



2008 LICENSING POLICY

(THIS LICENSING POLICY SHALL COME INTO EFFECT ON THE 7TH JANUARY 2008)

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Foreword by Councillor Ian Corbett, Chair of Licensing Committee

This statement of Licensing Policy sets out the policies that Newham will apply when considering applications for activities that are licensed under the Licensing Act.

This revised Policy is published following a review of the first Licensing Policy.

The aim of the Policy is to promote the four licensing objectives that are the main tenets of the Act. These four fundamental objectives are:

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

The Licensing Act 2003 has been in force since November 2005 and since that time Newham as a licensing authority and guided by the Licensing Policy has issued almost 700 premises licences under the Act.

Although the Act offers greater freedom and flexibility to local businesses it also includes serious sanctions where businesses fail to prevent detrimental effects on their local community. We have used and will continue to set standards to ensure that there is an effective balance between the rights of businesses and of residents. Where premises have failed to uphold the licensing objectives we have used the strongest powers within the law to review licenses and in some case, this has led to premises losing their licenses.

The London Borough of Newham continues to enjoy a wide range of cultural and entertainment facilities. We have a thriving and vibrant night time economy that reflects the cultural diversity of our community and forms an important part of the developing economy of the borough. Newham is going through a time of significant regeneration including the massive regeneration that the 2012 games will bring to the borough. Through the implementation of the Licensing Act and this Licensing Policy and by working closely with both regulatory and business partners we will continue to provide advice and guidance as well as enforcement of standards for both residents and businesses in the borough to ensure that licensed premises are well managed and have a positive impact on the cultural, community, leisure and entertainment facilities within Newham.



Councillor Ian Corbett

Index

Section No.	Subject	Page No
	Executive Summary	4
1.0	Introduction	6
2.0	Other Policies, Objectives and Guidance	8
3.0	Planning Permissions	10
4.0	Determinations	11
5.0	Conditions	12
6.0	Films	14
7.0	Licensing Hours	15
8.0	Cumulative Impact of Licensing on the Amenity of Particular Areas	16
9.0	Children	17
10.0	Premises Licence	20
11.0	Club Premises Certificate	24
12.0	Personal Licence	26
13.0	Temporary Event Notices	27
14.0	Provisional Statement	28
15.0	Applications Consultation	29
16.0	Appeals	30
17.0	Complaints Against Licensed Premises	31
18.0	Enforcement Policy	33
19.0	Administration, Exercise and Delegation	34
20.0	Delegated Functions	35
21.0	Policy Consultation and Review	36

List of Annexes

Annex	Subject	Page No
Annex A	Extract from the Licensing Act 2003: Regulated Entertainment	37
Annex B	Extract from the Licensing Act 2003: Late Night Refreshment	41
Annex C	Extract from the Licensing Act 2003: Relevant Offences	43
Annex D	Conditions relating to the prevention of crime and disorder	45
Annex E	Conditions relating to public safety	51
Annex F	Theatres, cinemas, concert halls and similar places (promotion of public safety)	55
Annex G	Conditions relating to the prevention of public nuisance	58
Annex H	Conditions relating to the protection of children from harm	60
Annex I	Statutory qualifying conditions for clubs	64
Annex J	List of Licensing Policy consultees	67
Annex K	Definitions	68
Annex L	Licensing Authority Details & List of Responsible Authorities	72
Annex M	Useful contacts and publications	74

Executive Summary

The London Borough of Newham is responsible for the licensing of regulated activities under the Licensing Act 2003 and this document sets out the principles that Newham will apply when making decisions from the 7th January 2008.

The licensable activities that are subject to the Licensing Act and to this policy include:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of a member of the club
- The provision of late night refreshment the supply of hot food or drink from a premises between 11.00pm and 5.00am
- The provision of regulated entertainment

This policy will apply to Premises Licences, Club Premises Certificates and where appropriate Personal Licences and Temporary Event Notices:

Licensing Objectives

The Act provides a focus for four statutory licensing objectives that the Council has a duty to promote when licensing functions are undertaken and applications are determined.

These objectives are:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

Each of the objectives is considered to be of equal importance.

This Policy and the Council's functions as Licensing Authority seek to achieve control of premises, qualifying clubs and temporary events within the terms of the Act. Terms and conditions will focus on achieving the Licensing Objectives with reference to:-

- matters within the control of individual licensees
- the specific premises and the places used
- the vicinity of those premises and places
- the direct impact of the activity taking place at the licensed premises on public who live, work and carry out normal activity in the area concerned

Licensing is not a mechanism for the general control of anti-social behaviour by individuals beyond the direct control of the Designated Premises Supervisor, Personal Licence holder, Premises Licence holder or Club Premises Certificate holder, of the premises concerned. In this respect the Council recognises that there are a number of other mechanisms available for addressing issues of unruly behaviour:-

- planning controls
- measures to create a safe and clean environment in partnership with local businesses and other departments of the Council
- powers of the Council to designate parts of Newham as places where alcohol may not be consumed publicly
- police enforcement of the normal law concerning disorder and anti-social behaviour including issuing fixed penalty notices
- the confiscation of alcohol from adults and children in designated areas by the police
- the designation of alcohol exclusions

- powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises

The objective of the licensing process is to allow the retail sales of alcohol, the provision of regulated entertainment and the provision of late night refreshment in a way which ensures compliance with the objectives of the Act, which is neither to the detriment of residents, nor gives rise to loss of amenity. It is the Council's wish to facilitate through the licensing process well run and managed premises with licence holders demonstrating sensitivity to the impact of the premises on their neighbours and the local area.

