



**WATFORD
BOROUGH
COUNCIL**

LICENSING COMMITTEE

6 July 2023

7.00 pm

Annexe, Town Hall, Watford

Contact

Laura MacMillan

democraticservices@watford.gov.uk

01923 278376

For information about attending meetings please visit the [council's website](#).

Publication date: Wednesday, 28 June 2023

Committee Membership

Councillor R Wenham (Chair)

Councillor M Hofman (Vice-Chair)

Councillors D Allen-Williamson, M Devonish, S Feldman, A Grimston, P Hannon, L Nembhard, T Osborn, C Saunders, G Saffery, R Smith, M Turmaine, S Trebar and D Watling

Agenda

Part A - Open to the Public

1. Apologies for absence

2. Disclosure of interests

3. Minutes

The minutes of the meeting held on 12 January 2023 to be submitted and signed.

4. Review of Licensing Act 2003 Statement of Licensing Policy (Pages 3 - 115)

5. Review of Sex Establishment Licensing Policy (Pages 116 - 165)

Part A

Report to: Licensing Committee

Date of meeting: Thursday, 6 July 2023

Report author: Senior Licensing Officer (AY)

Title: Review of Licensing Act 2003 Statement of Licensing Policy

1.0 Summary

1.1 In its role as the licensing authority under the Licensing Act 2003, the council has a duty to prepare, and keep under review, a statement of licensing policy (SLP).

1.2 The SLP lays out the council’s approach to licensable activities such as the sale of alcohol, the supply of hot food after 11pm and the provision of regulated entertainment, such as live music. The framework it contains is used as the starting point for dealing with premises licence applications.

1.3 The Licensing Act sets out four licensing objectives which must be taken into account when a local authority carries out its functions. They are:

- the prevention of crime and disorder
- the prevention of public nuisance
- public safety
- the protection of children from harm

1.4 This report sets out the options available to the authority to review the policy and to confirm the principles of the consultation for reviewing the policy.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (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 2023	Treat	4

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	3
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	3
Further legislation or reported cases arising during course of consultation and adopting policy	Policy may be outdated as soon as it is published	Monitor situation and, if necessary, take amendments to September Committee	Treat	3

3.0 Recommendations

- 3.1 That the Licensing Committee agrees the timetable for the implementation of a new licensing policy by 19 November 2023 as set out in paragraph 6.3 and the approach to be taken with regards to the new policy.
- 3.2 That the Licensing Committee agrees the focus of the public consultation, as set out in paragraphs 5.1 through 5.12.
- 3.3 That officers consult with the parties set out in paragraph 6.2 and report to the Licensing Committee at its meeting on 28 September 2023.

Further information:

Austen Young
austen.young@watford.gov.uk

Report approved by: Alan Gough, Director of Partnerships

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 a 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. This is known as the s.182 Guidance and was most recently updated in December 2022.

4.3 Cumulative Impact Assessment

4.4 The current cumulative impact assessment (CIA), which was adopted from 1 April 2021, lasts for 3 years. It is a legal requirement to review this policy at least every 3 years. It is noted that the dates of the CIA and the SLP do not match up.

4.5 Members are reminded that CIAs were formally incorporated into the legislation in 2018 (prior to this date they did not have a statutory footing). By doing this, the process for adopting and reviewing a CIA was established via statute. This includes the requirement that evidence is published along with the CIA to establish how and why the relevant licensing authority considers that a CIA is reasonable.

4.6 The evidential basis which the licensing authority relied upon to publish the CIA was supplied by the Police and related to crime figures for the town centre. Upon analysis the crime figures saw a spike in alcohol-related crime after 10pm and this was reflected in the CIA. Although a CIA may relate to premises licensed to carry out any licensable activity, the CIA published in 2021 specifically relates to the sale of alcohol.

4.7 There is no proposal to review the CIA as part of this review of this licensing policy. The evidence required to review the CIA requires a breakdown and review of crime figures to differentiate alcohol-related crime from other crime, and analysis of the hours of offences to identify those relevant to the Night Time Economy-. Figures have been requested from the Police to undertake this review prior to the January Licensing Committee.

5.0 Main Policies

5.1 Policy LP1 – Premises Definitions

This policy contains the premises definitions that we use when applying policies LP2 and LP3. Some Licensing Authorities' Statement of Licensing Policies do not contain

premises definitions which allows them more flexibility when determining applications for licensable activities.

It is not proposed to significantly add to or remove the premises definitions, but there is scope to consult on amendments to these definitions. The justification to retaining this policy is to assist applicants, objectors, responsible authorities and any sub-committees.

The Covid-19 pandemic did see an increase in applications or queries relating to remote alcohol sales. Although these would technically fall under the definition of an off licence, it is suggested to include remote sales as their own use. This identifies the activity of selling alcohol by remote sales as a different operation from traditional off licences and convenience stores, and highlights that different factors can be taken into consideration during the application process, for example because the public will not be allowed access.

There has also been an increase of venues which offer activities as entertainment and to attract an adult market allow alcohol to be sold as ancillary to the primary purpose of the venue. While this is currently covered by the definition of other entertainment venues, the definition of these premises should be expanded to include non-licensable activities such as escape rooms, mini-golf, and other such activities. This would support the Town Centre's Strategic Framework, which seeks to diversify the mix of leisure premises. Identifying such premises can allow the council to clarify the expectations of operators.

5.2 Policy LP2 – Location and Operation of Premises

This policy sets out our approach to licensing different types of premises when we have received relevant representations, depending upon whether the premises is located within the town centre, the Cumulative Impact Zone, a leisure or shopping area, or a residential area.

It is not proposed to significantly add to or remove the premises definitions, but there is scope to consult on amendments to these definitions.

Any changes to Policy LP1 with regards to the definitions of premises will need to be reflected within this policy. If remote alcohol sales are to be recognised, then the consultation will need to include provision for comments to be received regarding their recommended hours.

To avoid any confusion, it is suggested to remove the recommended hours for pavement licences from this policy. Pavement licences are administered under separate legislation and a separate policy. The Government have proposed changes to the pavement licensing regime through the Levelling-up and Regeneration Bill.

The justification for retaining LP2 and for setting out recommended hours still remains relevant.

5.3 Policy LP2A – Petrol Filling Stations

This sets out our approach and the legal position with regards to sale of alcohol from petrol filling stations. We have not received any challenges to or complaints about this policy and it is not proposed to amend it at this time, except to amend the reference to the relevant paragraph in the guidance.

5.4 Policy LP2B – Circuses

This policy sets out our approach to circuses and the questions over regulated entertainment at circus events. As we have not received any challenges to or complaints about this policy it is not proposed to amend it at this time, except to clarify that where the exemption is not obvious a decision will need to be made on a case-by-case basis.

5.5 Policy LP3 – Cumulative Impact Policy

This policy applies to the town centre, specifically the High Street and The Parade. The Cumulative Impact Policy may only be adopted alongside a Cumulative Impact Assessment. As mentioned earlier in the report, the review of the CIA does not need to occur until January 2024.

This policy does require amendment in regards to removing the reference to assuming the starting point of certain applications will be to refuse the application. The legislation requires that all applications are assessed on their own merits with no presumption of refusal. This does not prevent applications from being refused in accordance with policy, but the starting point for considering all applications must be to grant the licence with any appropriate conditions or amendments to the application, and only refuse the application if the licensing objectives risk being undermined.

5.6 Policy LP4 – Sensitive Licensing Areas

This policy was initially introduced in 2013, and reviewed in 2021. The sensitive licensing areas are:

- (1) Whippendell Road, between its junction with Cassio Road and Hagden Lane
- (2) Queens Road, between High Street and Loates Lane
- (3) Market Street, between High Street and Merton Road/Cassio Road; and
- (4) St Albans Road, between the A41 and Leavesden Road.
- (5) Town centre, specifically:
 - Albert Road South

- Church Street
- Clarendon Road, between The Parade and Beechen Grove
- George Street
- King Street, between High Street and Exchange Road
- New Street
- Wellstones

There have been no specific requests made to review the policy. It is proposed to retain the policy. The number of licensed premises in each area will need to be updated and new Police figures will be requested to confirm that there are still issues within these areas which justify a unique approach.

5.7 Policy LP5 – Planning Permission

This policy maps out the links between the licensing and planning regimes and the approach we will take in certain scenarios.

As we have not received any challenges to or complaints about this policy it is not proposed to amend it at this time.

5.8 Policy LP6 - Prevention of Crime and Disorder Policy LP7 - Public Safety Policy LP8 - Prevention of Public Nuisance Policy LP9 - Protection of Children From Harm

Whilst we will always consider each application on its merits, these policies set out the typical conditions that we will ask for to promote the four licensing objectives.

Our pool of model conditions was reviewed in consultation with the Police and Environmental Health in 2018.

We believe that these policies are sufficient to promote the licensing objectives and have not received any challenges to or complaints about them.

Whilst we do not propose to make significant amendments to them at this time, we will consult on whether there is anything else that they should include. Factors to consider around remote sales of alcohol and entertainment premises should be included within the consultation to reflect earlier comments.

5.9 Policy LP10 – Film Exhibitions

This policy sets out how we will deal with films that need to be certificated by the council's Licensing Officers.

As we have not received any challenges to or complaints about this policy it is not proposed to amend it at this time.

5.10 Policy LP11 - Representations Against Application

This policy sets out how we will deal with any representations that are made about licensing applications.

As we have not received any challenges to or complaints about this policy it is not proposed to amend it at this time.

5.11 Policy LP12 - Complaints Against Licensed Premises

This policy sets out how we will deal with any complaints that are made about licensed premises.

As we have not received any challenges to or complaints about this policy it is not proposed to amend it at this time.

5.12 Policy LP13 - Licence Reviews

This policy sets out how we will deal with any requests to review a licence that are received.

As we have not received any challenges to or complaints about his policy it is not proposed to amend it at this time.

6.0 Consultation

6.1 The licensing authority is under a statutory duty to consult with residents and businesses in its area, representatives of licence-holders and responsible authorities.

6.2 Officers propose consulting with the following bodies.

- Local residents and their representatives through residents' associations to obtain the views of residents
- Premises licence and club premises certificate holders, and their agents, as representatives of licensed businesses and personal licence holders
- Watford Business Improvement District as representatives of businesses within the town centre
- Economic Development team of Watford Borough Council to represent views of businesses throughout the borough
- Hertfordshire Constabulary
- Hertfordshire Fire & Rescue Service

- Hertfordshire Trading Standards
- Hertfordshire Public Health
- Hertfordshire Local Safeguarding Children Board
- Watford Community Safety Partnership
- The Home Office
- Development Management of Watford Borough Council
- Environmental Health of Watford Borough Council

6.3 In addition, it is proposed to place a copy of the draft policy on the council website for comments to be made, either online or by paper. It is suggested that the consultation runs from 20 July 2023 until 31 August 2023, in order that comments can be reported to the Committee at its next meeting on 28 September 2023.

6.4 This approach is in accordance with the Government’s consultation principles. These state that the length of consultation should take into account the nature and impact of the proposal, and that consultations which are too short will not give enough time for the consultation to be considered and will reduce the quality of the responses. The proposed changes are not so wide ranging that a lengthy consultation is required, but there is sufficient time for the consultees and any other person to respond to the consultation. The consultation will also be targeted towards interested parties, albeit consultees and the method of consultation are dictated by the legislation.

6.5 Although specific sections have been highlighted for consultation, the consultation will be open to any person to make any comments they wish in respect of the policy.

6.6 Elements of the policy will also be updated to take update references to council policies, sections of the statutory guidance where paragraph numbers have changed, and also names of council departments to accurately reflect the structure of the council. These will be highlighted as minor changes.

7.0 Implications

7.1 Financial

7.2 The Shared Director of Finance comments that there are no financial implications arising directly from this report.

7.3 Legal Issues (Monitoring Officer)

7.4 The Group Head of Democracy and Governance comments that as stated in the report it is a legal requirement to keep the Licensing Policy under review and consult on any changes before they are adopted.

7.5 Equalities, Human Rights and Data Protection

7.6 If a new policy is to be adopted following consultation then a new Equalities Impact Assessment will need to be undertaken.

7.7 Community Safety/Crime and Disorder

7.8 The Statement of Licensing Policy aims to promote the four licensing objectives, one of which is the prevention of crime and disorder. The Police are also one of the statutory consultees.

Appendices

Appendix 1 – Statement of Licensing Policy 2021-2023

Appendix 2 – Draft statement of Licensing Policy 2023-2028

Background papers

Licensing Act 2003

Statement of Licensing Policy 2021-2023

Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2022)

Consultation Principles (2018)

APPENDIX 1



LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

NOVEMBER 2018
(REVISED APRIL 2021)

Comments are invited on this document to:

Community Protection
Watford Borough Council
Town Hall
Watford
Hertfordshire
WD17 3EX

Tel: 01923 278476
Fax: 01923 230765
Email: licensing@watford.gov.uk

CONTENTS

Prologue	3
The Borough of Watford	4
Introduction	5
General Considerations	8
Pre-application Considerations	9
Main policies	
<i>Policy LP1 – Premises Definitions</i>	11
<i>Policy LP2 – Location and Operation of Premises</i>	12
<i>Policy LP2A – Petrol Stations</i>	14
<i>Policy LP2B – Circuses</i>	15
<i>Policy LP3 – Cumulative Impact Policy</i>	16
<i>Policy LP4 – Sensitive Licensing Areas</i>	20
<i>Policy LP5 – Planning Permission</i>	21
Licensing and Other Legislation	22
Temporary Events	23
Designated Premises Supervisors	25
The Licensing Objectives	
<i>Policy LP6 – Prevention of Crime and Disorder</i>	26
<i>Policy LP7 – Public Safety</i>	28
<i>Policy LP 8 – Prevention of Public Nuisance</i>	30
<i>Policy LP9 – Protection of Children From Harm</i>	32
Policy LP11- Representations Against Application	34
Policy LP12 - Complaints Against Licensed Premises	36
Policy LP13 - Licence Reviews	37
Policy LP14 - Enforcement and Compliance Policy	39
The Licensing Committee	40
Relationship to Other Policies and Legislation	42
Appendix 1 - Licence Review Guidelines	43

PROLOGUE

Watford Borough Council is the licensing authority under the Licensing Act 2003, and is required to publish and keep under review a policy setting out its approach to its 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 20th November 2018 until 19th 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 6th July 2018 and 17th 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 6th July 2018.

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

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

This policy was revised effective from 1st April 2021, to run until 19th November 2023. The revision was with regards to the adoption of a cumulative impact assessment for the town centre.

The following parties were consulted directly over this revision:

- 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 Partnership
- Watford Community Safety Partnership
- The Home Office
- Watford Business Improvement District

Consultation on the revisions was conducted between 18 January and 14 February 2021 during which time we wrote to:

- All parties listed above
- All licence holders and club premises certificate holders (total of 299 people and organisations)
- 543 residents within the town centre affected by the policy change
- 21 residents' associations within the Borough

We placed details on our website and issued a press release which was published in the Watford Observer on 30 January 2021 inviting people to contact us in writing should they have any comments to make, including directing them to an online survey to assist in responding.

The revised policy was approved by the full Council – the Licensing Authority – on 16 March 2021.

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. Upgrading works to the pond and surrounding area were completed in 2014, and improvement works to the intu centre and associated High Street improvement works were completed late 2018 and early 2019. 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 Management Team or on our website at 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/1051/watford_local_plan

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, and following public consultation, we began to tackle some key issues. 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; works which were completed in 2014.

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 has adopted a Cultural Strategy to run from 2018 until 2025 which seeks to grow sustainable opportunities for creative enterprise, cultural provision, and participation for our local communities. 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 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. The accreditation was due to be reconsidered in 2020, but was delayed due to the Covid-19 pandemic.

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 deregulated¹.

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.

¹ [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.

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/beer-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:

Premises	Use
Restaurants	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.
Public houses, wine bars or other drinking establishments	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.
Café-bars	The sale of food and or light refreshments, and where alcohol sales are not a predominant feature of the premises
Hotel bars	The sale of alcohol and/or food, either to hotel residents or to non-residents
Night-clubs	Primarily for the provision of licensable activities at night (typically including music and dancing), where alcohol sales are a strong feature
Off-licences	The sale of alcohol for consumption away from the premises
Pavement licences	The sale of alcohol and/or food on the highway outside of other premises licensed for such activities
Qualifying clubs	Qualify for a club premises certificate under the Licensing Act 2003
Take-aways	The provision of late night refreshment (hot food and drink) between 11 pm and 5 am for consumption away from the premises
Other entertainment venues	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:

Premises type	Cumulative impact zone (see also policy LP3)	Town centre (within the ring road)	Leisure or shopping area	Residential area
Café-bars	Will generally be granted according to the application			
Hotel bars	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)			
Night-clubs (including lap-dancing clubs*)	Where exceptions to policy apply, 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 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)
Off-licences	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
Other entertainment venues not listed	Will generally be granted for the hours and activities requested			May be limited to midnight
Pavement licences*	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
Public houses, wine bars and	Where exceptions apply, will	Will generally be allowed alcohol	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.

other drinking establishments	generally be allowed alcohol sales to midnight only, and until 10.30 pm on Sunday (other than for special occasions).	sales to midnight only, and until 10.30 pm on Sunday (other than for special occasions).	
Qualifying clubs	Where exceptions apply, will generally be granted for the hours and activities requested	Will generally be granted for the hours and activities requested	
Restaurants	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)
Take-aways	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 and town centre areas is justified to reduce conflict late at night and encourage dispersal, 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 drive to supermarkets for example to buy alcohol, many of which 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.
- (3) 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 CUMULATIVE IMPACT POLICY

The council have published a cumulative impact assessment that looks at the potential impact on the promotion of the licensing objectives.

