said to fall within this category.

Finally, litter and other nuisances from a concentration of late night takeaways appears to be perfectly legitimate consideration but it is fair to say that there are not many takeaways on Market Street. Our client tells us that in the past three years he has found litter to be minimal on Market Street. This might (we're not privy to the evidence over and above the causal observations that our client has made), suggests that the designation of Market Street as one of the sensitive licensing areas is indeed working. If the lack of late night refreshment premises is reflective of the policy adoption in 2013 and, as seems to be the case, that is followed by a lack of litter then the two seem fairly to support one another.

<p>I live on Whippendell Road, and feel that the addition of more restaurants, food establishments and other venues offering entertainment licensing activities would only serve as to lessen the overall quality of living in a safe neighbourhood. Aside the negative externalities associated with the current number of fast-food outlets nearby, e.g. rubbish and unpleasant smells, the nearby Haven Trust (which serves to help the homeless and those afflicted by addictions) is the frequent cause of many disputes requiring police intervention and I fear that the addition of alcohol based establishments will only serve to pose problems for the residents of the Haven Trust as well as me.</p>	
<p>It is nice to hear that the council is encouraging family friendly policy and reviewing LP4. However I suggest next time the council consider limiting the number of licences given, section 637 has so many licences. I believe currently in this stretch there are 7 shops which sell alcohol and 2 which serve alcohol. The licensing times are also being increased in residential areas, which is not logical. This is a stretch which could be covered in just over 5 minutes. Also within this stretch there is a shelter which is attempting to help people recover from things like alcoholism. It seems like poor planning and something the council needs to really reflect on as this is something that could have been avoided.</p>	<p>The licensing authority is not able to limit the number of licences. The question of whether another licence is 'needed' in an area is one for market forces to determine, not licensing authorities, as stated in the statutory guidance. It is not legal to cap the number of licences that a licensing authority can grant. While the cumulative impact of licences within a given area can be considered, and can be used to formulate a Cumulative Impact Policy, there is not the evidence at this time to suggest that one is needed in Whippendell Road. In setting up the Sensitive Licensing Areas, it was recognised that these areas did have concerns, but did not justify the creation of a Cumulative Impact Policy. Officers advise that this reasoning still remains valid to this day.</p>
<p>I agree with all of these areas keeping their status. In terms of non-empiric information each of these locations continues to generate complaints in relation to ASB all are the target of current complaints and investigations.</p> <p>1 Whippendell Road is a historical area of complaint for misuse of alcohol street drinking ASB in the street. Thus links very closely to the sales to street drinkers and remains the only are to which a license was repeatedly declined. It should be noted Cllrs have reported community tensions linked to premises here and the actions of customers</p> <p>2. Queens Road currently has extensive Police resources involved in the investigation of the misuse of drugs crime and disorder, police attend en</p>	

masse in this area as part of the reassurance the public have been looking for, the area is trying to re-model itself on more boutique shops and rent and to some degree is attaining this however there remain hot spots for ASB drugs

3 Market Street is a historical hotspot for street drinking.

4. St Albans Road current complaints against alleged sales to the local street drinker cohort although not illegal as the area is outside the PSPO the area is currently reporting drugs ASB and lewd acts.

**Question 8: Are there any other areas that you feel should be designated a Sensitive Licensing Area?**

Yes = 7 respondents

No = 3 respondents

Not sure = 6 respondents

**Question 9: Which other areas do you think should be designated a Sensitive Licensing Area? Please write in below.**

Respondents' comments	Officers' comments
Vicarage Road	We have sought further evidence from the Police on this issue. However, the council's Community Safety Co-Ordinator does not currently have any specific concerns regarding this location which can be addressed through licensing. This does not mean that there are not issues in these areas, but there are other measures available in order to address those issues.
Areas close to residents, and shops on estates.	Specific comments were made regarding allegations that a particular premises were encouraging alcohol sales to street drinkers, which have been passed to our Business Compliance Officer and Police for information, and in such cases it is appropriate to deal with the problem premises directly instead of by changing a policy for a whole area. Under Policy LP2, we already do highlight that residential areas may warrant