The Council recognises that the licensed entertainment business sector and community licensed facilities in Newham contribute to the local economy and social infrastructure. The Council wishes to encourage licensees to provide a wide range of entertainment activities throughout their opening hours and to promote live music, dance, theatre etc. for the wider cultural benefit. They are a factor in maintaining a thriving and sustainable community, which is one of the Council's aims.

Newham is a mixed commercial and residential area, whose amenity the Council has a duty to protect. One of the Council's aims is to promote safer and stronger communities. These factors will be taken into account where applications will increase the concentration of entertainment uses, and or, lengthen hours of operation in a way that would materially impact on the local area.

This policy will set out the general approach the Council will take when it considers applications for licences. It will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits. Nor will it override the right of any interested party to make representations on an application or seek a review of a licence where provision has been made for them to do so in the Act. However, the Council will disregard any representations which are regarded as irrelevant, frivolous and/or vexatious.

This Policy has been prepared to assist the Council in reaching a decision on applications, setting out those matters that will normally be taken into account. This policy also seeks to provide clarity for applicants, objectors, residents and other occupiers of property.

1.0 Introduction

1.1 Scope of the Policy

The London Borough of Newham (hereinafter referred to as “the Council”) is responsible for the licensing of licensable activities under the Licensing Act 2003 (hereinafter referred to as “the Act”) in accordance with Part 1 section 1.

This document sets out the principles that the Council will apply when making decisions upon applications for:

- **The sale by retail of alcohol**
- **The supply of alcohol by or on behalf of a club to, or to the order of a member of the club**
- **The provision of late night refreshment** (the supply of hot food or drink from a premises between 11.00pm and 05.00am)
- **The provision of regulated entertainment**

Regulated entertainment requires a licence when it is performed in front of an audience and includes the following:

Performance of a play

Exhibition of a film

Indoor sporting event

Boxing or wrestling entertainment (indoors and outdoors)

Performance of live music

Playing of recorded music

Performance of dance

Provisions of facilities for dancing

Provisions of facilities for making music

Entertainment of a similar description to the performance of live music, the playing of recorded music and the performance of dance.

Provision of facilities for entertainment of a similar description to dance and making music.

The Act sets out four main licensing objectives which the Council has a duty to promote in determining applications:-

- **Prevention of Crime and Disorder**
- **Public Safety**
- **Prevention of Public Nuisance**
- **Protection of Children from Harm**

Each of the objectives is considered to be of equal importance.

1.2 Application

This policy shall apply from the 7th January 2008 in respect of new consents, renewals, transfers, variations and reviews to the following:-

Premises Licence

Club Premises Certificates

Provisional Statements

And where appropriate:-

Personal Licences

Temporary Event Notices

1.3 Consultation

The Council will review this policy at least every three years and consult on any proposed revisions. A full list of consultees is attached as Annex J

1.4 Licence Conditions

This policy and the Council's functions as Licensing Authority seek to achieve control of premises, qualifying clubs and certain temporary events within the terms of the Act. Terms and conditions will focus on achieving the Licensing Objectives with reference to:-

- Matters within the control of individual licensees
- The specific premises and the places used
- The vicinity of those premises and places
- The direct impact of the activity taking place at the licensed premises on public who live, work

and carry out normal activity in the area concerned.

2.0 Other Policies, Objectives and Guidance

2.1 Other statutory obligations which fall outside the requirements of the Licensing Act 2003 may apply to the provision of any regulated activities at a premises and the responsibility for compliance lies with the licence holder. For example if the activity involves the preparation and/or sale of food then it is the responsibility of the applicant to ensure that all appropriate Food Safety legal requirements are met, or if alcohol is sold the full weights and measures requirements are met. It would be expected that a licensee would have registered the premises as a food business with Newham Council. Such registration is not a Licensing requirement however businesses are expected to comply with all relevant legislation.

2.2 Many of the specific licensing requirements relate to matters potentially affecting public safety. In addition to these licensing requirements there are wider duties on all business (whatever their legal status and regardless of whether a licence is needed) to protect the health and safety of employees (and the self employed) as well as the public. Some of these duties are deliberately wide, generalised and all encompassing e.g. main duties under Section 2, 3, & 4 of the Health & Safety at Work etc. Act 1974, others are very specific e.g. requirements under the Control of Substances Hazardous to Health Regulations 2002, and do not apply in all circumstances. Some of these duties are absolute under law and have to be complied with, without exception e.g. hoists and lifting equipment must be examined by a competent person at prescribed intervals. Thus these Health & Safety duties tend to include all specific safety requirements under licensing requirements for the public on the premises and extend them to cover the safety of others e.g. staff, contractors, passers by etc. Thus there is considerable overlap between the licensing regime and the wider health & safety regimes.