This assessment was first drawn up to take effect from 1 April 2021. The assessment is a separate document to this policy. The assessment is required to be reviewed at least every 3 years and requires approval from the council. The data used in compiling the cumulative impact assessment is included within the assessment itself.

Cumulative impact assessment summary

A cumulative impact policy applies to these parts of the town centre:

- High Street (between The Parade and Beechen Grove)
- The Parade

This is due to the issues associated with alcohol and alcohol-related crime within these areas. The council has a statutory duty under the Licensing Act and under section 17 of the Crime and Disorder Act 1998 (as amended) to seek a reduction in crime and disorder. We aim to achieve this through encouraging 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.

A map showing the area to which the cumulative impact policy applies is included at appendix 2 of this policy.

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 or operation to those set out in policy LP2.

- (5) Where an exception is made, the licensing committee may consider attaching specific conditions to the relevant authorisation requiring the use of door supervisors to monitor and control access to the premises and assist with dispersal, to install and maintain an electronic identification entry system which meets the reasonable requirements of Hertfordshire Constabulary, to make a monetary contribution to the town centre taxi marshal scheme (or such a replacement scheme which may be introduced to assist in the dispersal of customers from the town centre) and that the premises will actively participate in the town centre Pubwatch scheme and/or the Pubwatch radio scheme (or such a replacement scheme which may be introduced to assist in communication between venues).
- (6) 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:
 - the building design is of a high standard; we would expect all applicants will want to ensure the highest design standards possible;
 - 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;
 - 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, where:
 - the supply of alcohol shall only be ancillary to a substantial table meal; or
 - where the supply of alcohol shall only be by waiter/waitress service to seated customers; or
 - where the supply of alcohol for consumption on the premises does not extend past 10pm on any day.
- (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.

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, and in conjunction with police crime statistics submitted for consideration in the cumulative impact assessment, 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 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.

POLICY LP4 SENSITIVE LICENSING AREAS

We have identified five 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:

- availability of stronger-strength alcohol to street drinkers leading to anti-social behaviour in the immediate vicinity of the premises
- 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
- 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 High Street and Loates Lane
- (3) Market Street, between High Street and Merton Road/Cassio Road; and
- (4) St Albans Road, between the A41 and Leavesden Road.
- (5) Town centre, specifically:
 - Albert Road South
 - Church Street
 - Clarendon Road, between The Parade and Beechen Grove
 - George Street
 - King Street, between High Street and Exchange Road
 - New Street
 - Wellstones

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. The Sensitive Licensing Area for the town centre was added as of 1st April 2021, and the Sensitive Licensing Areas for Market Street and Queens Road were expanded at this time as well.

Maps showing these areas can be found at appendix 3 of this policy.

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, LP8 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 (12 in Whippendell Road; five in Queens Road; 18 in Market Street; and 40 in St Albans Road – nine restaurants; eight late-night take-aways; two pubs; and 21 off-licences with several more on roads directly connecting to St Albans Road – all figures accurate up to 31/10/20). 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 were provided by the Police when the policy was reviewed in 2018 which showed 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. Violence and sexual offences and anti-social behaviour continue to be at high levels within these areas when compared to other areas of the Borough (data up to November 2020 – data can be verified through <https://www.police.uk>), although not sufficient enough to warrant a cumulative impact assessment. There is a high occurrence of theft and shoplifting. It is acknowledged that making comparisons based upon the figures alone does 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.

With regards to the town centre, there is one licensed premises in Albert Road South, five premises on Clarendon Road, and four premises on King Street. Although licensed premises are not found in each location, it is acknowledged that these roads connect to the High Street and The Parade, both of which are subject to a cumulative impact policy, and are used as routes both in and out of the town centre. We are advised through consultation with residents that there are concerns regarding street drinking and litter within the town centre and we have adopted this policy in these areas as a safeguard for these locations.

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.

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.

The cumulative impact policy adopted by the council at policy LP3 does not apply to temporary event notices, and therefore any objections submitted by the Police or Environmental Health within this area will be considered on their own merits by a licensing sub-committee, unless all parties agree that a hearing is not necessary. However, it is acknowledged that the Secretary of State's guidance does state that it is open to the police and environmental health authority (as relevant persons) to refer to evidence published within any cumulative impact assessment when objecting to a notice.

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
<https://www.thepurpleguide.co.uk/>
- 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
<https://sgsa.org.uk/greenguide/>

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.

The council also has adopted a cumulative impact policy at policy LP3 to address alcohol-related crime, by discouraging alcohol-led venues and encouraging more diverse venues that offer mixed licensable activities.

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:
 - 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;
 - the training given to staff in crime prevention measures and licensing law appropriate to those premises;
 - 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;
 - 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;

- 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;
- 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';
- use of plastic or polycarbonate glasses either as a matter of routine or during particular times of high risk;
- the measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;
- where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
- 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:

- 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;
- the design and layout of the premises;
- the nature of the premises, event or licensable activities being provided, including known busy times, special events or promotions;
- the provision or removal of temporary structures such as staging or furniture;
- the number of staff available to supervise customers both ordinarily and in emergencies, and the training they are to be given;
- the customer profile;
- 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:

- where relevant representations have been received that a specific hazard has not been addressed by a suitable and sufficient risk assessment;

- 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:
- access by emergency services;
 - facilities for disabled people, particularly in an emergency;
 - prior notification to the emergency services of special events;
 - lighting levels;
 - staffing levels, including the numbers of licensed door supervisors;
 - seating arrangements;
 - special effects such as pyrotechnics, imitation firearms, lasers, real flame, strobe lighting, etc;
 - temporary electrical installations;
 - safety checks (before, during and after regulated entertainment);
 - 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
 - (a) the time the noise occurs
 - (b) the area and
 - (c) 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;

- 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;

- 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;
- 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;
- the steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly;
- 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);
- the arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;
- whether there is sufficient provision for public transport (including taxis and private hire vehicles) for patrons;
- whether licensed taxis or private hire vehicles are likely to disturb local residents;
- 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;
- the use of gardens and other open-air areas, including those used for smoking;
- delivery and collection areas and times;
- the siting of internal and external lighting, including security lighting that is installed inappropriately;
- 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;
- 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.

- 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:
 - to all or part of the licensed premises;
 - at certain times of the day;
 - when certain licensable activities are taking place; or
 - 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:
 - 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)
 - there is a history or likelihood of under-age sales or consumption of alcohol

- activities or entertainment (whether licensed under the 2003 Act or not) of a clearly adult or sexual nature
 - criminality at the premises likely to harm children
 - licensable activities are taking place during times when children under 16 may be expected to attending compulsory full-time education
 - other hazards to children that are not sufficiently controlled
 - 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.
- (2) 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:

- use of licensed premises for the sale or distribution of illegal drugs and the laundering of the proceeds of drugs crimes;
- use of licensed premises for the sale or distribution of illegal firearms;
- evasion of copyright in respect of pirated films and music;
- underage purchase or consumption of alcohol;
- use of licensed premises for prostitution or the sale of unlawful pornography;
- use of licensed premises for unlawful gaming;
- use of licensed premises as a base for organised criminal activity;
- use of licensed premises for the carrying out of, or the organisation of, sexual abuse or attacks;
- use of licensed premises for the carrying out of, or the organisation of, the discrimination, harassment or victimisation of people or a community with protected characteristics (as defined by the Equality Act 2010). The protected characteristics are:
 - (a) age
 - (b) disability
 - (c) gender reassignment
 - (d) marriage and civil partnership
 - (e) pregnancy and maternity
 - (f) race
 - (g) religion or belief
 - (h) sex

- (i) sexual orientation;
 - use of licensed premises for the sale of smuggled tobacco or goods;
 - the use of licensed premises for the sale of stolen goods;
 - where the police are frequently called to attend to incidents of disorder;
 - prolonged and/or repeated instances of public nuisance and/or anti-social behaviour;
 - where serious risks to public safety have been identified and the management is unable or unwilling to correct those;
 - where serious risks to children have been identified;
 - continuous breaches or contraventions of licence conditions;
 - 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 compliance 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 Group 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 disclosable pecuniary interest in the matter before them, as defined in the Localism Act 2011.

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:
 - 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;
 - 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;
 - To implement the Licensing Policy in a manner consistent with its legal requirement under the Equalities Act 2010.

- (2) This policy will also integrate with other Council policies and strategies such as:
 - (a) Council Plan 2020-2024
 - (b) Watford Local Plan 2006-2031 Core Strategy (adopted 2013)
 - (c) Protecting Our Communities & Managing Crime 2018
 - (d) Watford Cultural Strategy 2018-2025
 - (e) Environmental Health and Licensing Services Compliance Policy 2016 – 2021

APPENDIX 1

Licence review guidelines

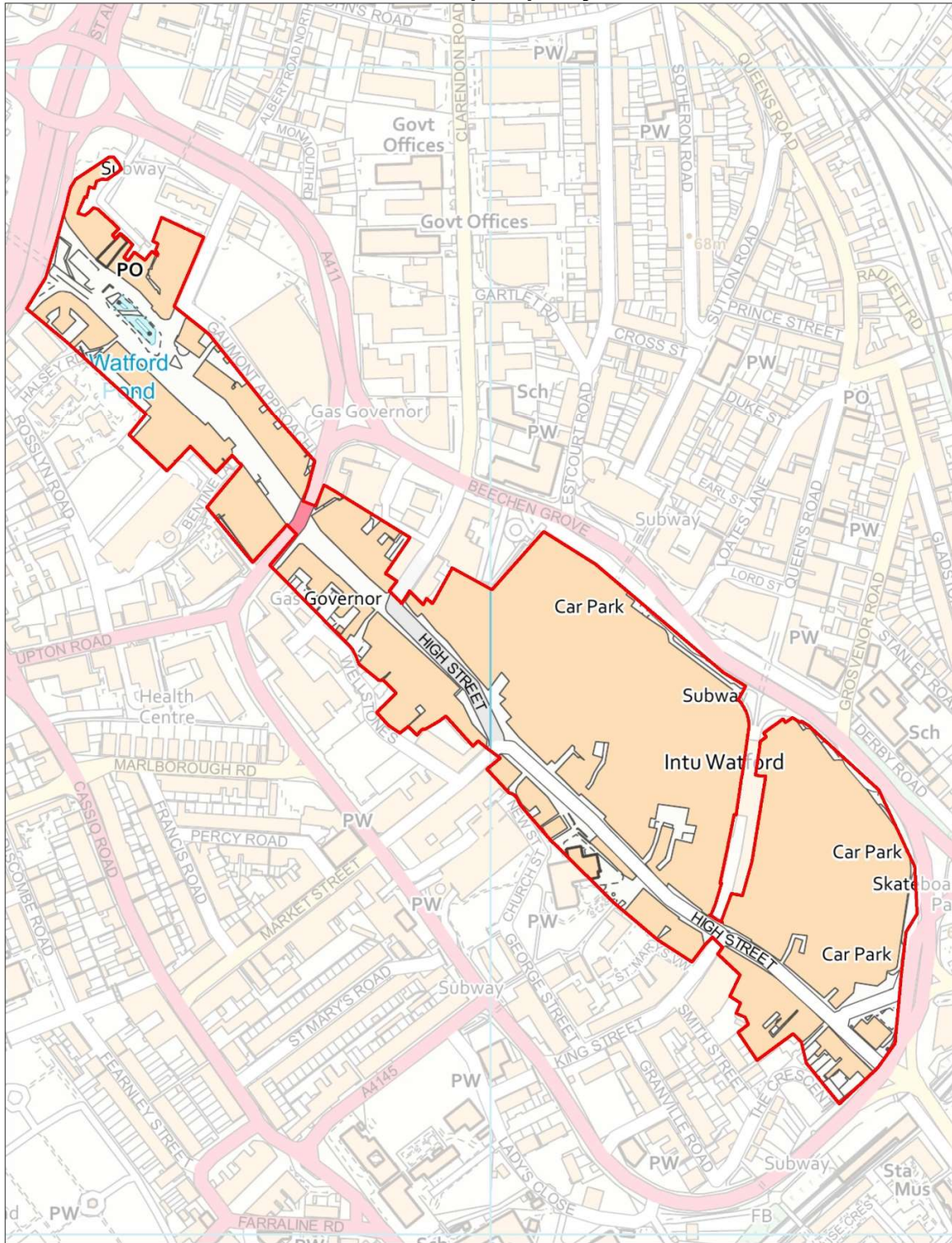
The Licensing Committee and Sub-Committees will apply the guidelines below, when holding a licence review, to maintain a degree of consistency and transparency in decision-making. The Committee reserves the right to amend and republish these guidelines in the light of operational experience.

