

## Appendix B

### Schedule of Amendments - Draft 'Statement of Licensing Policy 2021-2026'

Reference	Proposals	Officers comments
Introduction page 4	<p><b>Insert:</b></p> <p>Covid-19 impact and response The impact of covid-19 has been unprecedented across many areas of work, with licensed premises specifically impacted by a long period of Central Government led lockdown. As a Licensing Authority, we have had to respond to the pandemic and have implemented changes such as virtual licensing hearings, implementing short term changes to procedures to enable social distancing and considering the policy implications for Tunbridge Wells Borough Council.</p> <p>At the time of reviewing this document, the Government announced plans to re-open pubs, clubs and other licensed premises with additional social distancing guidance to be published. We are committed to supporting local licensed premises to re-open safely and with new requirements in place. Whilst, we cannot specify the requirements that may be needed – and we recognise that the response to Covid-19 changes regularly, it is our intention to ensure that we fully comply as a Licensing Authority with any new regimes and requirements. Licensed premises/holders will also be required to comply fully with any new regulations or requirements placed upon them at a national level.</p> <p>We encourage all licensed premises to talk to the Licensing Authority, Police and other relevant Responsible Authorities at the earliest opportunity if they are uncertain regarding any compliance with any conditions or they wish to seek a temporary</p>	Inserted to reflect current working environment.

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	<p>and/or informal relaxation of conditions.</p> <p>We recognise that policy frameworks change, new or emerging issues arise at both a local and national level which may need to be taken into account when applying this Licensing Policy. We may therefore, from time to time, make new applicants and existing licence holders/operators aware of these changes so that they can ensure they meet any future challenges.</p>	
1.1	<b>Insert:</b> an authorised officer of the Council	To provide consistency.
1.2	<b>Insert:</b> The Fire and Rescue Authority for Kent	Updated to reflect statutory consultee details.
2.5	<b>Insert:</b> Performance of dance; and  Entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.  <b>Also insert at the Provision</b> of late night refreshment, limited to hot food or hot drink between 23:00 – 05:00	Insert to reflect legislative changes.

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2.6	<p><b>Insert:</b> Following the introduction of the Live Music Act 2012, the Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015, a licence is not required to stage a performance of live music, or the playing of recorded music if:</p> <ul style="list-style-type: none"><li>• it takes place between 8AM and 11PM; and</li><li>• it takes place at an alcohol on-licensed premises; and</li><li>• the audience is no more than 500 people</li></ul> <p>You also don't need a licence:</p> <ul style="list-style-type: none"><li>• to put on unamplified live music at any place between the same hours; or</li><li>• to put on amplified live music at a workplace between the same hours and provided the audience is no more than 500 people.</li></ul>	Insert to reflect legislative changes.
3.4	<p><b>Insert:</b> The Licensing Authority expects applicants to have researched and understood the relevant Law and the area surrounding the vicinity of the proposed premises in relation to their application, and their particular business plans, as well as this policy.</p>	Inserted to provide greater clarity to applicants

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3.5	<p><b>Insert:</b> The Licensing Authority offers a pre-application advice service. This advisory service is chargeable. The advice is a bespoke service for licensing applications. The aim is to help applicants and respond to challenges that may arise during the process. However advice given cannot pre-determine the outcome of any licensing application, particularly if representations are received and brought before the Licensing Sub-Committee.</p> <p>Guidance notes are available on the licensing pages of the Council's website.</p>	Insert the provision for the introduction of pre-application advice for Licensing.
3.6	<p><b>Amend:</b> 'off to 'Off'</p>	Amend typo...
3.9	<p><b>Insert &amp; amend:</b> As part of the application the operating schedule should include the procedures the applicant is intending to operate to ensure that:</p> <ul style="list-style-type: none"> <li>• the person they are selling alcohol to is over the age of 18</li> <li>• that alcohol is only delivered to a person over the age of 18</li> <li>• that a clear document trail of the order process from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer.</li> </ul>	Section expanded to provide greater clarity in relation to under age sales.
3.14	<p><b>Insert:</b> Film Exhibitions the Licensing Authority expects Licence and Club Certificate holders to include in their operating schedules arrangements for restricting children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification or the licensing authority itself.</p>	Inserted to incorporate a relevant section on Film Classifications on licensed premises.

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3.17	<b>Insert:</b> Reference to The Legislative reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015	Insert to reflect legislative changes to maintain accuracy and clarity to the applicant.
3.20	<b>Insert:</b> The licensing legislation is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises, and therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation.	Inserted to provide clarity & reflect Guidance and sign post other agencies.
4.9	<b>Amend:</b> Health Authority is a Responsible Authority	Re-word to reflect current position
5.1	<b>Insert &amp; amend:</b> General Data Protection Regulation (GDPR) and the UK Data Protection Act 2018	Updated to reflect current legislation
6.5	<b>Insert:</b> Immigration Act 2016 and the Modern Slavery Act 2015.  The Licensing Authority has responsibilities that relate to the prevention of immigration crime, specifically the prevention of illegal working in licensed premises. Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity.  These provisions apply to premises licences for alcohol and late night refreshment, (but not entertainment only licences) and personal licences. Other types of authorisation under the Licensing Act 2003 (Club premises certificates and	Updated to reflect the authorities responsibilities in relation to prevention of illegal working in licensed premises.

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	temporary event notice (TEN) are not covered. This is due to there being little evidence of immigration abuse in respect of premises authorised under a club premises certificate and it would have been disproportionate to apply the requirements to a TEN.	
8.1	<b>Insert:</b> Licensing Act 2003	Inserted to reflect legislation.
8.2	<b>Insert:</b> a delegated officer of the Authority	To provide clarity & consistency
8.8	<b>Insert:</b> or certificate and may notify the Police of the suspension	To provide greater clarity & consistency
10.5	<b>Insert:</b> 'if it considers it appropriate for the promotion of the crime prevention objective to do so'.	To provide greater clarity & consistency
11.3	<b>Insert:</b> unless it is agreed by the applicant and Police as unnecessary	To provide greater clarity & consistency
14.10	<b>Insert:</b> save, where agreed by all parties as unnecessary,	To provide greater clarity & consistency
16.3	insert: making	To provide clarity & consistency
17.10 & 17.11	<b>Insert:</b> Wholesale of alcohol - since 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database.	Inserted to reflect legislation.

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	<p>This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses.</p> <p>Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchased alcohol from is registered with HMRC.</p>	
19.3	<p><b>Insert:</b></p> <p>The Licensing Authority offers a pre-application advice service. This advisory service is chargeable. The advice is a bespoke service for licensing applications. The aim is to help applicants and respond to challenges that may arise during the process. However advice given cannot pre-determine the outcome of any licensing application, particularly if representations are received and brought before the Licensing Sub-Committee.</p> <p>Guidance notes are available on the licensing pages of the Council's website.</p>	Inserted the provision for the introduction of pre-application advice for Licensing.