2.3 The Council will seek to achieve integration with relevant strategies and their aims in determining applications and will do so through relevant consultation of this policy and individual applications. Development Control may object if the relevant Planning Permission has not been sought and where the development adversely impacts on any the four objectives.

2.4 The Human Rights Act 1988

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a Local Authority to act in a way that is incompatible with a Convention Right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8 that everyone has the right to respect for their home and private life; and
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of their possessions, including for example the possession of a licence.

2.5 The Disability Discrimination Act 1995

The Disability Discrimination Act 1995 introduced measures to tackle discrimination encountered by disabled people in the areas of employment, access to goods, facilities and services and the management, buying or renting of land or property. For service providers, such as licensees this means;

- It has been unlawful to treat disabled people less favourably than other people for a reason related to their disability;
- Reasonable adjustments should be made for disabled people, such as providing extra help or making changes to the way they provide their services; and
- Reasonable adjustments should be made to the physical features of premises which are open to the public.

2.6 Newham's Race Equality Strategy

Newham has published its Race Equality Strategy in which Newham sets out how it aims to address race equality issues in the Borough. The Race Relations Act 1976, as amended by the

Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups. Local Authorities are also required under the Race Relations Act 1976 as amended, to produce a race equality scheme, by assessing and consulting on the likely impact of proposed policies on race equality, by monitoring policies for any adverse impact on the promotion of race equality, and by publishing the results of such consultations, assessments and monitoring.

2.7 Government Drinking Strategy

The Government has published an Alcohol Harm Reduction Strategy for England, in this it outlines how the Licensing Act can be used to address some of the Social Health and Crime & Disorder issues raised by the misuse of alcohol, when the Council is considering applications for any relevant licence made under the act. This strategy will be taken into account specifically with regard to the sale of alcohol to under 18's and the impact of lack of effective steps to tackle anti-social behaviour.

2.8 Newham's Crime & Disorder Strategy

Newham's Crime & Disorder Strategy will play a part in achieving some if not all of the objectives in reducing crime and disorder. In addition to this Anti Social Behaviour Strategy will focus on the first stage of the challenge, which is to make sure that the Council's efforts and relevant resources are working together effectively to reduce anti social behaviour across the borough. The Mayor has committed the Council to be effective in this area and has approved the development of a Anti Social Behaviour Division to concentrate on revising the Council's operational arrangements, strengthening the ways of working together with local communities and making our work with other key agencies much more effective. As such, these developments will form the Council's position and contribution to the wider multi-agency strategy that will be produced under the Newham Community Safety Partnership. The drive to deal with under age drinking and the impact that has on anti social behaviour will be managed through as part of this strategy.

2.9 Government & Police Guidance for Clubs and other licensed premises

For premises which may have problems with drugs, crime and disorder and/or are open late the Council will refer to the guidance given and will expect applicants in their operating schedules to use the strategies outlined in the Home Office Drug Strategy booklet – Safer Clubbing (ISBN Number: 1840827807). Copies of this booklet can be obtained from the Drug Prevention Advisory Service at www.drugs.gov.uk. The Metropolitan Police have also compiled a booklet entitled Safe and Sound which is available from Metropolitan Police, Clubs and Vice, Charing Cross Police Station, London WC2N 4JP Tele: 020 7321 7759

2.10 Tourism & Employment

Newham has leisure, tourism and sports strategies that address the issues of the local tourist economy. Arrangements will be made to keep the Committee apprised of the strategies, and where appropriate the Committee will also be advised of the employment situation and the need for any new investment in a particular area.

2.11 Fire Protocol

The London Councils Association and London Fire Brigade have compiled a London wide protocol in relation to the joint working of councils and the Fire Brigade with regard to the Licensing Act 2003. We will also put into place a local protocol which deals with communication with the local Fire Authority.

3.0 Planning Permissions

- 3.1 All applicants for Premises Licences and Club Premises Certificates and those intending to hold Temporary Events are reminded that planning permission will normally be required for such uses. Such planning consents may carry conditions with which applicants are expected to comply otherwise action may be taken under the relevant planning legislation. In general, planning consents authorise a broad type of use of a premises, whereas licences are granted for a particular type of activity. A planning permission for an entertainment use, for example may cover a number of activities that can have a wide range of different impacts in the locality.

Licensing applications must not be seen as a re-run of the planning application process and there is a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. The Licensing Committee will ensure that the Development Control Committee is advised of the situation regarding licensed premises in the Newham including the general impact of alcohol related crime and disorder and any proposals to introduce a saturation policy to assist the Development Control Committee in its decision making process. The purpose of a saturation policy is to minimise the cumulative impact of licensed premises where it can be shown that the density of premises selling alcohol and the concentration of drinkers is such that it is resulting in anti-social behaviour, noise, or crime and disorder. This conflict may be the result of the late night demand on local resources, for example the queuing for fast food outlets, public transport, etc. The Council however will not take demand into account when considering an application as this is a commercial decision and a matter for planning control and the market.