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

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

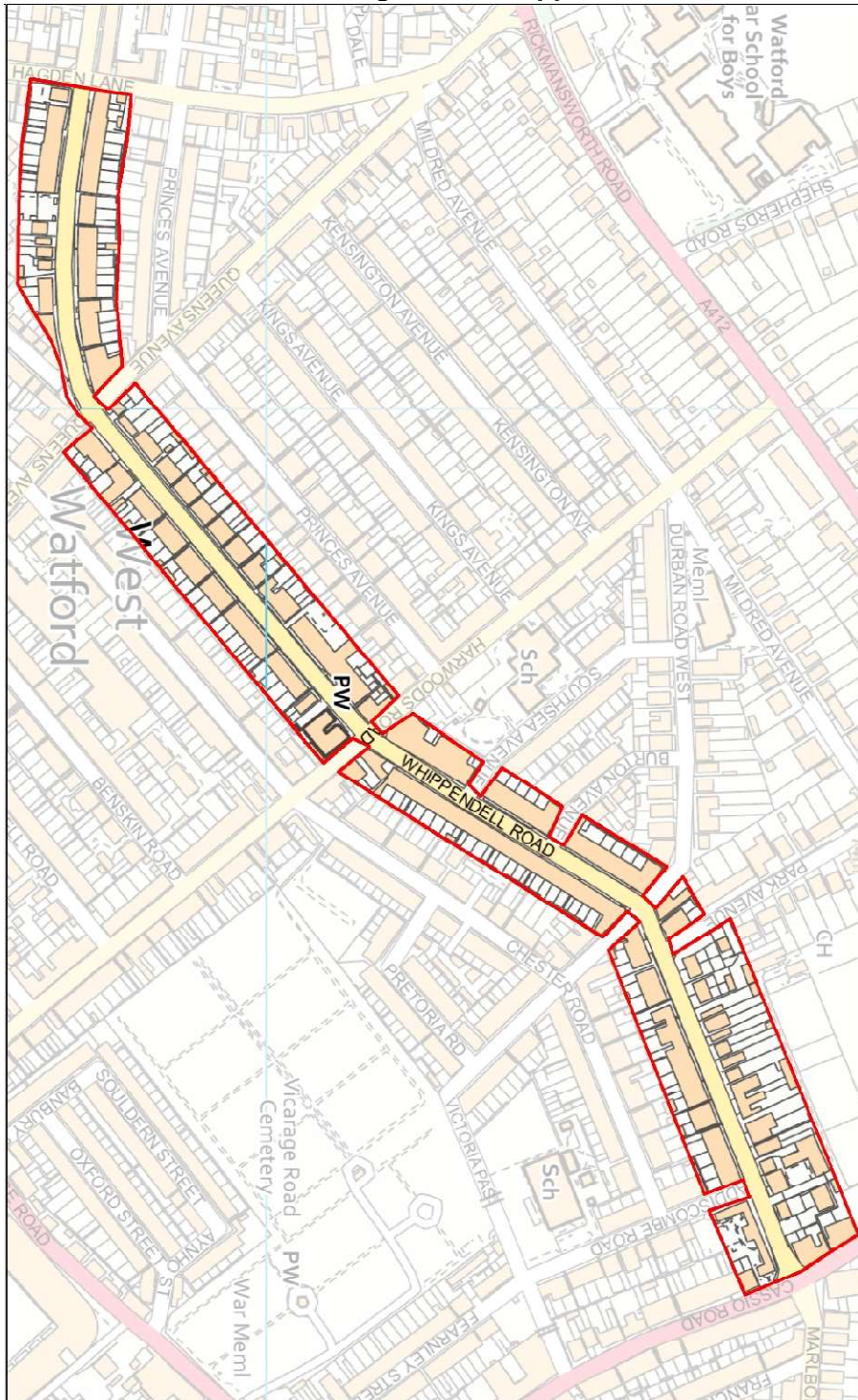
APPENDIX 2

Cumulative impact policy area

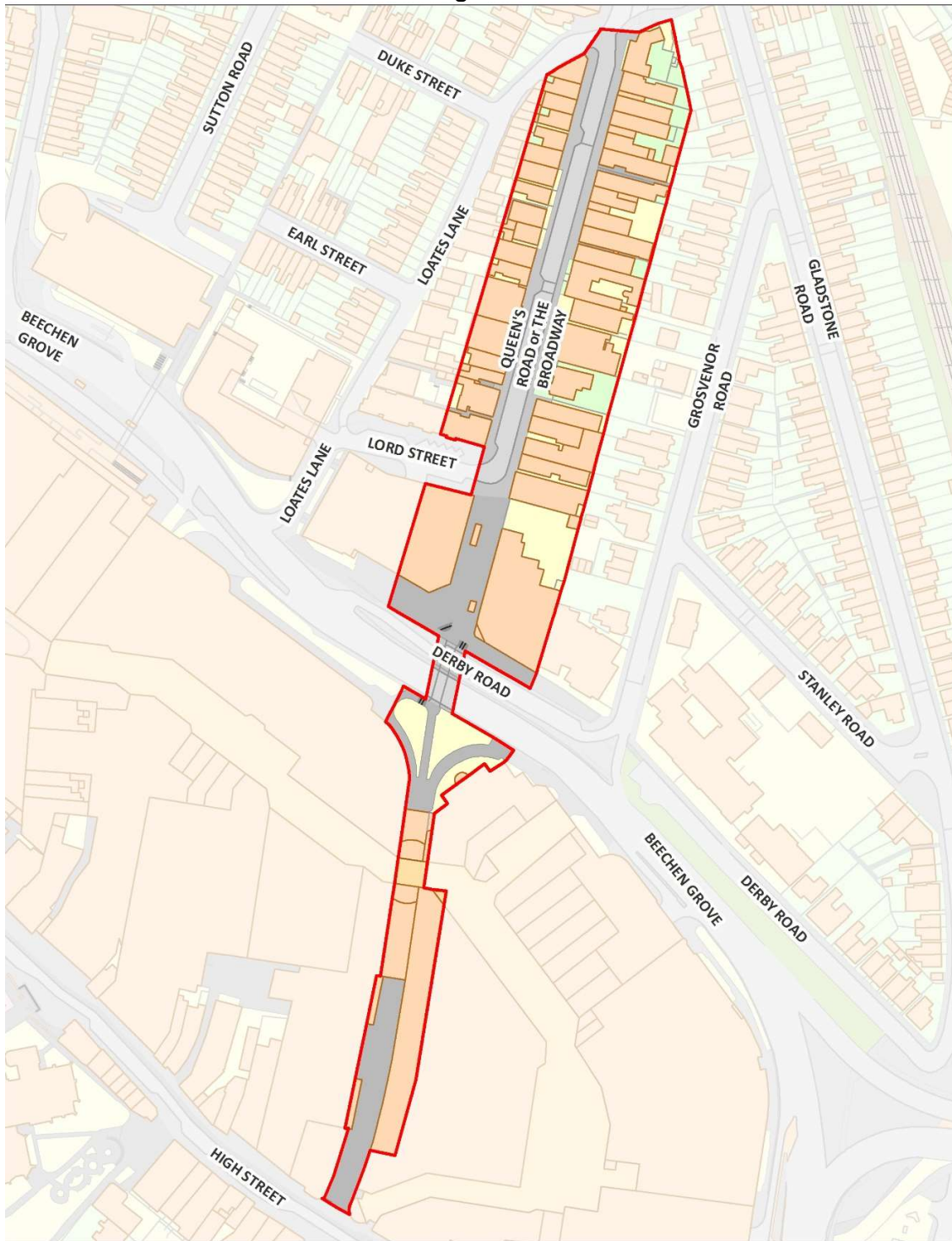


APPENDIX 3

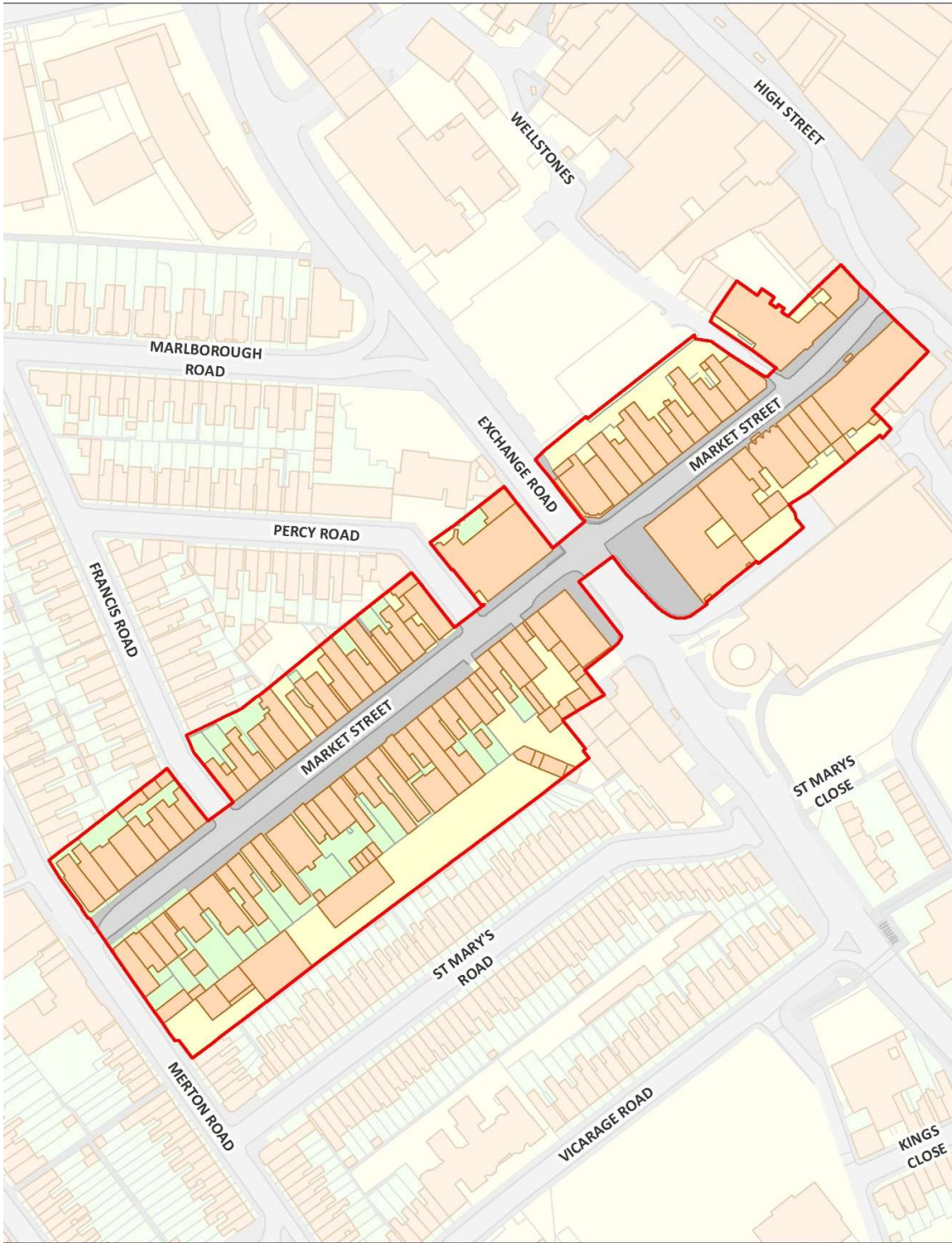
Sensitive licensing area - Whippendell Road



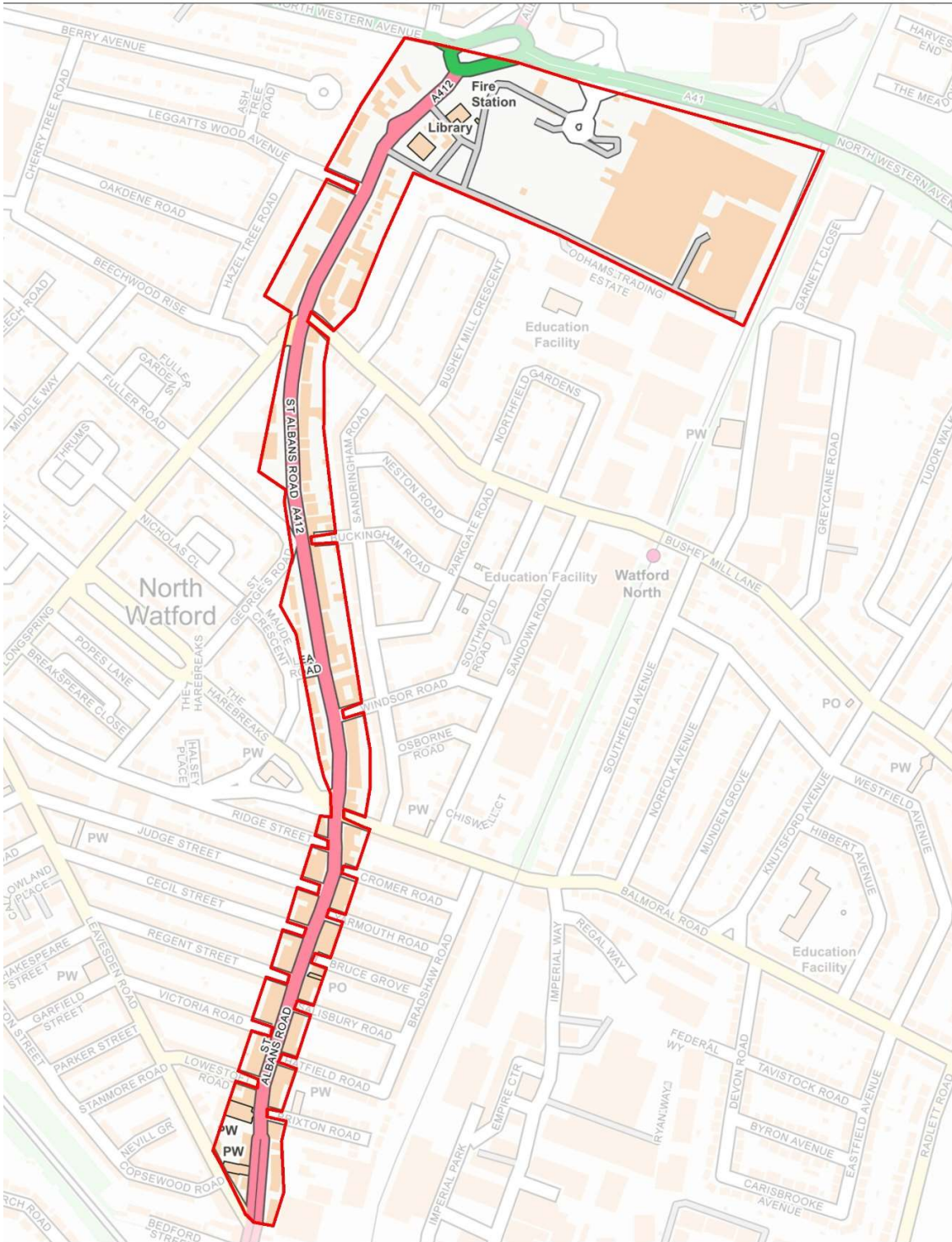
Sensitive licensing area – Queens Road



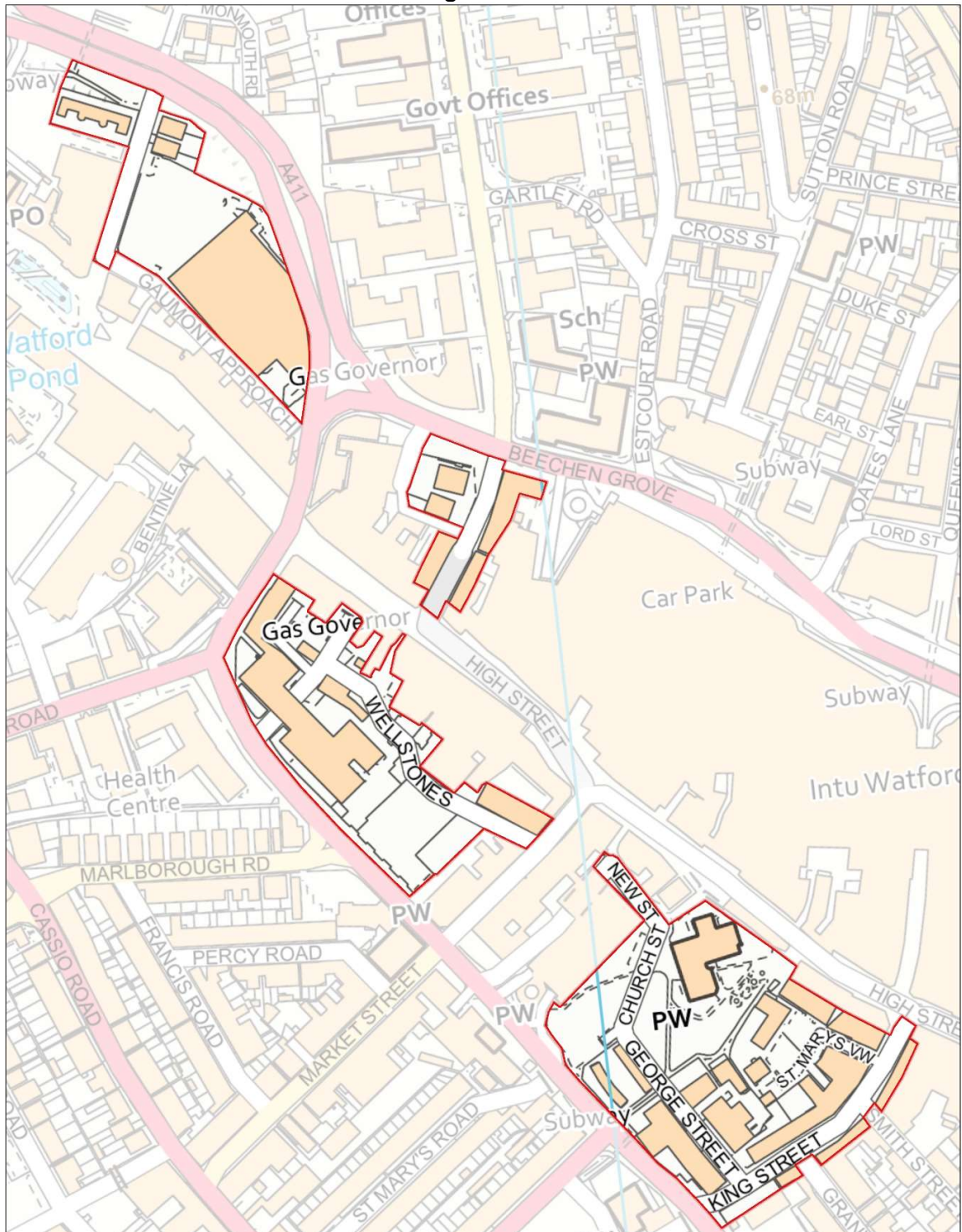
Sensitive licensing area – Market Street



Sensitive licensing area – St Albans Road



Sensitive licensing area – Town Centre



APPENDIX 2



LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

NOVEMBER 2023

Comments are invited on this document to:

[Housing & Wellbeing](#)
Watford Borough Council
Town Hall
Watford
Hertfordshire
WD17 3EX

Tel: 01923 278476

Email: licensing@watford.gov.uk

CONTENTS

Prologue	3
The Borough of Watford	4
Introduction	5
General Considerations	8
Pre-application Considerations	9
Main policies	
<i>Policy LP1 – Premises Definitions</i>	11
<i>Policy LP2 – Location and Operation of Premises</i>	12
<i>Policy LP2A – Petrol Stations</i>	14
<i>Policy LP2B – Circuses</i>	15
<i>Policy LP3 – Cumulative Impact Policy</i>	16
<i>Policy LP4 – Sensitive Licensing Areas</i>	20
<i>Policy LP5 – Planning Permission</i>	21
Licensing and Other Legislation	22
Temporary Events	23
Designated Premises Supervisors	25
The Licensing Objectives	
<i>Policy LP6 – Prevention of Crime and Disorder</i>	26
<i>Policy LP7 – Public Safety</i>	28
<i>Policy LP 8 – Prevention of Public Nuisance</i>	30
<i>Policy LP9 – Protection of Children From Harm</i>	32
Policy LP11- Representations Against Application	34
Policy LP12 - Complaints Against Licensed Premises	36
Policy LP13 - Licence Reviews	37
Policy LP14 - Enforcement and Compliance Policy	39
The Licensing Committee	40
Relationship to Other Policies and Legislation	42
Appendix 1 - Licence Review Guidelines	43

PROLOGUE

Watford Borough Council is the licensing authority under the Licensing Act 2003, and is required to publish and keep under review a policy setting out its approach to its 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 20th November 2023 until 19th November 2028, 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
- 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 Public Health](#)
- Hertfordshire Local Safeguarding Children Board
- Watford Community Safety Partnership
- The Home Office
- Watford Business Improvement District
- [Economic Development team of Watford Borough Council](#)
- [Development Management of Watford Borough Council](#)
- [Environmental Health of Watford Borough Council](#)

Our consultation was conducted between [XX July 2023](#) and [XX August 2023](#), during which time we wrote to:

- [XX](#) residents' associations;
- [XXX](#) licensed premises;
- over [XXX](#) residents within the town centre;
- over [XXXX](#) residents within the Sensitive Licensing Areas;
- all [XX](#) 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 [XX July 2023](#).

It was approved by the full Council – the Licensing Authority – on [17 October 2023](#).

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 [102,300 \(Census 2021\)](#) making it [the fourth smallest](#) in the county in terms of population [but](#) one of the most densely populated in the country.