	different approaches for certain applications. In terms of off-licences, it is recommended that off-licences will generally be allowed alcohol sales in accordance with the normal opening hours of the premises, as recommended in the government guidance. However, we must stress that each application will be assessed on its own merits. It would not be appropriate to make every residential area a sensitive licensing area, because not every residential area is the same.
Vicarage Rd Tolpits Lane areas	We have sought further evidence from the Police on this issue. However, the council's Community Safety Co-Ordinator does not currently have any specific concerns regarding this location which can be addressed through licensing. This does not mean that there are not issues in these areas, but there are other measures available in order to address those issues.
Vicarage Road Parade (that is the pedestrianized section)	We have sought further evidence from the Police on this issue. However, the council's Community Safety Co-Ordinator does not currently have any specific concerns regarding this location which can be addressed through licensing. This does not mean that there are not issues in these areas, but there are other measures available in order to address those issues.
Cassiobury Park	There is not the evidence available to justify such a change in policy
None	

**Question 10: Do you agree with the proposal NOT to change the current link between the licensing and planning regimes?**

Yes = 11 respondents

No = 2 respondents

Not sure = 2 respondents

<b>Respondents' comments</b>	<b>Officers' comments</b>
Agree it is appropriate to link licensing and planning.	
The major problem is with takeaways and the negative impacts on the	The licensing authority is not able to ban a particular type of premises

community and associations to crime in general. No further chicken shops should be allowed	from applying for a licence. It should also be noted that such premises would only require licensing should they sell alcohol, or are open after 11pm. If a premises only trades between 5am and 11pm, it only requires planning permission in order to open and not licensing.
There is a direct impact on locals	This comments appear to be in support of keeping the link, because this respondent answered 'yes' to keeping the link between licensing and planning

**Question 11: Do you believe that the conditions laid out in policy LP6 are sufficient to promote the licensing objective relating to crime and disorder?**

Yes = 7 respondents

No = 3 respondents

Not sure = 4 respondents

<b>Respondents' comments</b>	<b>Officers' comments</b>
Greater visible police presence is needed	This is a matter for the Police to consider.
Appears to be comprehensive	
Too political. Current laws allow for sufficient control but these have not been applied	This comment does not give particular details for further investigation. However, officers would advise that the approach as laid out in the policy does go beyond the basic standards required by the legislation, in order to promote and encourage higher standards, such as the employment of door supervisors, engagement with Pubwatch, the consideration of plastic or polycarbonate glasses for certain events or during certain hours, even considering the attitude of management towards Police and council officers and much more. It should also be noted that this list of factors which may be considered is not exhaustive, and that other concerns on a particular matter specific to the location or type of business can still be raised either during the application process or the operation of the business.

**Question 12: Do you believe that the conditions laid out in policy LP6 are sufficient to promote the licensing objective relating to public safety?**

Yes = 6 respondents

No = 5 respondents

Not sure = 2 respondents

<b>Respondents' comments</b>	<b>Officers' comments</b>
Greater visible police presence is needed	This is a matter for the Police to consider.
Appears to be comprehensive	
Too political. Current laws allow for sufficient control but these have not been applied	This respondent has made similar comments before. Please see the response to the original respondent's comment
We are consulted by yourselves on the licensing objective 'public safety' and have attached two advice documents that we would ask that applicants can be signposted to on your website dealing with licensing applications. It may be that they are already on your website so would ask that they remain once the policy has been agreed.	Steps shall be put in place to make these documents available through our website for advice, rather than in the policy, where they can be updated easily.