- 3.2 The Newham Unitary Development Plan (UDP) (June 2001) is the statutory land use document containing the principles of development for Newham. Some of the use classes that are considered under Leisure, Shopping and Retail policies of the UDP are Entertainment, Food and Drink. Although such uses are encouraged to locate within town centre areas to maintain the liveliness and attractiveness of the centres beyond normal shopping hours, they should be located away from the primary shopping frontages where the predominance of the retail function has to be maintained.

The potential impact of hot food takeaways, restaurants, pubs and clubs on the local environment and the amenity of the surrounding areas, particularly if proposed on a site that is adjacent to residential properties has to be carefully considered. Consideration also has to be given to the important role that leisure and entertainment uses can play in the regeneration of the economy for Newham, especially in town centres through the creation of jobs and enhancing the vitality and viability of town centres, such as East Ham and Stratford.

The Town and Country Planning (Use Classes) Order 1987 allows for the changes of use within the A3 (Food and Drink) Use Class without planning permission. However Planning permission may be required for any change of use from A1 (Retail) to A3 (Food & Drink), and also for a change of use to D2 (Assembly and Leisure). It is therefore advisable for any prospective applicant to contact the Development Control Section of the Council for advice and/or to obtain the necessary permissions prior to applying for a Premises Licence.

The current A3 Use Class includes cafes, restaurants, pubs, bars, and takeaways. The Government is proposing some changes to this Use Class, with restaurants and cafes retaining their A3 classification. A change of use from A3 to A1 or A2 (Financial and Professional Services) will be permitted development, but all other changes of use will require permission. So that the potential impact on the area can be considered by the Planning Authority. There is a proposed new Use Class for pubs and bars, A4. Takeaways will also have a new classification, A5. Both A4 and A5 will have permitted development for change of use to A1, A2, and A3, but any other changes will require permission. There is also a proposed change to the D Use Class, with late night leisure classified as D3. Planning permission will be required for any change of use from or to a D3 Use Class.

4.0 Determinations

4.1 When determining applications, representations and reviews the Council will work within the framework of this Policy which has been prepared with regard to Guidance issued by the Department of Culture, Media and Sport (DCMS) www.culture.gov.uk, in June 2007. However, the Licensing Committee may depart from the Guidance where specific circumstances arise and it is appropriate to do so.

4.2 The provisions for determination of Club Premises Certificates will be the same as those for Premises Licences.

4.3 This policy shall apply in respect of new consents, renewals, transfers, variations and reviews to the following:-

Premises Licence
Club Premises Certificates
Provisional Statements

And where appropriate:-

Personal Licences
Temporary Event Notices

4.4 Premises must be constructed or adapted in such a way that it is deemed safe and appropriate to the nature of the activities to be licensed. Premises in the course of construction, alteration, extension, etc. can be granted a Provisional Statement pending completion to the required standard and compliance with all other requirements.

4.5 In considering all licence applications, the interested parties should consider the adequacy of measures proposed to deal with the potential for Nuisance and/or Public Disorder and Public Safety having regard to all the circumstances of the case. If interested parties are not satisfied with proposed measures they may make representations in respect of the application. It is then for the Council to determine when deciding an application. The Council will expect Operating Schedules to satisfactorily address these issues from the design through to the daily operation of the business. Particular consideration will be given to the following and conditions may be attached to secure the same and/or in relation thereto:

- Internal safety arrangements i.e. all means of escape etc.
- The steps the Applicant has taken or proposes to take to prevent public nuisance. Such steps may include the management of customers behaviour, installation of sound proofing, air conditioning, acoustic lobbies, sound limitation devices, parking provision, notices at exits and in the car park.
- Whether other measures to prevent nuisance and secure public safety have been taken, such as the use of CCTV, the employment of registered door supervisors, means of access/exit, types of drinking utensils used i.e. glass, plastic, no bottles.
- The measures proposed to prevent the consumption or supply of illegal drugs, possession of offensive weapons including any search procedures and entry policies.
- The likelihood of any public disorder, violence or other alcohol related crime arising if a licence were to be granted.

4.6 If the police object to any application on the grounds of crime prevention, or if relevant representations are received from any other responsible authority or interested party and are based on the Licensing Objectives, a hearing will held of the Licensing Committee or one of its sub-committees.

5.0 Conditions

- 5.1 Upon grant of a licence, the Act sets out mandatory conditions, which will be attached in certain circumstances and in addition to these, special conditions may be attached. These conditions will be appropriate to the nature of the activities specified in the submitted Operating Schedule for the premises and shall reflect the four licensing objectives. Any special condition will normally be drawn from a Pool of Conditions and any works required will be in accordance with Technical Standards which will be compiled to meet the circumstances of the proposed activities. However to avoid duplication with other statutory regimes as far as possible the Council will not attach additional conditions to a licence unless they are considered necessary for the promotion of the Licensing Objectives and the Council has received relevant representations. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation. Conditions imposed will be in consultation as appropriate with the relevant authorities.
- 5.2 A suitable individual who is also a Personal Licence holder must be appointed as a Designated Premises Supervisor responsible for the day to day management of the premises at any time when it is open for the carrying out the retail sale of alcohol. The premises must also have a Premises Licence.