[Watford is an urban borough in South West Hertfordshire, on the edge of the East of England region to the north-west of London. It covers an area of 8.3 square miles and is the only non-metropolitan borough wholly contained within the M25 and is the largest town in Hertfordshire. Sitting at the heart of the economically vibrant subregion of South West Hertfordshire \(our Functional Economic Market Area\), Watford benefits strongly from its geographical location and position as a strategic transport hub. Its road, rail and aviation connections – adjacent to the M25 and M1; less than 20 minutes to central London by rail, with direct links to the Midlands and six international airports, all of which can all be reached within 1 hour – cement Watford’s status as an established, proven business and employment centre. Commuter flows into Watford itself and through Watford, south to London and north towards the Midlands, further enhance the town’s position as a business destination and subregional centre for retail, cultural, entertainment and leisure activities.](#)

[It is a sub-regional shopping destination, centred around the Atria Shopping Centre in the town centre, and has one of the most vibrant night-time economies in Hertfordshire. It has been awarded Purple Flag status by the Association of Town Centre Managers for its management of the night-time economy. The purple flag status was renewed most recently in 2022.](#)

Potential operators should however refer to the [Local Plan](#) (through our Development Management Team or on our website at www.watford.gov.uk) for details [of the council’s ambitions for the borough](#).

Further information about the [borough](#) is contained in the [Council Plan 2022-2026](#) which can be obtained from the [council’s offices](#) or [downloaded from \[www.watford.gov.uk\]\(http://www.watford.gov.uk\)](#).

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, and following public consultation, we began to tackle some key issues. 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; works which were completed in 2014.

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 has adopted a Cultural Strategy to run from 2018 until 2025 which seeks to grow sustainable opportunities for creative enterprise, cultural provision, and participation for our local communities. The council is also working on a Town Centre Vision, which will build on the extension to the [Atria Shopping](#) centre and the associated improvement works 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. The accreditation was due to be reconsidered in 2020, but was delayed due to the Covid-19 pandemic. [The purple flag status was renewed most recently in 2022.](#)

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 deregulated¹.

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.

¹ [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.

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.

DRAFT

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.

DRAFT

**POLICY LP1
PREMISES DEFINITIONS**

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

Premises	Use
Restaurants	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
Public houses, wine bars or other drinking establishments	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
Café-bars	The sale of food and or light refreshments, and where alcohol sales are not a predominant feature of the premises
Hotel bars	The sale of alcohol and/or food, either to hotel residents or to non-residents
Night-clubs (including lap-dancing clubs)	Primarily for the provision of licensable activities at night (typically including music and dancing), where alcohol sales are a strong feature
Off-licences	The sale of alcohol for consumption away from the premises. Examples Include typical off-licence operators such as convenience stores or supermarkets
Remote alcohol retailer	The sale of alcohol for consumption off the premises where orders are accepted remotely. No public are allowed access to the premises
Pavement licences	The sale of alcohol and/or food on the highway outside of other premises licensed for such activities
Qualifying clubs	Qualify for a club premises certificate under the Licensing Act 2003
Take-aways	The provision of late night refreshment (hot food and drink) between 11 pm and 5 am for consumption away from the premises
Other entertainment venues	The sale of alcohol and provision of late night refreshment (hot food and drink) is either absent or ancillary to the main use of the premises which will be for entertainment purposes or activities designed to entertain. Examples include escape rooms, cinemas or mini-golf operators

**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:

Premises type	Cumulative impact zone (see also policy LP3)	Town centre (within the ring road)	Leisure or shopping area	Residential area
Café-bars	Will generally be granted according to the application			
Hotel bars	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)			
Night-clubs (including lap-dancing clubs*)	Where exceptions to policy apply, 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 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)
Off-licences	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
Remote alcohol retailer	Will generally be granted according to the application			
Other entertainment venues not listed	Will generally be granted for the hours and activities requested			May be limited to midnight
Public houses, wine bars and other drinking establishments	Where exceptions apply, will generally be allowed alcohol sales to midnight only, and until 10.30 pm on Sunday (other than for special occasions).		Will generally be allowed alcohol sales to midnight only, and until 10.30 pm on Sunday (other than for special occasions).	Will be allowed alcohol sales to midnight only (other than for special occasions).
Qualifying clubs	Where exceptions apply, will generally			

* We have published [a separate policy regarding sexual](#) entertainment venue licences, which [is](#) available on our website and from our licensing team.

	be granted for the hours and activities requested	Will generally be granted for the hours and activities requested		
Restaurants	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)		
Take-aways	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 paragraphs [14.51](#) and [14.52](#) 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 and town centre

areas is justified to reduce conflict late at night and encourage dispersal, 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 drive to supermarkets for example to buy alcohol, many of which 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.
- (3) 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

Paragraphs 5.22 to 5.24 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 [this issue](#) will 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
CUMULATIVE IMPACT POLICY**

The council have published a cumulative impact assessment that looks at the potential impact on the promotion of the licensing objectives.

This assessment was first drawn up to take effect from 1 April 2021. The assessment is a separate document to this policy. The assessment is required to be reviewed at least every 3 years and requires approval from the council. The data used in compiling the cumulative impact assessment is included within the assessment itself.

Cumulative impact assessment summary

A cumulative impact policy applies to these parts of the town centre:

- High Street (between The Parade and Beechen Grove)
- The Parade

This is due to the issues associated with alcohol and alcohol-related crime within these areas. The council has a statutory duty under the Licensing Act and under section 17 of the Crime and Disorder Act 1998 (as amended) to seek a reduction in crime and disorder. We aim to achieve this through encouraging 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.

A map showing the area to which the cumulative impact policy applies is included at appendix 2 of this policy.

Policy LP3

- (1) 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.
- (2) Where relevant representations have been received, we will consider granting applications which limit the hours or operation to those set out in policy LP2.
- (3) Where an exception is made, the licensing committee may consider attaching specific conditions to the relevant authorisation requiring the use of door supervisors to monitor and control access to the premises and assist with dispersal, to install and maintain an electronic identification entry system which meets the reasonable requirements of Hertfordshire Constabulary, to make a monetary contribution to the town centre taxi marshal scheme (or such a replacement scheme which may be introduced to assist in the dispersal of customers from the town centre) and that the premises will actively

participate in the town centre Pubwatch scheme and/or the Pubwatch radio scheme (or such a replacement scheme which may be introduced to assist in communication between venues).

- (6) 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:
- the building design is of a high standard; we would expect all applicants will want to ensure the highest design standards possible;
 - 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;
 - 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, where:
- the supply of alcohol shall only be ancillary to a substantial table meal; or
 - the supply of alcohol shall only be by waiter/waitress service to seated customers; or
 - the supply of alcohol for consumption on the premises does not extend past 10pm on any day.
- (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.

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, and in conjunction with police crime statistics submitted for consideration in the cumulative impact assessment, 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 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.

**POLICY LP4
SENSITIVE LICENSING AREAS**

We have identified five 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:

- availability of stronger-strength alcohol to street drinkers leading to anti-social behaviour in the immediate vicinity of the premises
- 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
- 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 High Street and Loates Lane
- (3) Market Street, between High Street and Merton Road/Cassio Road; and
- (4) St Albans Road, between the A41 and Leavesden Road.
- (5) Town centre, specifically:
 - Albert Road South
 - Church Street
 - Clarendon Road, between The Parade and Beechen Grove
 - George Street
 - King Street, between High Street and Exchange Road
 - New Street
 - Wellstones

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. The Sensitive Licensing Area for the town centre was added as of 1st April 2021, and the Sensitive Licensing Areas for Market Street and Queens Road were expanded at this time as well.

Maps showing these areas can be found at appendix 3 of this policy.

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, LP8 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 (XX in Whippendell Road; X in Queens Road; XX in Market Street; and XX in St Albans Road – X restaurants; X late-night take-aways; X pubs; and XX off-licences with several more on roads directly connecting to St Albans Road – all figures accurate up to 1 September 2023). 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 were provided by the Police when the policy was reviewed in 2018 which showed 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. Violence and sexual offences and anti-social behaviour continue to be at high levels within these areas when compared to other areas of the Borough (data up to XXXX 2023 – data can be verified through <https://www.police.uk>), although not sufficient enough to warrant a cumulative impact assessment. There is a high occurrence of theft and shoplifting. It is acknowledged that making comparisons based upon the figures alone does 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.

With regards to the town centre, there is X licensed premises in Albert Road South, X premises on Clarendon Road, and X premises on King Street. Although licensed premises are not found in each location, it is acknowledged that these roads connect to the High Street and The Parade, both of which are subject to a cumulative impact policy, and are used as routes both in and out of the town centre. We are advised through consultation with residents that there are concerns regarding street drinking and litter within the town centre and we have adopted this policy in these areas as a safeguard for these locations.

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.

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.

The cumulative impact policy adopted by the council at policy LP3 does not apply to temporary event notices, and therefore any objections submitted by the Police or Environmental Health within this area will be considered on their own merits by a licensing sub-committee, unless all parties agree that a hearing is not necessary. However, it is acknowledged that the Secretary of State's guidance does state that it is open to the police and environmental health authority (as relevant persons) to refer to evidence published within any cumulative impact assessment when objecting to a notice.

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, Crime and Policing Act 2014](#)

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
<https://www.thepurpleguide.co.uk/>
- Managing Crowds Safely
<https://www.hse.gov.uk/event-safety/crowd-management.htm>
- [Managing risks and risk assessment at work](#)
<http://www.hse.gov.uk/risk/controlling-risks.htm>
- The Guide to Safety at Sports Grounds

<https://sgsa.org.uk/greenguide/>

DRAFT

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.

DRAFT

**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.

The council also has adopted a cumulative impact policy at policy LP3 to address alcohol-related crime, by discouraging alcohol-led venues and encouraging more diverse venues that offer mixed licensable activities.

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:
 - 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;
 - the training given to staff in crime prevention measures and licensing law appropriate to those premises;
 - 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;
 - 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;

- 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;
- 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’;
- use of plastic or polycarbonate glasses either as a matter of routine or during particular times of high risk;
- the measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;
- where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
- 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:
 - 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;
 - the design and layout of the premises;
 - the nature of the premises, event or licensable activities being provided, including known busy times, special events or promotions;
 - the provision or removal of temporary structures such as staging or furniture;
 - the number of staff available to supervise customers both ordinarily and in emergencies, and the training they are to be given;
 - the customer profile;
 - 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:
 - where relevant representations have been received that a specific hazard has not been addressed by a suitable and sufficient risk assessment;

- 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:
- access by emergency services;
 - facilities for disabled people, particularly in an emergency;
 - prior notification to the emergency services of special events;
 - lighting levels;
 - staffing levels, including the numbers of licensed door supervisors;
 - seating arrangements;
 - special effects such as pyrotechnics, imitation firearms, lasers, real flame, strobe lighting, etc;
 - temporary electrical installations;
 - safety checks (before, during and after regulated entertainment);
 - 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
 - (a) the time the noise occurs
 - (b) the area and
 - (c) 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;
- 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;

- 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;
- 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;
- the steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly;
- 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);
- the arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;
- whether there is sufficient provision for public transport (including taxis and private hire vehicles) for patrons;
- whether licensed taxis or private hire vehicles are likely to disturb local residents;
- 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;
- the use of gardens and other open-air areas, including those used for smoking;
- delivery and collection areas and times;
- the siting of internal and external lighting, including security lighting that is installed inappropriately;
- 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;
- 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.

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

DRAFT

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:
 - to all or part of the licensed premises;
 - at certain times of the day;
 - when certain licensable activities are taking place; or
 - 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:
 - 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)
 - there is a history or likelihood of under-age sales or consumption of alcohol

- activities or entertainment (whether licensed under the 2003 Act or not) of a clearly adult or sexual nature
 - criminality at the premises likely to harm children
 - licensable activities are taking place during times when children under 16 may be expected to attending compulsory full-time education
 - other hazards to children that are not sufficiently controlled
 - 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.
- (2) 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.

DRAFT

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:
- use of licensed premises for the sale or distribution of illegal drugs and the laundering of the proceeds of drugs crimes;
 - use of licensed premises for the sale or distribution of illegal firearms;
 - evasion of copyright in respect of pirated films and music;
 - underage purchase or consumption of alcohol;
 - use of licensed premises for prostitution or the sale of unlawful pornography;
 - use of licensed premises for unlawful gaming;
 - use of licensed premises as a base for organised criminal activity;
 - use of licensed premises for the carrying out of, or the organisation of, sexual abuse or attacks;
 - use of licensed premises for the carrying out of, or the organisation of, the discrimination, harassment or victimisation of people or a community with protected characteristics (as defined by the Equality Act 2010). The protected characteristics are:
 - (a) age
 - (b) disability
 - (c) gender reassignment
 - (d) marriage and civil partnership
 - (e) pregnancy and maternity
 - (f) race

- (g) religion or belief
- (h) sex
- (i) sexual orientation;

- use of licensed premises for the sale of smuggled tobacco or goods;
 - the use of licensed premises for the sale of stolen goods;
 - where the police are frequently called to attend to incidents of disorder;
 - prolonged and/or repeated instances of public nuisance and/or anti-social behaviour;
 - where serious risks to public safety have been identified and the management is unable or unwilling to correct those;
 - where serious risks to children have been identified;
 - continuous breaches or contraventions of licence conditions;
 - 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.

DRAFT

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 compliance 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 Group 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 disclosable pecuniary interest in the matter before them, as defined in the Localism Act 2011.

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:
- 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;
 - 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;
 - To implement the Licensing Policy in a manner consistent with its legal requirement under the Equalities Act 2010.
- (2) This policy will also integrate with other Council policies and strategies such as:
- (a) [Council Plan 2022-2026](#)
 - (b) [Watford Local Plan 2021-2038](#)
 - (c) [Community Safety Plan 2021-2024](#)
 - (d) [Watford Cultural Strategy 2018-2025](#)
 - (e) [Community Protection Compliance Policy 2021 – 2026](#)
 - (f) [Watford Town Centre Strategic Framework \(Feb 2023\)](#)

APPENDIX 1

Licence review guidelines

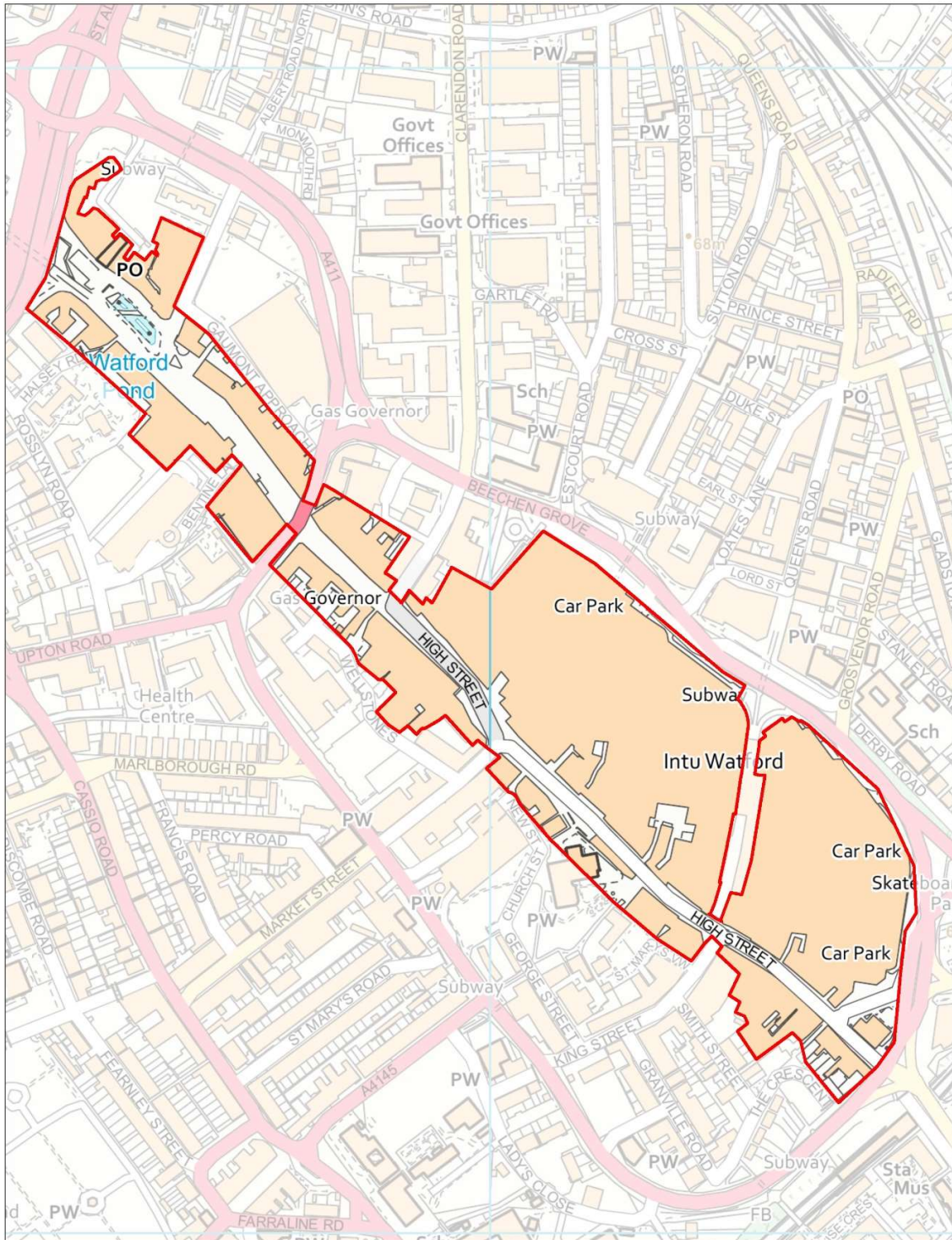
The Licensing Committee and Sub-Committees will apply the guidelines below, when holding a licence review, to maintain a degree of consistency and transparency in decision-making. The Committee reserves the right to amend and republish these guidelines in the light of operational experience.