**Question 13: Do you believe that the conditions laid out in policy LP6 are sufficient to promote the licensing objective relating to public nuisance?**

Yes = 3 respondents

No = 5 respondents

Not sure = 4 respondents

<b>Respondents' comments</b>	<b>Officers' comments</b>
In the list that starts on P30 headed LP8 we feel that odour controls should be included in the list of considerations. Point 12 which covers external lighting. We felt that this could be slightly extended to include internal lights that are externally facing.	While the existing policy did acknowledge smell as a nuisance, we have taken these points on board in an attempt to clarify the policy.
Appears to be comprehensive	
Too political. Current laws allow for sufficient control but these have not	This respondent has made similar comments before. Please see the



been applied	response to the original respondent's comment
Please see comments about LP4 <i>[the resident who lives in Whippendell Road]</i>	
Useful to have the definition of "nuisance" as it is often open to misinterpretation	The statutory guidance clearly states that the term 'public nuisance' is not defined in the Licensing Act 2003, and it retains its broad common law meaning. It is therefore not for the licensing authority to give a clear definition. However, we have given examples of what must be considered when deciding if something is public nuisance. The licensing authority may also choose to draw upon the experience of the Environmental Health team to assist in such a decision.

**Question 14: Do you believe that the conditions laid out in policy LP6 are sufficient to promote the licensing objective relating to the protection of children from harm?**

Yes = 6 respondents

No = 1 respondent

Not sure = 3 respondents

<b>Respondents' comments</b>	<b>Officers' comments</b>
Appears to be comprehensive	
Too political. Current laws allow for sufficient control but these have not been applied	This respondent has made similar comments before. Please see the response to the original respondent's comment

**Question 15: Do you agree with the proposal NOT to change the current approach to films that need to be certified by the council's Licensing Officers?**

Yes = 9 respondents

No = 2 respondents

Not sure = 0

<b>Respondents' comments</b>	<b>Officers' comments</b>
There are obvious businesses that the procedure should be relaxed for and made cheaper as they have low sales volumes and will never create public welfare issues	It is not clear if this comment was intended for this question or another. There is no charge for certifying films.

**Question 16: Do you agree with the proposal NOT to change the current approach to representations against applications?**

Yes = 8 respondents

No = 1 respondent

Not sure = 2 respondents

<b>Respondents' comments</b>	<b>Officers' comments</b>
Licensing should be more restricted than it is now. The fact that so many applications get passed suggests that insufficient regard is paid to local opposition	Where an application does not make it to a hearing, it is either because there were no objections made against an application, or that objections were made but then subsequently withdrawn. The current policy states that, where practicable, we will arrange voluntary mediation meetings between objectors and applicants in order to resolve issues of concern, which usually take the form of amending the application in some way, by changing licensable activities, hours, or by agreeing conditions. This pays high regard to objections by discussing how the concerns can be addressed, and the outcome does require agreement from both sides. Where an application does make it to a hearing, it is for the sub-committee of councillors to make a decision on an application, based upon the policy, the statutory guidance, the legislation, and the application before them. The sub-committee should publish detailed reasons for their decision in order to highlight why that decision was made. It should also be noted that any party to an application which is determined at a hearing has the right to appeal a decision if they so wish.

**Question 17: Do you agree with the proposal NOT to change the current approach to complaints that are made about licensed premises?**

Yes = 6 respondents

No = 5 respondents

Not sure = 0

Respondents' comments	Officers' comments
Tougher response by council	The licensing authority's approach to enforcement is covered by the Environmental Health and Licensing Services' Compliance Policy, the current version of which is dated 2016-2021. This sets out the broad approach to enforcement by the service, ranging from informal resolution through to prosecution and licence reviews, and what factors are to be considered before taking action. As licensing offences are criminal offences, before any decision can be made, officers are required to determine whether or not it is in the public interest to pursue, and also to hold the evidence available to the highest burden of proof, that of 'beyond reasonable doubt', which is the standard applied to criminal prosecutions. It is not always the case that there is sufficient evidence to pursue a case through to prosecution or licence review, and there may be alternative methods to addressing the problem at a more informal level, such as requiring licence holders to vary their licences, or to adopt voluntary standards.
Complaints are not taken seriously enough and there are few consequences for breach of conditions	This is similar to the above comment. Officers would also add that in 2017 there was one premises licence holder prosecuted for breaching their licence, and earlier in 2018 there was another licence holder prosecuted, also for breaching their licence. Both prosecutions occurred after officers had been working with the premises and had already been given warnings, as per the enforcement policy, but had failed to show improvement. We continue to receive relatively few complaints regarding licensed premises. While every complaint is logged, and kept on file for future reference, not every complaint contains sufficient detail for investigation, or there is not enough evidence to prove, beyond reasonable doubt, that a breach or offence occurred, which does affect