Failure to comply with the Licence conditions could amount to a criminal offence, and upon conviction punishable by a fine of up to £20,000 or 6 months imprisonment or both.

- 5.3 The conditions to be attached to licences and certificates will be tailored to the individual circumstances and characteristics of the premises and events concerned and will relate to matters within the control of the licensee, the premises themselves, the immediate vicinity and which are necessary to meet the licensing objectives. For example conditions may be imposed to prevent unnecessary noise and disturbance to local residents by way of limited hours and/or restrictions on sound levels. Conditions may also be imposed requiring licensees to display signs at all exits of premises reminding customers to leave the premises quietly and to respect the rights of nearby residents.
- 5.4 On receipt of relevant representations the Council may set maximum capacity limits for premises. Generally capacities will be set where it is necessary to achieve compliance with the objectives of Prevention of Crime and Disorder or Public Safety.
- 5.5 It shall be the Council's policy that where necessary premises will comply with the Council's Technical Standards for Places of Entertainment.
- 5.6 Whenever any persons are employed at licensed premises to carry out any security activity, all such persons must be licensed with the Security Industry Authority and this requirement will be imposed as a condition. The Licensing Committee may also consider that certain premises require strict supervision for the purpose of promoting the reduction of crime and disorder or public nuisance. In such cases, the Licensing Committee may impose a condition that licensed door supervisors must be present at the premises either, at all times or at such times as certain licensable activities are being carried out. This book shall be available for inspection by an authorised officer of the Council or a Police Officer.
- 5.7 In any case Licensees shall keep a record of all door supervisors/security personnel employed at the premises these records should include name, address, date of birth and SIA registration number, dates/times person was on duty.
- 5.8 Where necessary the Council will require incident report book to be kept at the premises, this should include any decision to refuse access, any attempt to make an underage purchase, any incident of crime and disorder in or about the premises, incidents of fire and fire alarm activations etc. This book shall be available for inspection by an authorised officer of the Council or a Police Officer.

- 5.9** The receipt of relevant representations that a licensable activity is likely to lead to disorder and/or stir up hatred or incite violence towards any section of the public on grounds of colour, race or ethnic or national origin, disability, religious beliefs, sexual orientation or gender, may lead to the Council considering a licence condition that a risk assessment is carried out prior to the licensable activity taking place at the premises.

6.0 Films

- 6.1** It is the responsibility of the licence holder to ensure that no film exhibited at the licensed premises is likely to lead to disorder and/or stir up hatred or incite violence towards any section of the public on grounds of colour, race or ethnic or national origin, disability, religious beliefs, sexual orientation or gender
- 6.2** The admission of children to any film exhibition shall be restricted in accordance with the recommendations given to films by the British Board of Film Classification or by the Council.
- 6.3** No film shall be available to under 18's without being classified by the British Board of Film Classification or the Council, and the classification being displayed. If the British Board of Film Classification has not classified a film, and the licence holder requires the Council to classify the film so that children can watch it, the licence holder must arrange for the Council to view and classify the film. In such cases the licence holder must arrange for the Council viewing and classification a minimum of 28 days prior to the proposed public exhibition of the film.
- 6.4** If the Council is concerned about the classification given by the British Board of Film Classification to a particular film, it may give notice to the holders of premises licences that the film may not be exhibited until it has been viewed and classified by the Council. In such circumstances the Council will view and classify the film as a matter of urgency.
- 6.5** Licence conditions may specify that immediately before each exhibition at the premises of a film (other than a current newsreel) passed by the British Board of Film Classification, there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of a certificate of the Board, or, as regards a trailer advertising a film, of the statement approved by the Board indicating the category of the film. Conditions may also require notices to be displayed both inside and outside the premises so that persons entering can readily read them and be aware of a category attached to any film or trailer.
- 6.6** Where any video works are shown on premises with a licence they should be suitable for the age group of the children permitted in the Operating Schedule, having regard to the official age classification of the work given by the Council, British Board of Film Classification or other film classification board approved by the Council.