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

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

APPENDIX 2

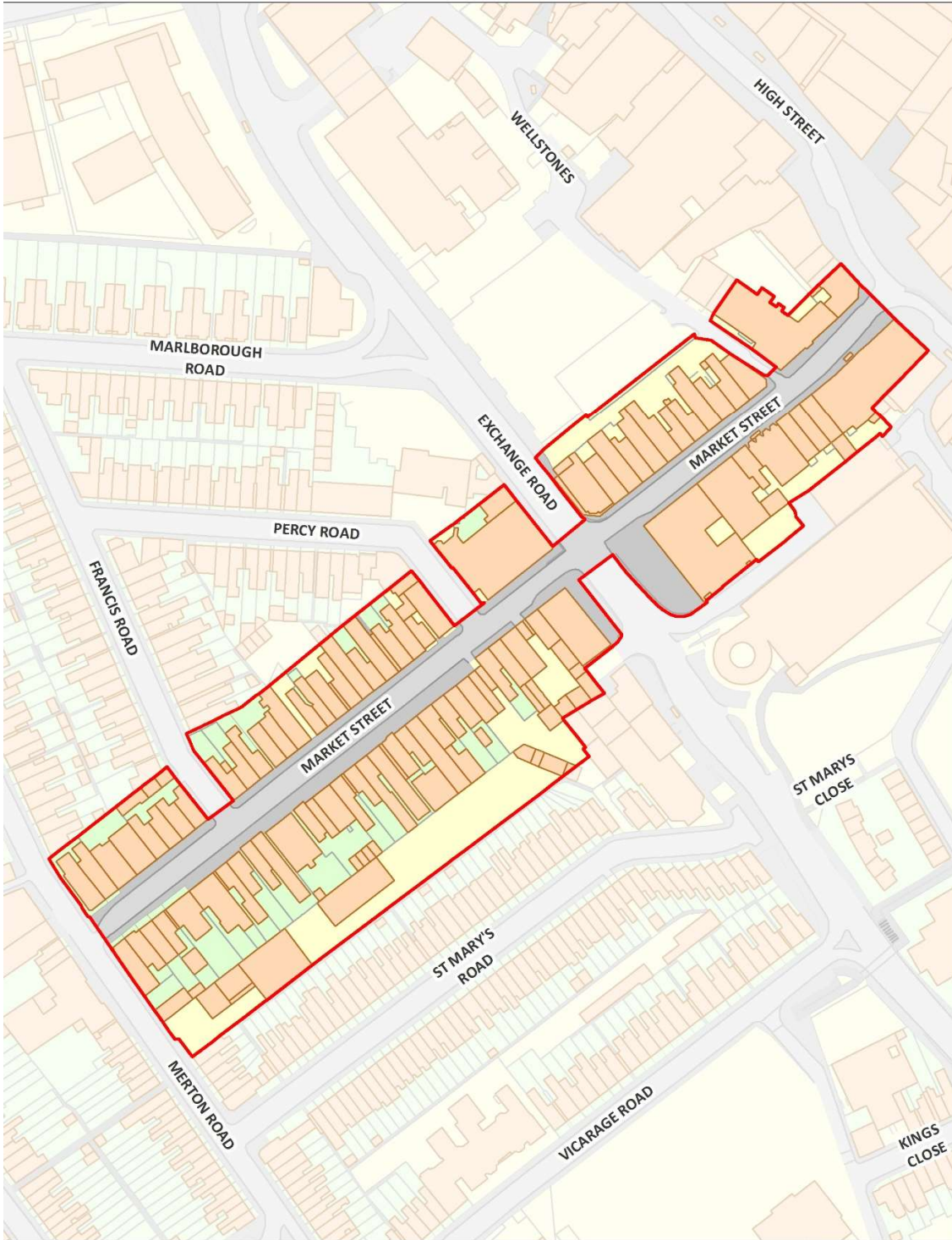
Cumulative impact policy area



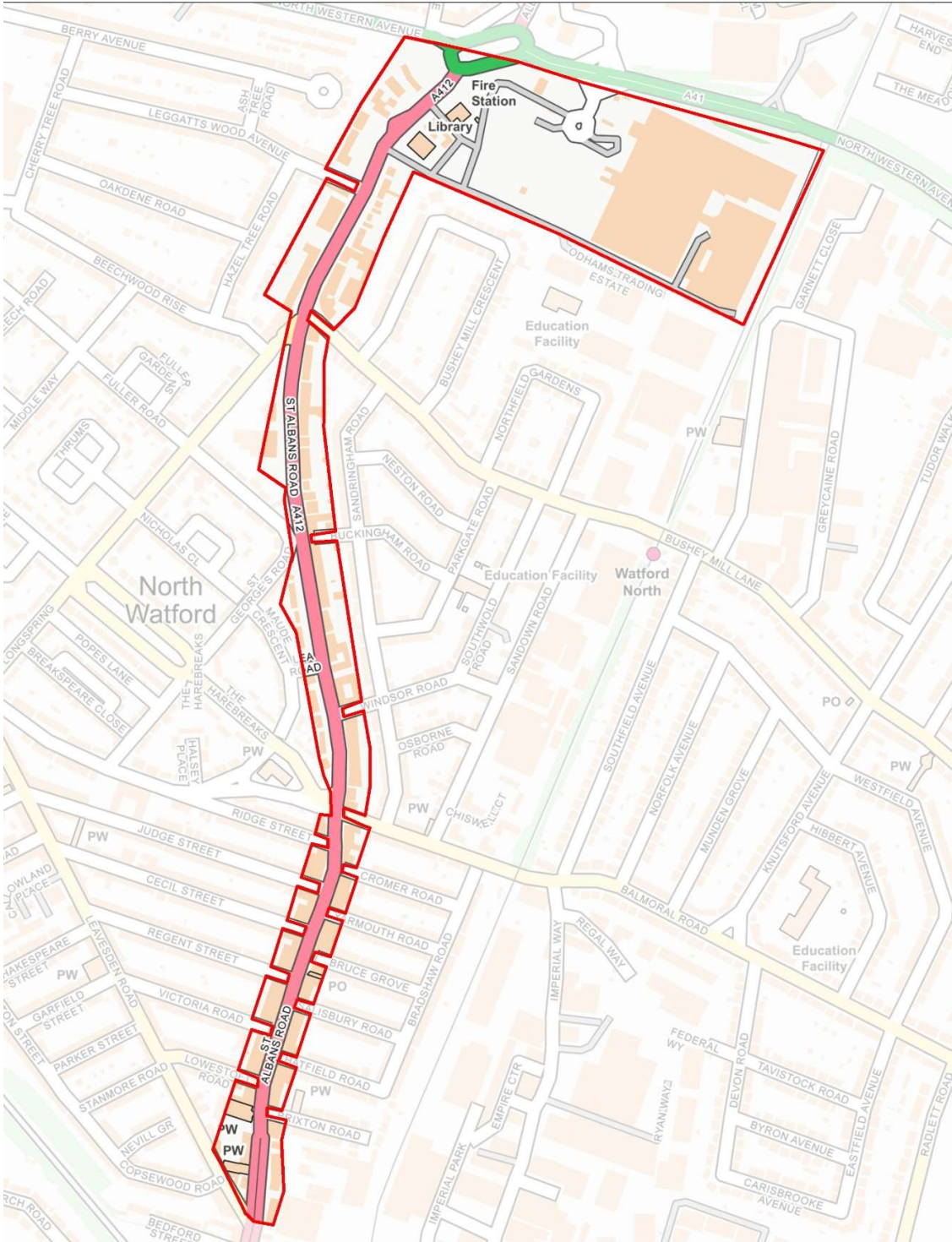
Sensitive licensing area – Queens Road



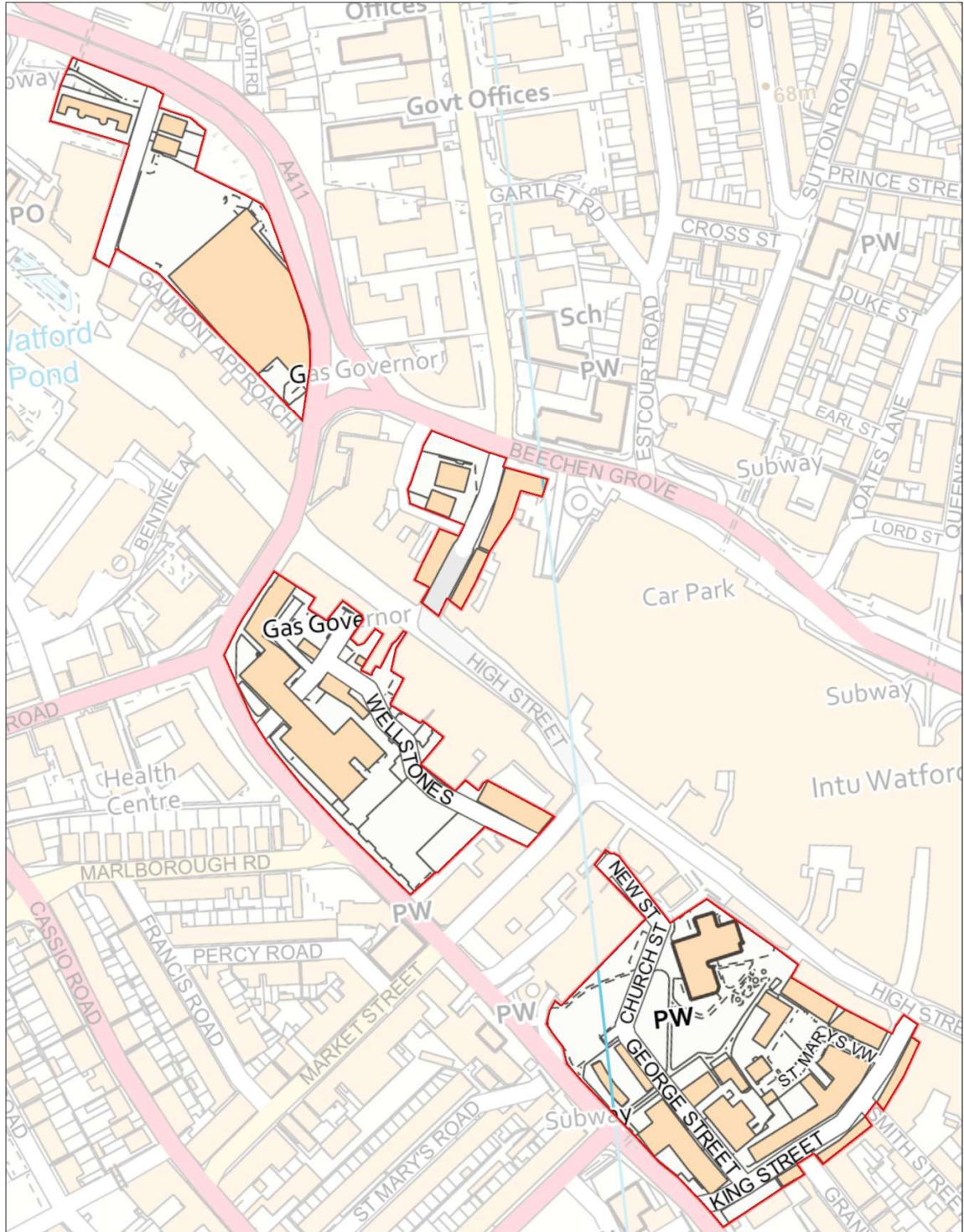
Sensitive licensing area – Market Street



Sensitive licensing area – St Albans Road



Sensitive licensing area – Town Centre



Agenda Item 5

Part A

Report to: Licensing Committee

Date of meeting: Thursday, 6 July 2023

Report author: Senior Licensing Officer (AY)

Title: Review of Sex Establishment Licensing Policy

1.0 Summary

1.1 The council has powers in relation to sexual establishments ('sex shops') and sexual entertainment venues (such as lap-dancing clubs). The committee has adopted a non-statutory policy regarding these licences, which is due for review.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
Not renewing policy	Policy lapses, preventing controls in policy from being enforced and implemented, including standardised conditions and limits on number of premises	Renew policy	Treat	High
Legal challenge to decision if consultation comments not properly considered	Negative perception of council and its licensing functions, and challenge through the Courts	Ensure that results of public consultations are thoroughly considered and amendments to proposed policy made where necessary and appropriate	Treat	Medium

3.0 **Recommendations**

- 3.1 That the policy at appendix 2 be approved and adopted for three years, subject to any amendments proposed and approved by the committee, starting immediately upon the expiry of the current policy.

Further information:

Austen Young
austen.young@watford.gov.uk

Report approved by: Justine Hoy, Associate Director – Housing and Wellbeing

4.0 **Detailed proposal**

- 4.1 The council has powers under the Local Government (Miscellaneous Provisions) Act 1982 (as amended) to licence 'sex shops' and lap-dancing clubs. There is currently only one such premises operating within the borough, being a sexual entertainment venue trading in Market Street.
- 4.2 In October 2010 the Licensing Committee adopted a non-statutory policy, setting out its approach to dealing with applications for these types of licences. The policy particularly sets out the number of sex establishment premises that the committee thought appropriate within defined localities, and in many cases that number is nil. It is open to applicants to argue that they should be considered an exception to the policy.
- 4.3 On 15 June 2011 the Committee agreed to reduce the number of sexual entertainment venues from one to nil in The Parade. This followed the closure of one of the two sexual entertainment venues that were then trading.
- 4.4 This policy has been subject to several reviews over the years, and each time the policy was renewed for a further three years. The Committee has agreed to renew this policy on 14 July 2014, 26 June 2017, and the last time the policy was reviewed and renewed was 7 July 2020. This policy is attached at appendix 1.
- 4.5 Officers are of the opinion that the policy does not require significant change. This approach is proposed based on the experience of officers that no significant representations have been made, nor evidence provided, during the life of the policy. It is proposed to renew the policy for a further three years. Although there is no statutory requirement to review such a policy it is good practice to review policies on a periodic basis.
- 4.6 Consultations are required to be held in accordance with the Government's consultation principles. These principles state:
- Consultations should be clear and concise

- Consultations should have a purpose
- Consultations should be informative
- Consultations are recognised as only part of a process of engagement
- Consultations should last for a proportionate amount of time
- Consultations should be targeted
- Consultations should take account of the groups being consulted
- Consultations should be agreed before publication
- Consultation should facilitate scrutiny
- Consultation exercises should not generally be launched during local or national election periods.

Officers consider that the consultation has been held in accordance with these principles.

- 4.7 The consultation was carried out between 1 and 18 June 2023. The length of the consultation was considered appropriate due to the consultation seeking opinions on renewing the policy without making significant changes, whereas a proposal to change the policy would have justified a longer consultation period. The consultation was open to any person to submit comments by a public consultation accessible through an online survey on the council's website, or to submit comments in writing directly to the licensing team and not necessarily through the online survey.
- 4.8 The online survey did specifically question whether the council should continue to limit the number of licensed establishments within the town centre, and whether the council should continue to prescribe standard conditions for licences granted under this policy. Consultees were also given the opportunity to provide detailed responses and reminded that they were not only restricted to commenting on the limit of premises and standard conditions.
- 4.9 The following groups were consulted directly and invited to partake in the consultation:
- Licence holders
 - Agents acting for licence holders
 - Hertfordshire Constabulary
 - Central Town Residents' Association
 - Watford BID
- 4.10 There is currently only one business operating within the borough to which this policy applies. They were contacted directly for their input on the policy and its renewal. Officers also consulted the firm of solicitors who had represented the premises for their last sexual entertainment venue licence renewal. Both groups were consulted as being representative of licence holders and businesses affected by this policy.

- 4.11 All applications for sex establishment licences made under the Local Government (Miscellaneous Provisions) Act 1982 are required to be copied to the local Police, so their views were sought as a statutory consultee. It was also considered appropriate to consult the Police due to their close involvement with the town's night-time economy.
- 4.12 The policy limits sex establishments and sexual entertainment venues to only operate within the town centre, specifically Market Street and The Parade. It was therefore deemed appropriate to seek the views of parties who represent businesses and residents within the area, and as a result the BID and the local residents' association were contacted.
- 4.13 This approach is similar to the previous consultation on renewing the policy held in 2020.
- 4.14 For ease of reference, officers propose that the following amendments are made to the policy in terms of updating the content of the policy without changing the impact of the policy (all references to paragraphs relate to the proposed policy attached at appendix 2):

Miscellaneous occurrences throughout the document	Updated references to the 'licensing team', 'Community Protection' and 'Environmental Health Business Team' to 'Housing & Wellbeing' to accurately reflect the council's structure
Paragraph 1.6	Combined the history of reviews and renewals of policy into one paragraph instead of separate paragraphs
Paragraph 1.7	Provide details of consultation
Paragraph 1.8	Added in the words 'and their representatives' to clarify that licence holders and their agents were consulted
Paragraph 2.1	Updated the population figures
Paragraph 2.2	Combined paragraphs detailing the history and aspects of the borough into one paragraph, based upon the description in the council's Economic Growth Strategy
Paragraph 2.6	Updated the reference to the Council Plan
Paragraph 5.5	Updated the reference to our Compliance Policy (previously referred to as our enforcement policy)

- 4.15 As detailed above, the only proposed changes are to update references to the structure of the council and references to other policies adopted by the council without changing the impact of the policy.