	the potential outcomes since it would be disproportionate and against natural justice to take severe enforcement action without sufficient evidence.
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**Question 18: Do you agree with the proposal NOT to change the current way we deal with requests to review a licence?**

Yes = 8 respondents

No = 2 respondents

Not sure = 1 respondent

Respondents' comments	Officers' comments
Appears to be a comprehensive list	

**Question 19: Do you agree with the proposal NOT to change the current approach to enforcement?**

Yes = 7 respondents

No = 4 respondents

Not sure = 2 respondents

Respondents' comments	Officers' response
There is little enforcement and targeted in wrong areas	Unfortunately, there is no information given as to how enforcement is targeted in the wrong areas, and what steps we should take instead. As mentioned before, we do carry out enforcement and investigate complaints, which has resulted in licence holders being prosecuted, and have had their licences reviewed.
See comments at LR4 <i>[resident who lives in Whippendell Road]</i>	This respondent has this comment before. Please see the response to the original respondent's comment
I am writing in regards to a letter I received asking for residents views. I have made numerous complaints in regards to the stretch of Whippendell road from Southsea Avenue to Tesco Express. All these	Officers can confirm that this respondent has made complaints about a specific premises before, but these were closed due to changes in ownership. There are currently no open complaints logged about this

seem to have been ignored as no action, or no action has been seen to take place.

The pavement is constantly congested, in particular outside the certain premises. You can have 8-10 individuals smoking outside causing the pavement to be congested. Last time I was walking with my daughter we had a cigarette end flicked in our direction, since this incident we simply no longer use this section. The evidence of the smoking is clear as you will find lots of cigarette ends on the pavement in the mornings.

With the football World Cup, these issues were only added too, especially with BBQ outside the premises and late finishes at night.

There was supposed to be a clear section for the cafe customers to use when smoking outside and this was to be limited, but with over a year with these conditions they have still not been adhered too and the council has not followed up on these. Which is not acceptable. Why were these conditions added if there was no intention of ensuring they were followed?

The level of street drinking is increasing; you constantly find broken beer/spirit bottles broken on the corner of Southsea Avenue and Park Avenue.

specific premises by this individual. The comments have been passed to our Business Compliance Officer.



**WATFORD  
BOROUGH  
COUNCIL**

# Equality Impact Analysis

<b>Title of policy, function or service</b>	Licensing Act 2003 Statement of Licensing Policy 2018-2023
<b>Lead officer</b>	Austen Young
<b>Person completing the EIA</b>	Austen Young
<b>Type of policy, function or service:</b>	Existing (reviewed) <input checked="" type="checkbox"/> New/Proposed <input type="checkbox"/>
<b>Version &amp; Date</b>	V1 September 2018

## **1. Background**

### **Statement of Licensing Policy under the Licensing Act 2003**

Under the Licensing Act 2003, Watford Borough Council, in its role as licensing authority, is required to determine and publish a Statement of Licensing Policy ("policy") every 5 years. The current policy, which was approved in 2013, is due to expiry on 19 November 2018. The policy sets out the council's approach to processing and determining applications submitted under the Licensing Act 2003.

The purpose of the policy is to ensure that all licence applications received are treated fairly and in a consistent manner, provide advice and information for all about how the council will enforce, administer and make decisions under the Licensing Act 2003 and support licensable activities for the wider benefit of the community. The council must have regard to the licensing objectives as set out in the Licensing Act 2003, which are;

1. The prevention of crime and disorder
2. Public safety
3. The prevention of public nuisance
4. The protection of children from harm

The Licensing Act 2003 requires that each application is considered on its own merits. It does not permit certain groups or applicants to be treated differently, and all applications are to be processed in the same manner. Licence applications can be submitted by individuals aged 18 or older, statutory bodies, non-commercial organisations and commercial companies. Objections against licence applications can be made submitted by any person or one or more of the prescribed responsible authorities.