7.0 Licensing Hours

- 7.1** In making decisions that relate to the hours for which a premises is licensed or any conditions as to delivery times etc. consideration will be given to achieving the Licensing Objectives that deal with the prevention of Crime and Disorder and the Prevention of Public Nuisance. Each case will be decided on its individual merits.
- 7.2** One of the aims of the Licensing Act 2003 is that varied licensing hours will minimise concentrations of customers leaving licensed premises simultaneously, this will help reduce the potential for disorder for example fast food outlets, taxi ranks and other sources of transport.
- 7.3** In relation to shops and other retail outlets supplying alcohol for consumption off the premises, the general policy will be to allow sales of alcohol at all times that the premises is open for business. Any decision not to allow sales of alcohol at particular times will be based on evidence of the need to prevent crime, disorder and public nuisance.
- 7.4** In making decisions in respect of hours, consideration will be given to representations made by residents and businesses in the vicinity of the premises, their representatives, the police as well as the applicant and other agencies as appropriate.
- 7.5** Fixed trading hours will not be set for particular geographical areas. However account may be taken of any future guidelines that are adopted either nationally or locally in respect of licensing hours. It should be stressed that each case will be decided on its own merits based on whether the licensing objectives can be met. Stricter conditions however are likely to apply where the premises are situated in mainly residential areas to minimise disturbance to local residents.
- 7.6** Limitations on operating hours may be imposed as appropriate upon consideration of representations for example, in the case of isolated shops known to be a focus of disorder, disturbance or for people engaging in anti-social behaviour, including pressurising shop staff to make unlawful sales.
- 7.7** In certain circumstances agreement may be sought with operators, that premises licensed for the supply of alcohol within a one mile radius of West Ham United Football Club or where there is intelligence that football supporters are known to use should include in their operating schedule the following, that on match days the following may apply:-
- Drinks shall only be supplied in polypropylene or toughened glass vessels and all bottled drinks shall be poured into polypropylene or toughened glass drinking vessels before being handed to the customer.
 - Registered door staff shall be employed to facilitate the entry and exits of the premises and assist in preventing the consumption of alcohol on the foot-way within the premises boundary.
 - If so instructed by the Police Matchday Commander the premises shall be closed if in the opinion of the Police Matchday Commander that violence and/or disorder may take place.

The Premises Licence Operating Schedule will be expected to reflect this and a condition attached to the licence following discussion with the Police Matchday Commander. The decision to close the premises on a particular matchday will be made by the Police Matchday Commander.

- 7.8** Shops, stores and supermarkets should be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons for restricting those hours. Accordingly if the law permits the shop to open for 24 hours or limits such opening, e.g. on Sundays this Council will generally permit the sale of alcohol during those hours.

8.0 Cumulative Impact of Licensing on the Amenity of Particular Areas/Saturation Policy

8.1 The Council recognises that the cumulative effect of licensed premises may result in an increased number of people either walking through or congregating in streets or causing adverse effects on amenity and this in turn may have a number of undesirable consequences, for example:

- An increase in crime against both property and persons;
- An increase in noise causing disturbance to residents;
- Traffic congestion and/or parking difficulties;
- Littering and fouling.

Where the Council recognise there is such a cumulative effect it will consider adopting a specific saturation policy if this proves necessary to achieve the Licensing Objectives.

8.2 The Council will take into account:

- The Character of the surrounding area;
- The potential and real impact of the licence on the surrounding area, both individually and cumulatively with existing licences;
- The nature and character of the proposed operation; and
- Any other relevant considerations

8.3 Where there is evidence that a particular area of Newham is suffering adverse effects arising from a concentration of licensed premises, or that residential areas are under stress, this will be taken into account in determining any further applications or variations to existing licences for premises within the area identified. The onus will be on the objectors to provide evidence to back up any assertion that the addition of the premises in question would produce the cumulative impact claimed.

The Council in considering whether to adopt a special Saturation Policy will take the following steps:

- identify serious and chronic concern from a responsible authority or representatives from residents or local businesses concerning nuisance and/or disorder;
- assess the causes;
- where it can be demonstrated that disorder and nuisance is arising as a result of customers of licensed premises, identify the area from which problems are arising and the boundaries of that area; and
- adopt a special policy about future licence applications from that area.

8.4 At the present time the Council has not designated any saturation areas within Newham. If in future the council designates any such areas they will be advertised, current licence holders will be informed and new applicants advised on their initial enquiry.

Should the Council designate such an area applications will be considered only where it can be shown that the granting of the licence will not add to the cumulative impact of the licensed premises in that area.

The decision to adopt such a Saturation Policy would be subject to full public consultation and would automatically lead to a review of this Licensing Policy.

9.0 Children

- 9.1** The Council will have specific regard to the licensing objective to protect children from harm. This objective includes the protection of children from moral, psychological and physical harm.
- 9.2** It is anticipated that Licences will be sought in respect of a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night takeaways, pubs, bars and nightclubs. It is not possible within this licensing policy to anticipate every situation where children may be at risk. The Council will not therefore impose general conditions that apply to all premises, but will expect applicants to offer their own measures within the operating schedule to meet all of the licensing objectives.
- 9.3** The Council will not seek to limit the access of children to licensed premises unless it appears necessary to protect them from harm. The Licensing Committee will judge the merits of each separate application before deciding whether to impose conditions limiting access to children. The following are some examples of premises that will raise concerns;
- where there have been convictions for serving alcohol to minors or where there is evidence that underage drinking is permitted
 - a known association with drug taking or dealing
 - where there is a strong element of gambling on the premises
 - where entertainment or services of an adult or sexual nature are provided (see section 9.13 below).
- 9.4** The Council will not impose a right of access for children, this will remain a matter for the discretion of the licence holder. It is anticipated that the issue of access to children will be addressed in the Operating Schedule. Applicants should note it is an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for the consumption on those premises. Applicants should note it is also an offence for unaccompanied children under the age of 16 to be on premises at certain times.
- The Licensing Act makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises under the authorisation of a Premises Licence, Club Premises Certificate or where that activity is carried on under the authority of a Temporary Event Notice. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between the hours of midnight and 05.00am at other premises supplying alcohol for consumption on the premises under the authority of any Premises Licence, Club Premises Certificate or Temporary Event Notice. Outside of these hours, the Act does not prevent the admission of unaccompanied children to a wide variety of premises where the consumption of alcohol is not the exclusive or primary activity at those venues.
- 9.5** The range of options available to limit the access of children to licensed premises that may be imposed by the Council include:
- Limitations on the hours where children may be present;
 - Age limitations
 - Exclusions when certain activities are taking place;
 - In exceptional cases, exclusion of people under 18 from the premises or parts thereof when any licensable activities are taking place.
- 9.6** Licensees will have to prevent children from viewing films or video works that are unsuitable due to the age classification of the film that has been imposed by the British Board of Film Classification or the Council.
- 9.7** The Council will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licensee will ensure that an adequate number of