5.0 Consultation responses

- 5.1 The Police responded directly to the licensing team advising that they had no representations to make with regards to renewing the policy and maintaining the limits on premises and the prescribed standard conditions.
- 5.2 One response was received through the online survey. The respondent advised that the council should retain the policies limiting the number of sex shops and sexual entertainment venues. They did not respond to the questions regarding retaining the standard licence conditions, and made no general comments with regards to the overall policy proposal.
- 5.3 No other comments were received in response to the consultation from any other party or organisation.
- 5.4 Members are reminded that the policy cannot prohibit applications, even if a limit on the number of premises is in place. The council is required to process any valid application made to it, and these applications will be subject public consultation. Should valid objections be received then the application is to be determined by a licensing sub-committee.
- 5.5 In any case, where an application is heard before a sub-committee, it will be for the sub-committee to decide if the policy should be implemented or not, and the applicant does have a right to argue that they should be considered as an exception to the policy based upon the individual merits and facts of the relevant application. In all such cases, it will be for the applicant to persuade the sub-committee that an exception to be considered, not on the sub-committee to show why an exception should be made.
- 5.6 The consultation did ask for comments on renewing the policy for a further three years. No specific representations were received against this proposal. Specifying an expiry date of the policy will mean that it will need to be reviewed and renewed prior to expiry.

6.0 Implications

6.1 Financial

- 6.2 The Shared Director of Finance comments that there are no direct financial implications arising from this report.

6.3 Legal Issues (Monitoring Officer)

- 6.4 The Group Head of Democracy and Governance comments that the legal implications are contained within the report and specified in the policy.

6.5 Equalities, Human Rights and Data Protection

6.6 Under s149 (1) of the Equality Act the council must have due regard, in the exercise of its functions, to the need to –

- eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share them
- foster good relations between persons who share relevant protected characteristics and persons who do not share them.

6.7 Having had regard to the council's obligations under s149, it is considered that no additional equalities assessment is required to be conducted due to the very minor changes to the policy.

6.8 It is acknowledged that the policy only directly affects a maximum of two businesses in the borough. The policy sets a limit on the number of businesses that may operate within the borough, and that licences are granted subject to specific conditions. It is also noted that the application and determination process is set out in legislation. It is also noted that we currently have one premises operating under this policy within the borough, which itself has not been recently subject to any complaints or allegations that its operation or existence is undermining the council's equality obligation. However, officers can advise that should any such complaints be made they will be investigated and necessary actions taken should the complaints hold any merit.

Appendices

Appendix 1 – Existing policy (2020-2023)

Appendix 2 – Proposed policy (2023-2026)

Background papers

Watford Borough Council Sex Establishment Licensing Policy 2020-2023

Consultation Principles 2018



WATFORD BOROUGH COUNCIL

SEX ESTABLISHMENT LICENSING POLICY

JULY 2020 – JULY 2023

Comments are invited on this document to:

Licensing
Watford Borough Council
Town Hall
Watford
Hertfordshire
WD17 3EX

Tel: 01923 278476
Email: licensing@watford.gov.uk

SEX ESTABLISHMENT LICENSING PART A

1. Preface

- 1.1 Watford Borough Council has adopted schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) so that we can licence sex shops, sex cinemas, and sexual entertainment venues in the Borough. In this policy, we refer to these as “sex establishments” unless we say otherwise.
- 1.2 We do not take a moral stand in adopting this policy. We recognise that Parliament has made it lawful to operate a sex establishment, and that such businesses are a legitimate part of the retail and leisure industries. It is our role as a licensing authority to administer the licensing regime in accordance with the law.
- 1.3 The 1982 Act and the 2009 Act can be viewed at www.legislation.gov.uk.
- 1.4 We initially consulted on this policy between 7 July 2010 and 21 September 2010 and it was approved by our Licensing Committee on 11 October 2010.
- 1.5 It was revised by the Committee on 15 June 2011 when one of the licensed sex establishments in the Borough ceased trading.
- 1.6 It was reviewed again by the Committee on 14 July 2014. No changes in the policy were proposed at this time.
- 1.7 It was reviewed again on 26 June 2017. No changes in the policy were proposed at this time.
- 1.8 A consultation was held on renewing the policy without making any changes between 4 and 21 June 2020. The policy was considered and approved by the Committee on 7 July 2020.
- 1.9 Consultation was conducted with existing licence holders in the Borough, the Police, the residents’ association for the town centre and Watford BID, and was made available to residents and other members of the public through a public consultation on the council’s website.
- 1.10 In developing this policy, we took into account the legal requirements of the 1982 Act and our duties under
 - (a) section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder within the Borough;

- (b) the Regulators' Code (set out under the Legislative and Regulatory Reform Act 2006) to carry out our activities in a way that supports those we regulate to comply and grow and particularly consider the impact of regulations on small businesses; and
- (c) the Provision of Services Regulations 2009 to ensure requirements are:
 - (i) non-discriminatory
 - (ii) justified by an overriding reason relating to the public interest
 - (iii) proportionate to that public interest objective
 - (iv) clear and unambiguous
 - (v) objective
 - (vi) made public in advance, and
 - (vii) transparent and accessible.

2. The Borough of Watford

- 2.1 Watford Borough Council is situated in the county of Hertfordshire, which contains ten district councils in total. The council area has a population of 96,800 (ONS population estimate 2018) making it the third smallest in the county in terms of population but one of the highest in the country in terms of population density.
- 2.2 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 is at the centre of a sub-region serving approximately 500,000 people, living within a 20 minute travelling time and approximately 5,000,000 people living within a 45 minute travelling time' (Watford Borough Council Economic Development Strategy 2015-20).
- 2.3 Situated in the South West of Hertfordshire and located just 15 miles and less than 20 minutes from central London, with extensive links to the South East, the Midlands and the North of England, Watford is one of the best-connected locations in the UK. It boasts convenient access to the M1 and M25, two of the UK's key motorways; mainline rail connections to London Euston, the Midlands and the North of England with under 20 minutes travel time to central London with up to 10 trains per hour and six international airports within one hour.
- 2.4 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.
- 2.5 The 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, centered around the Intu Shopping Centre in the town centre, and has one of the most vibrant night-time economies in Hertfordshire. It has been awarded Purple Flag

status by the Association of Town Centre Managers for its management of the night-time economy. The purple flag status was renewed most recently in 2018. The intu Watford extension opened in Q4 2018 bringing an additional 400,000 sq. ft. of retail and leisure space to the town centre and attracting brands that are a first for Hertfordshire. This investment resulted in CACI positioning Watford as a top 20 national retail destination. Watford was traditionally a centre for the printing industry and now boasts the headquarters of a number of nationally known firms.

- 2.6 Potential operators should however refer to the Local Development Framework (through our Development Control Team or on our website at 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.
- 2.7 At the time of adopting this policy, the Council licences one sexual entertainment venue under the 1982 Act. This venue is also authorised under the Licensing Act 2003 to provide licensable activities under that Act.
- 2.8 Further information about the Borough is contained in the council's Corporate Plan, which can be obtained from the Council's offices upon request or downloaded from <https://www.watford.gov.uk>.

3 Commenting on licence applications

- 3.1 Unlike some other licensing regimes (such as for alcohol, entertainment, or gambling), a wide range of people can raise objections about sex establishment licences. The police are a statutory consultee for all applications.
- 3.2 Objectors should have something to say which is relevant to consideration of the statutory grounds for refusal that are set out in the 1982 Act.
- 3.3 We take the following approach to deciding applications:
 - (a) each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making;
 - (b) objectors can include residents'/tenants' associations, community associations, and trade associations. Councillors and MPs may also raise objections. Elected councillors may represent interested parties, providing they do not also sit on the Licensing Committee determining the application in question;
 - (c) we will give clear reasons for our decisions.
- 3.4 We will not consider objections that are frivolous or vexatious, or which relate to moral grounds (as these are outside the scope of the 1982 Act). Decisions

on whether objections are frivolous or vexatious will be made objectively by our officers and not on the basis of any political judgement. Where objections are rejected, the objector will be given a written reason. A report will be made to our committee determining the application (if appropriate), indicating the general grounds of the representation and the reason it was rejected.

- 3.5 A vexatious objection is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous objection is generally taken to be one that is lacking in seriousness.
- 3.6 Objections will be considered by a Licensing Sub-Committee of three Councillors. We give both applicants and objectors an equal opportunity to state their case in accordance with our protocol which is available from the Environmental Health Business Team.
- 3.7 Objections should ideally:
- be made in writing (preferably in duplicate, unless submitted electronically)
 - be in black ink on single sides of A4 paper
 - indicate the name and address of the person or organisation making the representation (although this will not be disclosed to licence applicants)
 - indicate the premises to which the objection relates
 - indicate the proximity of the premises to the person making the objection. A sketch map or plan may be helpful to show this
 - clearly set out the reasons for making the objections.

4. Exchange of Information

- 4.1 The authority may from time to time exercise its' powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the police and other partners to fulfil its' statutory objective of reducing crime in the area.
- 4.2 Details of applications and objections which are referred to a Licensing Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.
- 4.3 The names and address of objectors will not be disclosed to applicants or published in public reports in accordance with the Local Government (Miscellaneous Provisions) Act 1982. Such details will be made available to Councillors on the Licensing Committee.

5. Compliance and Enforcement

- 5.1 We recognise that sex establishments are not generally a source of crime or disorder. We will adopt a light touch inspection regime, carrying out simple inspections of premises no more than once a year unless exceptional circumstances require otherwise.
- 5.2 We will undertake enforcement work in a way consistent with the principles of the work of the Office for Product Safety and Standards and other central government bodies in its consideration of the regulatory functions of local authorities.
- 5.3 Enforcement work will also be consistent with the Regulators' Code (set out under the Legislative and Regulatory Reform Act 2006).
- 5.4 The council has signed up to the Hertfordshire Better Business for All Partnership Charter, a voluntary undertaking between Hertfordshire Regulatory Services and all local businesses, irrespective of size or resources. This means that we will undertake regulatory activity in a fair, helpful, transparent, proportionate and consistent way.
- 5.5 Our approach to enforcement is set out in our enforcement policies which are available on request.

PART B

6. SEX SHOPS

6.1 Significant degree

Licences for sex shops are required where 18R films are sold, or where there is a “significant degree” of “sex articles” for sale. The phrase “sex articles” is defined in the 1982 Act as:

anything made for use in connection with, or for the purpose of stimulating or encouraging—

- (i) sexual activity; or
- (ii) acts of force or restraint which are associated with sexual activity;

and any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and any recording of vision or sound, which –

- (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
- (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

6.2 The phrase “a significant degree” is not defined. When considering whether or not a business is selling a significant degree of sex articles and needs a licence, we will consider:

- (1) the ratio of sex articles to other aspects of the business
- (2) the absolute quantity of sales
- (3) the character of the remainder of the business
- (4) the nature of the displays in the business
- (5) turnover generated by sales of sex articles
- (6) the format of any literature, publicity or advertising materials
- (7) other factors which appear to be materially relevant.

6.3 Relevant localities

There are some specific grounds for refusing sex establishment licences set out in paragraph 12 of schedule 3 to the 1982 Act. These include where the applicant is unsuitable to hold a licence, due to their age, domiciliary status or previous criminal convictions.

6.4 We can also refuse applications for new or renewed licences where:

- (1) the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which we consider appropriate for that locality;
- (2) the grant or renewal of the licence would be inappropriate, having regard to
 - (i) the character of the relevant locality, or
 - (ii) the use to which any premises in the vicinity are put, or
 - (ii) to the layout, character or condition of the premises.

6.5 We recognise that different parts of our Borough have different characteristics, and numbers of sex shops appropriate for a locality are set out below:

Locality	Number of sex shops	Reason
The Parade, High Street and Market Street between High Street and Exchange Road	1	This consists of primary retail frontage and is suitable for this type of activity
Market Street between Exchange Road and Cassio Road	0	Although adjacent to the town centre, there are residential premises in and very close to Market Street, as well as other community premises such as religious buildings, charity enterprises, doctor's surgeries etc
Queens Road	0	This is a densely-built area with both retail activity and residential premises and the use of one retail unit would make one less retail unit available for other local needs
Lower High Street	0	There are a number of sheltered accommodation units in the Lower High Street which would make this area inappropriate

Local shopping areas	0	Local shopping areas serving local residents, and the use of premises as a sex establishment would otherwise deprive the community of a retail facility
----------------------	---	---

6.6 This table is not exhaustive and we would consider representations from applicants as to why our view should be changed about any particular locality. Where this is likely to affect existing licence-holders, we will give at least two months’ notice in which they may make representations. In considering the characteristics of a locality we shall particularly take account of the density and proximity of:

- (1) residential accommodation
- (2) parks and children’s play areas
- (3) other retail units (and their uses)
- (4) schools
- (5) communal buildings
- (6) alcohol or entertainment licensed premises
- (7) bus stops.

6.7 **Length of licence**

We will, unless there are exceptional reasons otherwise, grant licences for the maximum duration of a year at a time to provide certainty to those operating businesses.

6.8 **Waivers**

We do not consider it would be appropriate to permit waivers from the requirements to hold a sex establishment licence, except in extreme circumstances considered by our full Licensing Committee (for example, to allow a temporary re-location of a business following damage to licensed premises).

6.9 **Application form**

We have a standard application form, including public notices, which are available on request from our the Environmental Health Business team.

6.10 **Licence conditions**

We have adopted standard conditions for the operation of sex shops that are set out at appendix I. Where it is reasonable and necessary to do so, our Licensing Committee will impose additional proportional conditions on a licence. Wherever possible, these will be discussed in advance with operators by our licensing officers.

6.11 Fees

Our fees are set each year and details are available from the Environmental Health Business team and on our website at www.watford.gov.uk.

PART C

7. SEXUAL ENTERTAINMENT VENUES

7.1 Relevant entertainment

Licences for sexual entertainment venues are required for “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer”.

7.2 “Relevant entertainment” is defined in schedule 3 (as amended by section 27 of the Policing and Crime Act 2009) as “any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)”. An audience can consist of just one person, eg in a private booth.

7.3 In deciding whether entertainment is “relevant entertainment” we will judge each case on its merits, but will generally apply to:

- (1) lap dancing
- (2) pole dancing
- (3) table dancing
- (4) strip shows
- (5) peep shows
- (6) live sex shows

Adult entertainment not classed as “relevant entertainment” may still require licensing under the Licensing Act 2003.

7.4 Relevant localities

There are some specific grounds for refusing sex establishment licences set out in paragraph 12 of schedule 3 to the 1982 Act. These include where the applicant themselves are unsuitable, due to their age, domiciliary status or previous criminal convictions.

7.5 We can also refuse applications for new or renewed licences where:

- (1) the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number the number which we consider appropriate for that locality;
- (2) the grant or renewal of the licence would be inappropriate, having regard to
 - (i) the character of the relevant locality, or
 - (ii) the use to which any premises in the vicinity are put, or
 - (ii) to the layout, character or condition of the premises.

7.6 We recognise that different parts of our Borough have different characteristics, and numbers of sexual entertainment venues appropriate for a locality are set out below:

Locality	Number of SEVs	Reason
The Parade, High Street	0 [1]	The previous SEV-licensed premises in The Parade stopped offering “relevant entertainment” under the Act and began to offer more in the way of live entertainment, which is in support of the council’s family-friendly agenda.
Market Street between High Street and Exchange Road	1	This locality is characterised by a number of retail premises, food premises and, for a number of years, a lap dancing club.
Market Street between Exchange Road and Cassio Road	0	Although adjacent to the town centre, there are residential premises in and very close to Market Street, as well as other community premises such as religious buildings, charity enterprises, doctor’s surgeries etc
Queens Road	0	This is a densely-built area with both retail activity and residential premises and the use of one retail unit would make one less retail unit available for other local needs
Lower High Street	0	There are a number of sheltered accommodation units in the Lower High Street which would make this area inappropriate
Local shopping areas	0	Local shopping areas serving local residents, and entertainment premises of this nature would be an inappropriate facility in a retail area

¹ Amended on 11 August 2011 following public consultation: see the minutes of the Licensing Committee of 15.06.11.

Kingswood Leisure Park	0	The leisure park has a cinema, restaurants and bowling alley; a sexual entertainment venue would be inappropriate given the family-orientated nature of these premises
------------------------	---	--

7.7 This table is not exhaustive and we would consider representations as to why our view should be changed about any particular locality. Where this is likely to affect existing licence-holders, we will give at least two months' notice in which they may make representations. In considering the characteristics of a locality we shall particularly take account of the density and proximity of:

- (1) size of neighbourhood
- (2) impact of thoroughfares
- (3) residential accommodation
- (4) parks and children's play areas
- (5) other retail units (and their uses)
- (6) schools
- (7) communal buildings
- (8) alcohol or entertainment licensed premises.

7.8 **Length of licence**

We will, unless there are exceptional reasons otherwise, grant licences for the maximum duration of a year at a time to provide certainty to those operating businesses.