The draft policy specifically mentions, on page 43, that the licensing authority must implement the policy in a manner which is consistent with equalities legislation.

A draft policy was sent out for consultation between 6 July 2018 and 17 August 2018. The Licensing Act 2003 prescribes the groups who need to be consulted.

## **2. Focus of the Equality Impact Analysis**

The policy determines the council's approach to processing and determining applications made under the Licensing Act 2003. This EIA, therefore, considers the potential equality related impacts, both positive and negative of the policy on the people in the groups or with the characteristics protected in the Equalities Act 2010.

These are:

1. Age
2. Disability
3. Gender Reassignment
4. Pregnancy and maternity
5. Race
6. Religion or belief
7. Sex (gender)
8. Sexual Orientation
9. Marriage and Civil Partnership.

### **3. Engagement and consultation**

The consultation on the policy took place between 6 July 2018 and 17 August 2018, during which time we consulted:

- the statutory responsible authorities
- 469 residential properties within the town centre
- 1037 residential properties within the Sensitive Licensing Areas
- 14 residents' associations
- all 36 local ward councillors
- 329 licensed premises
- 5 council departments (Culture & Events, Legal & Democratic Services, Transport & Infrastructure, Place Shaping & Corporate Performance, and Corporate Strategy & Communications)
- Watford BID

The consultation was advertised on our website during this time, with people invited to participate in a survey on the proposed changes, and was also advertised in the Watford Observer on 6 July 2018.

The survey asked 19 questions on the proposed policy, and this approach was agreed by the Licensing Committee on 25 June 2018. The questions are detailed in the report for this Committee. The report and minutes from this meeting are available to the public through the council's website. The consultation also allowed parties to submit add and submit their own comments.

Overall, 31 responses were received to the consultation. The breakdown of the respondents is as follows:

Residents – 9  
Responsible authorities – 4  
Councillors – 1  
Licence holders – 3  
Council officers – 2  
Residents' associations – 2  
Local business – 1  
Uncategorised – 9

### **4. What we know about the Watford population**

#### **Population**

The current population of Watford is 96,800 (mid 2017 estimate) and is estimated to grow by 16% by 2026. Population growth estimates stated that they expected Watford to reach 100,000 by the end of 2017. In terms of gender breakdown, there are estimated to be fractionally more female than male residents but the difference is not significant.

The population density for Watford is circa 4,500 people per square kilometre. This makes it the most densely populated district area in England and Wales. However, in comparison with some metropolitan boroughs, particularly those in and around the outskirts of London, the density is relatively low.

#### **Households**



The ONS data, based on the census, says that there were 36,681 households in Watford at the time of the Census; as of 31 January 2017 the figure was 39,052. The average household size is currently 2.45, which is average for the region.

From the 2014 projections, one person households see the biggest increase in household growth in Watford, representing 44% of the total household growth.

However, households with dependent children see the next biggest rise, with 35% of household growth; couples with other adults make up 9%; other (multi-person adult) households make up 7% and couple households (without children or other adults) make up the remaining 6% of all estimated growth.

### **Ethnicity**

Watford has a very diverse population, more so than the rest of Hertfordshire. For Watford, the Census 2011 shows the following breakdown in terms of ethnicity: White British (61.9%), White other (7.7%), Pakistani (6.7%), British Indian (5.5%) and British other Asian 4.4%).

It is acknowledged that the Census data is now nearly 10 years old and it is likely that the ethnic profile of the borough has changed during this time. For example, it would not have captured the more recent EU arrivals to the borough (EU2 countries – Romania and Bulgaria, who were given residency rights in 2014). We know from other data such as National Insurance Registration that Watford has experienced a relatively high increase in nationals from the EU2 countries applying for National Insurance registrations as Watford residents. This follows a period of a high number from EU8 countries (including Poland, Latvia, Lithuania) who were given freedom of movement to the UK from 2004. Throughout the period the arrival of new residents from south Asia (e.g. Pakistan / India) has remained relatively constant.

