

GUIDANCE NOTE 8

OPERATING SCHEDULES IN RESPECT OF PREMISE LICENCE AND CLUB PREMISE CERTIFICATE APPLICATIONS

This guidance note provides additional information to supplement applications for major variations, and new applications as well as for provisional statements in respect of operating schedules. Additional guidance is also provided by way of notes at the back of the application forms themselves.

The purpose of the operating schedule is to provide details on the licensable activities applied for, and when they will take place. It should also include a description of the style and character of the business. The schedule should also outline the necessary steps that the applicant has identified they need to take to promote the four licensing objectives, thus enabling responsible authorities and interested parties to assess if the steps to be taken are adequate based on what they are doing at what time and accounting for their location.

The four licensing objectives are:

- Crime & disorder
- Public nuisance
- Public Safety
- Protection of children from harm

In preparing operating schedules applicants should have regard to the Licensing Authorities statement of licensing policy (available direct free of charge from the authority). It may also be sensible to contact key responsible authorities before submitting an application to minimise the potential for representations being made (see Guidance Note 2).

The steps proposed by the applicant in the schedule will be translated into conditions attached to any licence. Therefore they need to be clear, unambiguous, realistic, and also the within the control of the applicant or premise management.

Factors to consider when completing operating schedules

Although there are mandatory conditions under the Licensing Act, operating schedules need to be tailored to individual premises and be activity specific.

It is worth remembering that a primary aim of the legislation is to promote the licensing objectives and therefore prevent problems arising. In respect of some premises it is possible that no measures will be needed to promote the licensing

objectives because they are dealt with adequately by other existing legislation. However all operating schedules should be precise and clear about the measures that are proposed to be taken to promote each of the objectives.

The following give suggestions that applicants may wish to consider when compiling their operating schedule.

Public Nuisance

Applicants should consider the potential impact of their application on those living and working in the vicinity of the premise with regard to nuisance issues such as noise, odour, litter, and light pollution.

Not every application will have implications on all of these, but as examples: - an application for regulated entertainment could raise potential noise nuisance issues, whilst a restaurant should consider how they will ensure that cooking odours do not cause a nuisance. Late night takeaways may wish to consider the issue of littering as well as noise and odour, whilst late night venues could cause noise problems from customers entering and leaving the premise.

The proximity of residential property, and the hours applied for would be factors to take into account.

The most relevant Responsible Authority on this issue is Environmental Health, contact 01908 252398

Public Safety

The public safety objective is concerned with the physical safety of people using the premise in question. Factors to consider on an operating schedule could therefore include: An occupancy limit for the premise; maintenance of equipment that could potentially endanger public safety; and maintenance of adequate means of escape, other safety precautions etc where not covered under fire safety legislation. Other issues to consider could include first aid provision, as well as adequate staffing, security and stewarding arrangements.

The most relevant Responsible Authorities on this issue will be Environmental Health (01908 252398) and the Fire Authority (01908 236413), although the Police may have an input on certain applications.

Protection of Children from harm

This objective includes moral, psychological and physical harm to children and would therefore include protection of children from too early an exposure to strong language and sexual expletives (for example in the context of films and adult entertainment).

Other factors to consider might include staff training relating to age restricted sales and the use of a sales refusal log. Limitations on hours when children are present, restrictions within the premise, or other controls depending on the licensable activities taking place may also be issues to consider.

The most relevant Responsible Authorities are likely to be Trading Standards, and the Local Safeguarding Children Board, although the Police and Environmental Health could raise issues in some circumstances.

Crime and Disorder

The purpose of the new licensing system is to regulate behaviour on premises, therefore operating schedules should consider how to prevent crime and disorder. For some premises this could include CCTV, as well as radio communication systems linked to the local police / other licensed premises. Membership of the local Barwatch organisation could also be relevant, as well as provision of door supervisors at certain premises. Drugs policies could also be a relevant step.

The most relevant Responsible Authority on this issue is likely to be the Police.

Queries / Application Address

The Licensing Team
Milton Keynes City Council
Civic
1 Saxon Gate East
Milton Keynes MK9 3EJ

Tel: 01908 252800

Email: licensing@milton-keynes.gov.uk

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