7.9 **Waivers**

We do not consider it would be appropriate to permit waivers from the requirements to hold a sexual entertainment venue licence, particularly as the legislation allows relevant entertainment on an infrequent basis of no more than eleven occasions within a 12-month period, providing there is at least one month between each period of entertainment which itself does not last for more than 24 hours.

7.10 **Application form**

We have a standard application form, including public notices, which are available on request from the Environmental Health Business Team.

7.11 **Licence conditions**

We have adopted standard conditions for the operation of sex shops that are set out at appendix II. Where it is reasonable and necessary to do so, our Licensing Committee will impose additional proportional conditions on a licence. Wherever possible, these will be discussed in advance with operators by our licensing officers.

7.12 Fees

Our fees are set each year and details are available from the Environmental Health Business Team and on our website at www.watford.gov.uk. We charge separate fees for applying for a licence, renewing a licence, and for making major and minor variations to a licence.

7.13 Should you have any comments as regards this document please send them via e-mail or letter to:

Austen Young
Senior Licensing Officer
Community Protection
Watford Borough Council
Town Hall
Watford
Hertfordshire
WD17 3EX

Email: licensing@watford.gov.uk

APPENDIX I
STANDARD CONDITIONS FOR SEX SHOPS

Standard Conditions for Sex Establishment Licence

Management of the Premises

1. The Licensee or some responsible person nominated by him (“the manager”) shall have personal responsibility for and be present on the Premises at all times the Premises are open to the public.
2. Where the Licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
3. A copy of the licence and any special conditions attached shall at all times be displayed in a conspicuous position on the Premises, so as to be available for inspection by the police, the fire authority, and authorised officers of the Council or the local trading standards authority.
4. The name of the person responsible for the management of the Premises, whether the Licensee or the manager, shall be displayed in a conspicuous position within the Premises throughout the period during which he is responsible for the conduct of the Premises.
5. The Licensee shall retain control over all parts of the Premises and shall not let, licence or part with possession of any part. The Council must be immediately notified in the event that any part of the Premises is affected by the termination of a lease or other event affecting the Licensee’s control of the Premises.
6. The Licensee shall ensure that the public is not admitted to any part of the Premises that has not been licensed.
7. No person under the age of 18 shall be admitted to the Premises and a notice to this effect, in accordance with condition 19, shall be displayed on the outside of the Premises.
8. Neither the Licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the vicinity of the Premises.
9. The Licensee shall ensure that during the hours that the Premises are open for business every employee wears a badge of a type approved by the Council indicating his name and that he is an employee.
10. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee’s absence and the names and addresses of those employed in the Sex Establishment. The Register is to be completed each day within thirty minutes of the Sex Establishment being opened for business and is to be available for inspection by the police and by authorised officers of the Council.

Opening of the Premises

11. The Premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted except during the following hours:
Monday – Saturday 9 am – 6 pm
Sunday 11 am – 4 pm
12. The Premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted on Christmas Day or Good Friday.

Conduct of the Premises

13. No change from a sex cinema to a sex shop or a sex shop to a sex cinema shall be made without the written consent of the Council.
14. No sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.
15. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
16. All sex articles and other things displayed for sale, hire, exchange or loan within the Premises shall be clearly marked to show the price being charged.
17. All printed material offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be displayed in a conspicuous position within the Premises.
18. No film or video recording (or computer game) shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to the effect.

External Appearance

19. The holder of a sex establishment licence may exhibit on the outside of the Premises the name of the business and a notice, capable of being enclosed by a rectangle one square metre in area or such other size as agreed with the Council, consisting of the words 'Licensed Adult Establishment'.
20. The holder of a sex establishment licence shall exhibit on the outside of the Premises a notice, capable of being enclosed by a rectangle one square metre in area, of the times of opening and of the words 'No person under the age of 18 allowed. People who appear to be under the age of 21 will be required to show proof of their age.'
21. (a) No other words or signs, or any displays or advertisements, shall be displayed on the outside of the Premises or in the vicinity of the Premises, except those mentioned in conditions 18 and 19 or otherwise approved by the Council in writing;
(b) No external loudspeakers may be installed.
22. The windows and openings of the Premises shall be of a material or covered with a material, which will render the interior of the Premises invisible to passers-by.

State, Condition and Layout of the Premises

23. Notwithstanding the Licensee's duties under the Health and Safety at Work etc Act 1974 and related legislation and his obligations under any lease or other agreement for the use of the Premises, he shall maintain the Premises in good repair and condition.
24. External doors shall be closed at all times other than when persons are entering or leaving the Premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
25. The Premises shall be fitted with an inner entrance door or screen so that no part of the interior of the Premises or any of the contents of the Premises shall be visible when persons are entering or leaving the Premises.
26. No access shall be permitted through the Premises to any other Premises adjoining or adjacent except in the case of emergency.
27. Lighting shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.
28. Alterations or additions, either internal or external, shall be not be made to the Premises without prior written consent from the Council.
29. Any facilities for previewing films, video recordings or other similar material shall be physically separated from the display area of the shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area.
30. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee_ be present in any such booth or cubicle at any time.

Safety and Security

31. The Licensee shall take all reasonable precautions for the safety of the public and employees.
32. The Licensee shall institute steps to check the age of customers entering the shop who appear to be between the ages of 18 and 21 in order to ensure that they are not younger than 18.
33. The Licensee shall ensure a closed-circuit television system is installed internally and externally to the satisfaction of the Council.

Goods Available in Sex Establishments

34. All Sex Articles as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and other things displayed for sale, hire, exchange or loan within a Sex Establishment shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
35. All printed matter, films and video films offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and a notice to this is effect is to be prominently displayed inside the Sex Establishment. (This regulation does not require that films or video films be exhibited (played) to customers).
36. The Licensee shall without charge display and make available in the Sex Establishment such free literature on counselling on matters related to sexual

problems as may be published by the Family Planning Association and by such other similar organisations from time to time and in particular any such material related to AIDS. Free literature relating to the prevention of sexually transmitted diseases shall be given to each customer after purchase of a Sex Article. Such literature is to be displayed in a prominent position approved by the Council adjacent to all cash collection points in the Sex Establishment.

APPENDIX II
STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES

1. The Licensee must remain in personal control of the Premises at all times or nominate an individual in writing over the age of 18 with the authority to direct activities within the Premises.
2. Any individual employed on the Premises to conduct a security activity (within the meaning of section paragraph 2(1)(a) of schedule 2 to the Private Security Industry Act 2001) must be licensed by the Security Industry Authority.
3. The Licensee must ensure that a suitable number of trained staff are employed to supervise the interior of the Premises (“floor supervisors”) whilst performances are being given under this licence.
4. No children under the age of 18 shall be admitted to the Premises. Customers who appear to be under the age of 25 must be asked to provide photographic proof of their age. The Licensee must provide prominent notices at each entrance to the Premises to this effect.
5. Performers shall be aged not less than 18 years. The Licensee must maintain adequate records of the names, addresses and dates of birth of performers including adequate identity checks.
6. (a) The Licensee shall ensure that neither they nor any person promoting or providing entertainment on the Premises (nor any person acting on behalf of any such person) shall display advertisements promoting the entertainment or the Premises in any unlawful or offensive manner.

(b) Where the Council have given notice in writing to the Licensee objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed.

(c) The Licensee shall not permit the display outside of the Premises of photographs or other images which indicate or suggest that striptease or similar entertainment takes place on the Premises and which may be offensive.

(d) The Licensee shall ensure to the Council’s satisfaction (including, where required, necessary planning or building control consents) that the interior of the Premises is not visible from the outside of the Premises, and that the exterior is maintained to a satisfactory level of decorum. At no point may dancers be visible from outside of the Premises.

7. The Licensee shall ensure that no more members of the public shall be present on the Premises at any time whilst sexual entertainment takes place to which this licence relates where the Council has specified a number in writing on the grounds of public safety, public nuisance or crime and disorder.
8. Performers shall only perform on the stage area, to seated customers or in such other areas of the licensed Premises as may be agreed in writing with the Council.
9. The Licensee is to implement a policy to ensure the safety of the Performers when they leave the Premises after a period of work.
10. Performers must remain clothed in public areas and all other areas except while performing in areas specified by the Council as where sexual entertainment may be provided.
11. Performers must dress fully at the end of each performance.
12. Performers may not accept any telephone number, email address, address or contact information from any customer, except in the form of a business card which must be surrendered to the Licensee or their representative before leaving the Premises.
13. Performers must never be alone in the company of a Customer except in an area open to the public within the Premises.
14. The Licensee is to ensure a sufficient number of door supervisors are employed inside the Premises whilst sexual entertainment is provided to supervise the Performers and Customers.
15. Performers must not perform a nude table dance unless in a supervised area or within five metres of a floor supervisor.
16. Performers are never to be in the company of a customer except in an area open to the public within the Premises (excluding the toilets).
17. The Licensee must ensure that during the performance of a table dance:
 - (1) customers must be seated in an upright position against the back of the booth or seat with their hands by their sides before a dancer can start a table dance;
 - (2) customers must remain seated during the entire performance of the dance;
 - (3) for the purpose of restraint only, Performers may only touch a customer above the customer's chest with their hands only;
 - (4) Performers must not sit or straddle the customer;

- (5) Performers must not place their feet on the seats.
18. The Licensee must ensure that during performances to which this Licence relates:
 - (1) Performers may not perform any act that clearly simulates any sexual act;
 - (2) Performers may not intentionally touch a customer any time during the performance unless absolutely accidentally or due to a third party;
 - (3) Performers may not use inappropriate, suggestive or sexually graphic language at any time;
 - (4) Performers must never intentionally touch the genitals or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals or breasts;
 - (5) Performers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the Performer has no intention of carrying out the act;
 - (6) Performers only perform nude or semi-nude dancing (of any description) within areas specified by the Council.
19. The Licensee must ensure that during performances to which this Licence relates:
 - (1) Customers may not dance at any time except in areas specifically designated by the Council as being separate from areas for sexual entertainment.
 - (2) Customers must remain appropriately clothed at all times.
20. The Licensee shall ensure that CCTV is installed and maintained to the satisfaction of Hertfordshire Constabulary, and that any images are (a) retained for a period of at least 31 days and (b) made available on request to a police officer or authorised officer of the Council.
21. The Licensee shall provide in a timely fashion copies of any documents reasonably required by an authorised officer of the Council in relation to compliance with this Licence.



**WATFORD
BOROUGH
COUNCIL**

SEX ESTABLISHMENT LICENSING POLICY

JULY 2023 – JULY 2026

Comments are invited on this document to:

[Housing & Wellbeing](#)
Watford Borough Council
Town Hall
Watford
Hertfordshire
WD17 3EX

Tel: 01923 278476
Email: licensing@watford.gov.uk

SEX ESTABLISHMENT LICENSING PART A

1. Preface

- 1.1 Watford Borough Council has adopted schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) so that we can licence sex shops, sex cinemas, and sexual entertainment venues in the Borough. In this policy, we refer to these as “sex establishments” unless we say otherwise.
- 1.2 We do not take a moral stand in adopting this policy. We recognise that Parliament has made it lawful to operate a sex establishment, and that such businesses are a legitimate part of the retail and leisure industries. It is our role as a licensing authority to administer the licensing regime in accordance with the law.
- 1.3 The 1982 Act and the 2009 Act can be viewed at www.legislation.gov.uk.
- 1.4 We initially consulted on this policy between 7 July 2010 and 21 September 2010 and it was approved by our Licensing Committee on 11 October 2010.
- 1.5 It was revised by the Committee on 15 June 2011 when one of the licensed sex establishments in the Borough ceased trading.
- 1.6 The policy has been reviewed by the Committee on 14 July 2014, 26 June 2017 and 7 July 2020. No changes in the policy were proposed at this time.
- 1.7 A consultation was held on renewing the policy without making any changes between 1 and 18 June 2023. The policy was considered and approved by the Committee on 6 July 2023.
- 1.8 Consultation was conducted with existing licence holders in the Borough and their representatives, the Police, the residents’ association for the town centre and Watford BID, and was made available to residents and other members of the public through a public consultation on the council’s website.
- 1.9 In developing this policy, we took into account the legal requirements of the 1982 Act and our duties under
 - (a) section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder within the Borough;
 - (b) the Regulators’ Code (set out under the Legislative and Regulatory Reform Act 2006) to carry out our activities in a way that supports those we regulate to comply and grow and particularly consider the impact of regulations on small businesses; and

- (c) the Provision of Services Regulations 2009 to ensure requirements are:
- (i) non-discriminatory
 - (ii) justified by an overriding reason relating to the public interest
 - (iii) proportionate to that public interest objective
 - (iv) clear and unambiguous
 - (v) objective
 - (vi) made public in advance, and
 - (vii) transparent and accessible.

2. The Borough of Watford

- 2.1 Watford Borough Council is situated in the county of Hertfordshire, which contains ten district councils in total. The council area has a population of 102,300 (Census 2021) making it the fourth smallest in the county in terms of population but one of the highest in the country in terms of population density.
- 2.2 Watford is an urban borough in South West Hertfordshire, on the edge of the East of England region to the north-west of London. It covers an area of 8.3 square miles and is the only non-metropolitan borough wholly contained within the M25 and is the largest town in Hertfordshire. Sitting at the heart of the economically vibrant subregion of South West Hertfordshire (our Functional Economic Market Area), Watford benefits strongly from its geographical location and position as a strategic transport hub. Its road, rail and aviation connections – adjacent to the M25 and M1; less than 20 minutes to central London by rail, with direct links to the Midlands and six international airports, all of which can all be reached within 1 hour – cement Watford’s status as an established, proven business and employment centre. Commuter flows into Watford itself and through Watford, south to London and north towards the Midlands, further enhance the town’s position as a business destination and subregional centre for retail, cultural, entertainment and leisure activities.
- 2.3 It is a sub-regional shopping destination, centered around the Atria Shopping Centre in the town centre, and has one of the most vibrant night-time economies in Hertfordshire. It has been awarded Purple Flag status by the Association of Town Centre Managers for its management of the night-time economy. The purple flag status was renewed most recently in 2022.
- 2.4 Potential operators should however refer to the Local Development Framework (through our Development Control Team or on our website at 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.

2.5 At the time of adopting this policy, the Council licences one sexual entertainment venue under the 1982 Act. This venue is also authorised under the Licensing Act 2003 to provide licensable activities under that Act.

2.6 Further information about the borough is contained in the [Council Plan 2022-26](#), which can be obtained from the council's offices upon request or downloaded from www.watford.gov.uk.

3. Commenting on licence applications

3.1 Unlike some other licensing regimes (such as for alcohol, entertainment, or gambling), a wide range of people can raise objections about sex establishment licences. The police are a statutory consultee for all applications.

3.2 Objectors should have something to say which is relevant to consideration of the statutory grounds for refusal that are set out in the 1982 Act.

3.3 We take the following approach to deciding applications:

(a) each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making;

(b) objectors can include residents'/tenants' associations, community associations, and trade associations. Councillors and MPs may also raise objections. Elected councillors may represent interested parties, providing they do not also sit on the Licensing Committee determining the application in question;

(c) we will give clear reasons for our decisions.

3.4 We will not consider objections that are frivolous or vexatious, or which relate to moral grounds (as these are outside the scope of the 1982 Act). Decisions on whether objections are frivolous or vexatious will be made objectively by our officers and not on the basis of any political judgement. Where objections are rejected, the objector will be given a written reason. A report will be made to our committee determining the application (if appropriate), indicating the general grounds of the representation and the reason it was rejected.

3.5 A vexatious objection is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous objection is generally taken to be one that is lacking in seriousness.

3.6 Objections will be considered by a Licensing Sub-Committee of three Councillors. We give both applicants and objectors an equal opportunity to state their case in accordance with our protocol which is available from the [Housing & Wellbeing team](#).

3.7 Objections should ideally:

- be made in writing (preferably in duplicate, unless submitted electronically)
- be in black ink on single sides of A4 paper
- indicate the name and address of the person or organisation making the representation (although this will not be disclosed to licence applicants)
- indicate the premises to which the objection relates
- indicate the proximity of the premises to the person making the objection. A sketch map or plan may be helpful to show this
- clearly set out the reasons for making the objections.

4. Exchange of Information

4.1 The authority may from time to time exercise its' powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the police and other partners to fulfil its' statutory objective of reducing crime in the area.

4.2 Details of applications and objections which are referred to a Licensing Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.

4.3 The names and address of objectors will not be disclosed to applicants or published in public reports in accordance with the Local Government (Miscellaneous Provisions) Act 1982. Such details will be made available to Councillors on the Licensing Committee.

5. Compliance and Enforcement

5.1 We recognise that sex establishments are not generally a source of crime or disorder. We will adopt a light touch inspection regime, carrying out simple inspections of premises no more than once a year unless exceptional circumstances require otherwise.

5.2 We will undertake enforcement work in a way consistent with the principles of the work of the Office for Product Safety and Standards and other central government bodies in its consideration of the regulatory functions of local authorities.

5.3 Enforcement work will also be consistent with the Regulators' Code (set out under the Legislative and Regulatory Reform Act 2006).

5.4 The council has signed up to the Hertfordshire Better Business for All Partnership Charter, a voluntary undertaking between Hertfordshire

Regulatory Services and all local businesses, irrespective of size or resources. This means that we will undertake regulatory activity in a fair, helpful, transparent, proportionate and consistent way.