Other data sources, including a school language survey on the languages spoken by Watford school children at home, endorse the National Insurance findings with English still the predominant language (at around 60%) followed by (in order of selection): Urdu, Polish, Tamil, Punjabi, Gujarati, Portuguese, Romanian and Hindi.

From our assessment of our 74,522 electorate (i.e. those aged over 18 and registered to vote) the following main ethnicity groups have been identified.

- British – 61,399
- Polish – 1,791
- Romanian – 1,612
- Rep of Ireland – 1,389
- Indian – 1,079
- Portuguese – 758
- Italian – 747

### **Age**

The largest populations by age band in Watford are:

- 25-44 (31,700)
- 45-59 (18,100)

The numbers in each successive age-band fall progressively until there are estimated to be 6,000 who are 75+. We know that around 74,000 residents are of voting age in Watford and that the borough has a younger profile than the rest of England and Wales.

### **Disability/Health**

Around 85% of the population of Watford state that they have 'good health' and just under 14% record a disability. We do not have details as to what these disabilities are but they will include a

wide range of physical and mental health disabilities or impairment. The 2016 NHS Health Profile's summary conclusion is that the health of people in Watford is 'varied' compared with the England average. About 14% (2,700) of children live in low income families. Life expectancy for both men and women is similar to the England average (which is an improvement on previous years when men's was lower).

The profile also shows that physically active adults has remained stable since 2016 at 54.4%, compared to the England average of 57%. There has been a very small increase from 58.9% to 60% in the percentage of adults classified as overweight or obese in Watford, although significantly better than the England average of 64.8%. Also remaining consistent is the percentage of obese children in Year 6 (aged 10-11) at 16%, significantly better than the England average, which is 19.8%.

### **Religion/Belief**

The religious breakdown in the Census 2011 of the main religions in Watford was: Christian (54.1%), Muslim (9.8%), Hindu (4.8%), with no religion stated at 21.4%.

### **Sexual orientation / Transgender**

Watford has no specific data on the transgender community within the borough

### **Education and skills**

A skilled workforce supports the economic development and employment aspirations for Watford. There has been a mostly increasing trend in Watford over the last few years. Watford's working age population has the third highest percentage (43.7%) in Hertfordshire of those with qualifications at NVQ 4 and above (St. Albans is the highest with 62% and East Herts second highest with 44.2%); this is also higher than both the 40.4% average in Hertfordshire and the England average of 34.2%.

There are fewer people with no qualifications and significantly more people with Level 4/5 qualifications (degree level).

63.6% of Watford young people achieved 5 A\*-C including English & Maths at the end of key stage 4. This is the better than the England average of 57.8%.

### **Homelessness**

Whilst this is not a protected characteristic under the Equality Act 2010, the council recognises that the particular circumstances of people without their own home might be a factor in their taking an active role in our community. We currently have 24 statutory homeless (December 2017) and 188 households in temporary accommodation (December 2017).

### **Deprivation**

The English Indices of Deprivation 2015 was published by the Government in September 2015, and updates the previous 2010 Indices, published in March 2011.

The Indices of Multiple Deprivation (IMD) 2015 uses 37 separate indicators, grouped into seven domains (three of which contain sub-domains); the domains are Income; Employment; Health and Disability; Education, Skills and Training; Crime; Barriers to Housing and Services; and Living Environment. In addition to the domains and their sub-domains there are two supplementary income deprivation Indices: Income Deprivation Affecting Children Index (IDACI) and Income Deprivation Affecting Older People Index (IDAOPI).

In the IMD 2015, Watford is ranked 189 out of 326 authorities, putting it in the 6<sup>th</sup> decile nationally. This means that, overall, Watford is less deprived than half the authorities in England.