adult staff are present to control the access, egress and safety in and around the premises. The number of staff required should be assessed by the licensee, taking into account the number of children to be present, the type of entertainment, the characteristics of the premises and any other relevant factor.

- 9.8** Anyone intending to provide staff for the supervision of activities to under 18's will be required to carry out enhanced criminal record checks on all persons involved servicing such activities. These checks should be entered into a register which should be kept on the premises at all times and made available to the Police or authorised Council Officer on request. Staff shall only be appointed who have been subject to a check and are found to be suitable, if in doubt the applicant should liaise directly with the Police.
- 9.9** The Council will specifically require the Operating Schedule to address issues relating to children. In such cases applications will be copied to Children's Services for their consideration and expert opinion, see Annex M of this policy for contact details. Applicants will also be advised to contact Children's Services directly to seek advice prior to submitting their application.
- 9.10** Premises that sell alcohol should have due regard to Proof of Age Schemes such as Citizencard or Connexions as well as the Challenge 21 Policy for further details or contact Trading Standards (see Annex M for contact details). In addition, the Portman Group operates on behalf of the alcohol industry a code of practice on the naming, packaging and promotion of alcoholic drinks. This code seeks to ensure that drinks are marketed in a socially responsible manner and only to those over 18 years of age.
- 9.11** Premises that sell cigarettes, particularly by vending machines, should have an effective method of ensuring that under 18's should not purchase or be supplied with cigarettes. It is suggested that the vending machines are kept away from self service and unsupervised areas.
- 9.12** Where there are restrictions (whether imposed by statute or by the Council) on the sale or supply of goods or the provision of services or the showing of films or other entertainment to children below a certain age then the licensee will be required to demonstrate that they have in place a system for verifying the age of the children intended to be supplied with such goods, services or entertainment. Training must be given to all persons who might be in a position to refuse such children. Such training must include
- recognition of age,
 - seeking proof of age,
 - verifying the authenticity of proof of age cards, and
 - handling refusals

It should also be noted there are restrictions on Gambling Activities that children and vulnerable are allowed to access please see Newham Councils' Gambling Policy for further details.

9.13 Adult Entertainment Services:

Applicants for licensees should take into account whether entertainment or services of an adult or sexual nature are to be provided at the premises. Whilst it is not possible to give an exhaustive list of such entertainment or services, it would include topless bar staff, striptease, lap/table/pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sex acts or fetishism, or entertainment involving strong and offensive language.

It may be necessary to prohibit or limit the access of children to premises where adult entertainment or services are to be provided.

Measures that can be contained in applicants operating schedules include:

- Limitations on the hours when children may be present
- The prohibition of children under certain ages from the premises when adult entertainment and services are being provided, or when any licensable activity is taking place.
- Limitations on the parts of the premises to which children have access

- Age limitations (below 18),
- Requirements for accompanying adults (including for example a requirement that children under a particular age must be accompanied by an adult).
- No display or advertising of the adult entertainment or services outside the premises or in the vicinity of the premises, and
- That it will be impossible to see or hear the adult entertainments or services from outside of the premises, or from outside of the defined area within the premises where the activities are taking place.

Whilst each particular application involving adult entertainment or services will be decided on its own particular merits, this Council may (for the protection of children) take into account in its determination of the application:

- The proximity of the premises to any recognised schools, centres or establishments for the education, training or care of young persons,
- The proximity of the premises to leisure centres used for sporting and similar activities by young persons,
- The proximity of the premises to any youth club or similar establishment, and
- The proximity of the premises to recognised community, welfare, health and similar establishments used specifically or to a large extent by young persons,

Note: the proximity will be determined on each individual application at the informed discretion of the Licensing Team.

Note: also see Annex D of this policy concerning Adult Entertainment.

10.0 Premises Licence

10.1 Application

Any person aged over 18 years, a business or a partnership and other persons/associations entitled under the act may apply for a premises licence. The application must be accompanied by:

- the required fee
- an operating schedule
- a scale plan (1:100 unless otherwise agreed) of the premises to which the application relates in the prescribed form and,
- if the premises involves the supply of alcohol, the form of consent from the individual who is to be specified as the designated premises supervisor
- application sent to all responsible authorities see ANNEX L
- application to be advertised a local paper and on a notice clearly displayed (24 hours per day). Further information is included in the application pack.