- 5.5 Our approach to enforcement is set out in our [Compliance Policy](#) which are available on request.

PART B

6. SEX SHOPS

6.1 Significant degree

Licences for sex shops are required where 18R films are sold, or where there is a “significant degree” of “sex articles” for sale. The phrase “sex articles” is defined in the 1982 Act as:

anything made for use in connection with, or for the purpose of stimulating or encouraging—

- (i) sexual activity; or
- (ii) acts of force or restraint which are associated with sexual activity;

and any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and any recording of vision or sound, which –

- (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
- (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

6.2 The phrase “a significant degree” is not defined. When considering whether or not a business is selling a significant degree of sex articles and needs a licence, we will consider:

- (1) the ratio of sex articles to other aspects of the business
- (2) the absolute quantity of sales
- (3) the character of the remainder of the business
- (4) the nature of the displays in the business
- (5) turnover generated by sales of sex articles
- (6) the format of any literature, publicity or advertising materials
- (7) other factors which appear to be materially relevant.

6.3 Relevant localities

There are some specific grounds for refusing sex establishment licences set out in paragraph 12 of schedule 3 to the 1982 Act. These include where the applicant is unsuitable to hold a licence, due to their age, domiciliary status or previous criminal convictions.

6.4 We can also refuse applications for new or renewed licences where:

- (1) the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which we consider appropriate for that locality;
- (2) the grant or renewal of the licence would be inappropriate, having regard to
 - (i) the character of the relevant locality, or
 - (ii) the use to which any premises in the vicinity are put, or
 - (ii) to the layout, character or condition of the premises.

6.5 We recognise that different parts of our Borough have different characteristics, and numbers of sex shops appropriate for a locality are set out below:

Locality	Number of sex shops	Reason
The Parade, High Street and Market Street between High Street and Exchange Road	1	This consists of primary retail frontage and is suitable for this type of activity
Market Street between Exchange Road and Cassio Road	0	Although adjacent to the town centre, there are residential premises in and very close to Market Street, as well as other community premises such as religious buildings, charity enterprises, doctor's surgeries etc
Queens Road	0	This is a densely-built area with both retail activity and residential premises and the use of one retail unit would make one less retail unit available for other local needs
Lower High Street	0	There are a number of sheltered accommodation units in the Lower High Street which would make this area inappropriate

Local shopping areas	0	Local shopping areas serving local residents, and the use of premises as a sex establishment would otherwise deprive the community of a retail facility
----------------------	---	---

6.6 This table is not exhaustive and we would consider representations from applicants as to why our view should be changed about any particular locality. Where this is likely to affect existing licence-holders, we will give at least two months’ notice in which they may make representations. In considering the characteristics of a locality we shall particularly take account of the density and proximity of:

- (1) residential accommodation
- (2) parks and children’s play areas
- (3) other retail units (and their uses)
- (4) schools
- (5) communal buildings
- (6) alcohol or entertainment licensed premises
- (7) bus stops.

6.7 **Length of licence**

We will, unless there are exceptional reasons otherwise, grant licences for the maximum duration of a year at a time to provide certainty to those operating businesses.

6.8 **Waivers**

We do not consider it would be appropriate to permit waivers from the requirements to hold a sex establishment licence, except in extreme circumstances considered by our full Licensing Committee (for example, to allow a temporary re-location of a business following damage to licensed premises).

6.9 **Application form**

We have a standard application form, including public notices, which are available on request from the [Housing & Wellbeing team](#).

6.10 **Licence conditions**

We have adopted standard conditions for the operation of sex shops that are set out at appendix I. Where it is reasonable and necessary to do so, our Licensing Committee will impose additional proportional conditions on a licence. Wherever possible, these will be discussed in advance with operators by our licensing officers.

6.11 Fees

Our fees are set each year and details are available from the [Housing & Wellbeing team](#) and on our website at www.watford.gov.uk.

PART C

7. SEXUAL ENTERTAINMENT VENUES

7.1 Relevant entertainment

Licences for sexual entertainment venues are required for “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer”.

7.2 “Relevant entertainment” is defined in schedule 3 (as amended by section 27 of the Policing and Crime Act 2009) as “any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)”. An audience can consist of just one person, eg in a private booth.

7.3 In deciding whether entertainment is “relevant entertainment” we will judge each case on its merits, but will generally apply to:

- (1) lap dancing
- (2) pole dancing
- (3) table dancing
- (4) strip shows
- (5) peep shows
- (6) live sex shows

Adult entertainment not classed as “relevant entertainment” may still require licensing under the Licensing Act 2003.

7.4 Relevant localities

There are some specific grounds for refusing sex establishment licences set out in paragraph 12 of schedule 3 to the 1982 Act. These include where the applicant themselves are unsuitable, due to their age, domiciliary status or previous criminal convictions.

7.5 We can also refuse applications for new or renewed licences where:

- (1) the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number the number which we consider appropriate for that locality;
- (2) the grant or renewal of the licence would be inappropriate, having regard to
 - (i) the character of the relevant locality, or
 - (ii) the use to which any premises in the vicinity are put, or
 - (ii) to the layout, character or condition of the premises.

7.6 We recognise that different parts of our Borough have different characteristics, and numbers of sexual entertainment venues appropriate for a locality are set out below:

Locality	Number of SEVs	Reason
The Parade, High Street	0 [1]	The previous SEV-licensed premises in The Parade stopped offering “relevant entertainment” under the Act and began to offer more in the way of live entertainment, which is in support of the council’s family-friendly agenda.
Market Street between High Street and Exchange Road	1	This locality is characterised by a number of retail premises, food premises and, for a number of years, a lap dancing club.
Market Street between Exchange Road and Cassio Road	0	Although adjacent to the town centre, there are residential premises in and very close to Market Street, as well as other community premises such as religious buildings, charity enterprises, doctor’s surgeries etc
Queens Road	0	This is a densely-built area with both retail activity and residential premises and the use of one retail unit would make one less retail unit available for other local needs
Lower High Street	0	There are a number of sheltered accommodation units in the Lower High Street which would make this area inappropriate
Local shopping areas	0	Local shopping areas serving local residents, and entertainment premises of this nature would be an inappropriate facility in a retail area

¹ Amended on 11 August 2011 following public consultation: see the minutes of the Licensing Committee of 15.06.11.

Kingswood Leisure Park	0	The leisure park has a cinema, restaurants and bowling alley; a sexual entertainment venue would be inappropriate given the family-orientated nature of these premises
------------------------	---	--

7.7 This table is not exhaustive and we would consider representations as to why our view should be changed about any particular locality. Where this is likely to affect existing licence-holders, we will give at least two months' notice in which they may make representations. In considering the characteristics of a locality we shall particularly take account of the density and proximity of:

- (1) size of neighbourhood
- (2) impact of thoroughfares
- (3) residential accommodation
- (4) parks and children's play areas
- (5) other retail units (and their uses)
- (6) schools
- (7) communal buildings
- (8) alcohol or entertainment licensed premises.

7.8 **Length of licence**

We will, unless there are exceptional reasons otherwise, grant licences for the maximum duration of a year at a time to provide certainty to those operating businesses.

7.9 **Waivers**

We do not consider it would be appropriate to permit waivers from the requirements to hold a sexual entertainment venue licence, particularly as the legislation allows relevant entertainment on an infrequent basis of no more than eleven occasions within a 12-month period, providing there is at least one month between each period of entertainment which itself does not last for more than 24 hours.

7.10 **Application form**

We have a standard application form, including public notices, which are available on request from the [Housing & Wellbeing team](#).

7.11 **Licence conditions**

We have adopted standard conditions for the operation of sex shops that are set out at appendix II. Where it is reasonable and necessary to do so, our Licensing Committee will impose additional proportional conditions on a licence. Wherever possible, these will be discussed in advance with operators by our licensing officers.

7.12 Fees

Our fees are set each year and details are available from the [Housing & Wellbeing team](#) and on our website at www.watford.gov.uk. We charge separate fees for applying for a licence, renewing a licence, and for making major and minor variations to a licence.

7.13 Should you have any comments as regards this document please send them via e-mail or letter to:

Austen Young
Senior Licensing Officer
Housing & Wellbeing
Watford Borough Council
Town Hall
Watford
Hertfordshire
WD17 3EX

Email: licensing@watford.gov.uk

APPENDIX I
STANDARD CONDITIONS FOR SEX SHOPS

Standard Conditions for Sex Establishment Licence

Management of the Premises

1. The Licensee or some responsible person nominated by him (“the manager”) shall have personal responsibility for and be present on the Premises at all times the Premises are open to the public.
2. Where the Licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
3. A copy of the licence and any special conditions attached shall at all times be displayed in a conspicuous position on the Premises, so as to be available for inspection by the police, the fire authority, and authorised officers of the Council or the local trading standards authority.
4. The name of the person responsible for the management of the Premises, whether the Licensee or the manager, shall be displayed in a conspicuous position within the Premises throughout the period during which he is responsible for the conduct of the Premises.
5. The Licensee shall retain control over all parts of the Premises and shall not let, licence or part with possession of any part. The Council must be immediately notified in the event that any part of the Premises is affected by the termination of a lease or other event affecting the Licensee’s control of the Premises.
6. The Licensee shall ensure that the public is not admitted to any part of the Premises that has not been licensed.
7. No person under the age of 18 shall be admitted to the Premises and a notice to this effect, in accordance with condition 19, shall be displayed on the outside of the Premises.
8. Neither the Licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the vicinity of the Premises.
9. The Licensee shall ensure that during the hours that the Premises are open for business every employee wears a badge of a type approved by the Council indicating his name and that he is an employee.
10. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee’s absence and the names and addresses of those employed in the Sex Establishment. The Register is to be completed each day within thirty minutes of the Sex Establishment being opened for business and is to be available for inspection by the police and by authorised officers of the Council.

Opening of the Premises

11. The Premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted except during the following hours:
Monday – Saturday 9 am – 6 pm
Sunday 11 am – 4 pm
12. The Premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted on Christmas Day or Good Friday.

Conduct of the Premises

13. No change from a sex cinema to a sex shop or a sex shop to a sex cinema shall be made without the written consent of the Council.
14. No sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.
15. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
16. All sex articles and other things displayed for sale, hire, exchange or loan within the Premises shall be clearly marked to show the price being charged.
17. All printed material offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be displayed in a conspicuous position within the Premises.
18. No film or video recording (or computer game) shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to the effect.

External Appearance

19. The holder of a sex establishment licence may exhibit on the outside of the Premises the name of the business and a notice, capable of being enclosed by a rectangle one square metre in area or such other size as agreed with the Council, consisting of the words 'Licensed Adult Establishment'.
20. The holder of a sex establishment licence shall exhibit on the outside of the Premises a notice, capable of being enclosed by a rectangle one square metre in area, of the times of opening and of the words 'No person under the age of 18 allowed. People who appear to be under the age of 21 will be required to show proof of their age.'
21. (a) No other words or signs, or any displays or advertisements, shall be displayed on the outside of the Premises or in the vicinity of the Premises, except those mentioned in conditions 18 and 19 or otherwise approved by the Council in writing;
(b) No external loudspeakers may be installed.
22. The windows and openings of the Premises shall be of a material or covered with a material, which will render the interior of the Premises invisible to passers-by.

State, Condition and Layout of the Premises

23. Notwithstanding the Licensee's duties under the Health and Safety at Work etc Act 1974 and related legislation and his obligations under any lease or other agreement for the use of the Premises, he shall maintain the Premises in good repair and condition.
24. External doors shall be closed at all times other than when persons are entering or leaving the Premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
25. The Premises shall be fitted with an inner entrance door or screen so that no part of the interior of the Premises or any of the contents of the Premises shall be visible when persons are entering or leaving the Premises.
26. No access shall be permitted through the Premises to any other Premises adjoining or adjacent except in the case of emergency.
27. Lighting shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.
28. Alterations or additions, either internal or external, shall be not be made to the Premises without prior written consent from the Council.
29. Any facilities for previewing films, video recordings or other similar material shall be physically separated from the display area of the shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area.
30. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee_ be present in any such booth or cubicle at any time.

Safety and Security

31. The Licensee shall take all reasonable precautions for the safety of the public and employees.
32. The Licensee shall institute steps to check the age of customers entering the shop who appear to be between the ages of 18 and 21 in order to ensure that they are not younger than 18.
33. The Licensee shall ensure a closed-circuit television system is installed internally and externally to the satisfaction of the Council.

Goods Available in Sex Establishments

34. All Sex Articles as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and other things displayed for sale, hire, exchange or loan within a Sex Establishment shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
35. All printed matter, films and video films offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and a notice to this is effect is to be prominently displayed inside the Sex Establishment. (This regulation does not require that films or video films be exhibited (played) to customers).
36. The Licensee shall without charge display and make available in the Sex Establishment such free literature on counselling on matters related to sexual

problems as may be published by the Family Planning Association and by such other similar organisations from time to time and in particular any such material related to AIDS. Free literature relating to the prevention of sexually transmitted diseases shall be given to each customer after purchase of a Sex Article. Such literature is to be displayed in a prominent position approved by the Council adjacent to all cash collection points in the Sex Establishment.

APPENDIX II
STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES

1. The Licensee must remain in personal control of the Premises at all times or nominate an individual in writing over the age of 18 with the authority to direct activities within the Premises.
2. Any individual employed on the Premises to conduct a security activity (within the meaning of section paragraph 2(1)(a) of schedule 2 to the Private Security Industry Act 2001) must be licensed by the Security Industry Authority.
3. The Licensee must ensure that a suitable number of trained staff are employed to supervise the interior of the Premises (“floor supervisors”) whilst performances are being given under this licence.
4. No children under the age of 18 shall be admitted to the Premises. Customers who appear to be under the age of 25 must be asked to provide photographic proof of their age. The Licensee must provide prominent notices at each entrance to the Premises to this effect.
5. Performers shall be aged not less than 18 years. The Licensee must maintain adequate records of the names, addresses and dates of birth of performers including adequate identity checks.
6. (a) The Licensee shall ensure that neither they nor any person promoting or providing entertainment on the Premises (nor any person acting on behalf of any such person) shall display advertisements promoting the entertainment or the Premises in any unlawful or offensive manner.

(b) Where the Council have given notice in writing to the Licensee objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed.

(c) The Licensee shall not permit the display outside of the Premises of photographs or other images which indicate or suggest that striptease or similar entertainment takes place on the Premises and which may be offensive.

(d) The Licensee shall ensure to the Council’s satisfaction (including, where required, necessary planning or building control consents) that the interior of the Premises is not visible from the outside of the Premises, and that the exterior is maintained to a satisfactory level of decorum. At no point may dancers be visible from outside of the Premises.

7. The Licensee shall ensure that no more members of the public shall be present on the Premises at any time whilst sexual entertainment takes place to which this licence relates where the Council has specified a number in writing on the grounds of public safety, public nuisance or crime and disorder.
8. Performers shall only perform on the stage area, to seated customers or in such other areas of the licensed Premises as may be agreed in writing with the Council.
9. The Licensee is to implement a policy to ensure the safety of the Performers when they leave the Premises after a period of work.
10. Performers must remain clothed in public areas and all other areas except while performing in areas specified by the Council as where sexual entertainment may be provided.
11. Performers must dress fully at the end of each performance.
12. Performers may not accept any telephone number, email address, address or contact information from any customer, except in the form of a business card which must be surrendered to the Licensee or their representative before leaving the Premises.
13. Performers must never be alone in the company of a Customer except in an area open to the public within the Premises.
14. The Licensee is to ensure a sufficient number of door supervisors are employed inside the Premises whilst sexual entertainment is provided to supervise the Performers and Customers.
15. Performers must not perform a nude table dance unless in a supervised area or within five metres of a floor supervisor.
16. Performers are never to be in the company of a customer except in an area open to the public within the Premises (excluding the toilets).
17. The Licensee must ensure that during the performance of a table dance:
 - (1) customers must be seated in an upright position against the back of the booth or seat with their hands by their sides before a dancer can start a table dance;
 - (2) customers must remain seated during the entire performance of the dance;
 - (3) for the purpose of restraint only, Performers may only touch a customer above the customer's chest with their hands only;
 - (4) Performers must not sit or straddle the customer;

- (5) Performers must not place their feet on the seats.
18. The Licensee must ensure that during performances to which this Licence relates:
 - (1) Performers may not perform any act that clearly simulates any sexual act;
 - (2) Performers may not intentionally touch a customer any time during the performance unless absolutely accidentally or due to a third party;
 - (3) Performers may not use inappropriate, suggestive or sexually graphic language at any time;
 - (4) Performers must never intentionally touch the genitals or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals or breasts;
 - (5) Performers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the Performer has no intention of carrying out the act;
 - (6) Performers only perform nude or semi-nude dancing (of any description) within areas specified by the Council.
19. The Licensee must ensure that during performances to which this Licence relates:
 - (1) Customers may not dance at any time except in areas specifically designated by the Council as being separate from areas for sexual entertainment.
 - (2) Customers must remain appropriately clothed at all times.
20. The Licensee shall ensure that CCTV is installed and maintained to the satisfaction of Hertfordshire Constabulary, and that any images are (a) retained for a period of at least 31 days and (b) made available on request to a police officer or authorised officer of the Council.
21. The Licensee shall provide in a timely fashion copies of any documents reasonably required by an authorised officer of the Council in relation to compliance with this Licence.