Watford is the third most deprived authority in Hertfordshire. (Stevenage and Broxbourne are the most deprived.) However, three Hertfordshire authorities are among the 10% least deprived authorities in England (Three Rivers, East Herts and St Albans).

Overall, Watford is not an area with significant deprivation issues and the majority of the LSOAs within the town are in the bottom 50% of LSOAs nationally for deprivation; the borough's position has improved relative to that of 2010.

The combined deprivation index, which weights income and employment more heavily than the other domains, obscures the more deprived areas in Watford, which are affected by crime, living environment deprivation and education, skills and training deprivation in particular. This is, at least in part, because income and employment deprivation are less of an issue for Watford.

## 5. How will the council ensure equality is promoted through the Statement of Licensing Policy

Under the Equality Act 2010, three areas need to be considered when analysing the equality impact of the Statement of Licensing Policy:

1. **eliminate** discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
2. **advance** equality of opportunity between people who share a relevant protected characteristic and people who do not share it
3. **foster** good relations between people who share a relevant protected characteristic and people who do not

The council is not in a position where it can proactively affect the profile of licence holders, or objectors against licence applications, but the policy ensures that the process of obtaining a licence is fair and free of discrimination. The policy informs prospective applicants what is expected of them and what specific areas a licensing sub-committee will take into account when determining an application. The policy also informs objectors how their objections will be considered, and again these must be considered in a fair manner, against legal requirements, and free of discrimination.

There are no local barriers to anyone making an application.

It must be noted that the sub-committee may depart from policy when determining an application, although such departures should be explained with detailed reasons upon the conclusion of a hearing.

Information people will need to know about the application process, and the legislation, can be accessed via the council's webpage and this feature provides additional support and help to those with a range of equalities related issues such as those for whom English is not the first language, those with visual impairment or learning difficulties.

The council's website features 'browsealoud' which allows people to:

- translate pages into a range of different languages
- enlarge web pages
- activate voice over for web pages
- simplify web page content

Should an applicant's characteristics make it difficult to use this channel then face-to-face and telephone contact is still possible.

## **A. Positive impacts**

The council has not identified any positive effects from the analysis of the consultation responses, the makeup of the Borough, and the way that applications are processed and licences issued.

By ensuring that Watford is a borough where alcohol licensing is well regulated the principles also ensure that it is a place where communities can live safely and peacefully together, thus fostering the good relations that are also part of the council's equality duty.

## **B. Negative impacts**

The council has not identified any negative impacts from the analysis of the consultation responses, the makeup of the Borough and the way that applications are processed and licences issued.

Whilst the consultation itself has not identified any substantial positive or negative impacts from the responses themselves, there are some other impacts that are relevant to the policy and which should be noted:

	Positive	Negative	None	Reasons for Decision
All groups in society	x			Positive:  The aim of the licensing policy is to encourage the effective regulation of alcohol, regulated entertainment and late night refreshment. Through this it will help create a safe and attractive environment across the borough for all communities to enjoy. This, therefore, promotes an active and vibrant community which helps meet the council's duty to foster good relations between people who share a protected characteristic and those who do not.
Age			x	The council's policy on the protection of children from harm was broadly supported by the responses to the consultation, and there is no proposal to change this approach.
Disability			x	
Gender Reassignment			x	
Pregnancy and maternity			x	
Race			x	
Religion or belief			x	
Sex (gender)			x	
Sexual Orientation			x	
Marriage & Civil Partnership.			x	

## 6. Overall conclusion

On consideration, the overall conclusion of the EIA is that there is no negative impact on any specific characteristic or group as a result of this Policy.

In the policy, no particular group is given priority over another in relation to implementation of the policy and how any applicant is dealt with. The Act requires that each application is to be assessed on its individual merits, so all groups should be treated equally. All applicants are required to comply with all of the relevant legislation.

In general, it is felt that the policy has a positive effect on all people who live, work or socialise in Watford.

**This EIA has been approved by:**

**.....J Hoy..... Date 20.9.18.....**  
**Head of Environmental Health & Licensing**