Please note the consultation period is a minimum of 28 days. If representations are received a hearing is required this will be arranged within the following 28 days. Any licensable events arranged by the applicant in anticipation of a licence being obtained is entirely at the applicants own risk and such events may have to be cancelled or relocated to a licensed premises.

The Council is prepared to give guidance on how to complete application forms and to hold informal pre-application discussions regarding any potential problems and to avoid unnecessary hearings and appeals.

10.2 Application Form

The operating schedule part of the application form should include sufficient information to enable the Licensing Authority, the Licensing Committee/Sub-Committee or any interested party or responsible authority to assess the steps proposed by the applicant to promote the Licensing Objectives. For example it will include a description of business to be conducted on the premises must also included in the application form.

Premises where alcohol is to be sold for consumption in premises it would be valuable to know the extent of seating, the type of activities available on the premises whether licensable under the 2003 Act or not. If there is to be dancing on the premises the operating schedule should describe the type of dancing.

Full details of information required in the application form include:-

- Relevant licensable activities to be conducted on the premises
- Times/days of the week including holiday periods or different times of the year, the activities are to take place.
- Any other times the premises is open to the public
- Where the licence is required for a limited period, that period
- If the activities include the supply of alcohol, the name and address of the designated premises supervisor
- If alcohol is to be supplied, if it is to be consumed on/off the premises or both
- If adult entertainment or services of any description (whether licensable or not) are to be provided at the premises, full details must be given (see section 9.13)
- The steps the applicant proposes to promote the Licensing Objectives e.g. leaving a licensed premises quietly, public transport for customers leaving the premises. Also, in considering the steps to be taken to promote the licensing objectives the applicant should give consideration to the pool of model conditions attached to this statement of licensing policy.
- The applicant will be expected to undertake a thorough risk assessment with regard to each of the licensing objectives when preparing their applications and specifically the steps taken by the applicant to protect children from harm.

- 10.3** The Council recommends that for significant promotions and events, a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Accordingly, for premises wishing to provide such significant promotions or events the Council recommends that applicants address their Risk Assessment and debrief processes in their operating schedule.

The Metropolitan Police recommends the Metropolitan Police Promotion / Event Risk Assessment Forms 696 and 696A as useful and effective tools for this purpose. Where the Risk Assessment forms are used to assess the likely risks for any significant promotion or event, it is anticipated that these will be completed in consultation with the Metropolitan Police. Risk assessments should be submitted to the Metropolitan Police and the Council within 14 days of any proposed event and debrief forms submitted within 14 days of the conclusion.

Forms 696 and 696A are available on the Metropolitan Police website at (*address to be added*). It is recommended that electronic completion and transmission of the forms is undertaken by licensees. Emailed forms should be sent to ClubsFocusDesk-CO14@met.police.uk and LicensingRegistration@newham.gov.uk and (*Newham Police address to be added*).

The majority of venues holding significant events and promotions have regular repeat artistes and DJs, in which case only one risk assessment and subsequent debrief is required for an artiste at the venue concerned. Where venues have significant events and promotions with different artistes or DJs on each occasion, the risk assessment forms should be completed for each of these occasions

The Premises Licence Conditions proposed by the Metropolitan Police are contained in Annex D and these can be recommended as model conditions. They will not, of course, be imposed on any licence as a condition, unless as suggested in the policy statement, applicants address risk assessment in their operating schedules, or the Metropolitan Police as a responsible authority submits relevant representations for any application received. If conditions are to be applied, they will have to be relevant and proportionate to the matters raised in the representations against the application.

10.4 Designated Premises Supervisor

A Personal Licence holder will be identified in the Premises Licence to be a Designated Premises Supervisor to ensure that there is always one specified individual who can be readily identified for the day to day running of the premises.

Where the Designated Premises Supervisor is not available for a significant period of time for example on an annual holiday there should be a nominated individual as a point of contact who is authorised to act as the Designated Premises Supervisor.

The Premises Licence will specify the name of the Designated Premises Supervisor along with the issuing Licensing Authority and Licence Number. It is the responsibility of both the Premises Licence holder and the Designated Premises Supervisor to notify the Council immediately of any change of Designated Premises Supervisor.

10.5 Wholesale of Alcohol

The wholesale of alcohol to the public is now a licensable activity under the 2003 Act. Therefore there will be a need for a Premises Licence and a Designated Premises Supervisor who holds a Personal Licence where such transactions take place.

10.6 Internet and mail order sales

A Premises Licence will be required for the warehouse/storage facility of the alcohol (where intended for retail sale, direct delivery to public). However, the call centre where the order was placed would not be licensable. The Operating Schedule must include procedures for ensuring that sales of alcohol are not made to persons under the statutory age limit (currently 18 years of age).

107 Regulated Entertainment

Any regulated entertainment will require a Premises Licence, see Annex A of this Policy for full details.

10.8 Late Night Refreshment

The provision of hot food and/or hot drink for consumption either on or off the premises is licensable under the 2003 Act from the hours of 11.00pm and until 05.00am

Some premises are exempt from this licensing requirement:

- clubs, serving hot food and hot drink only to their members
- hotels, or comparable premises, serving hot food and hot drink only to those who will be staying at the hotel that night
- premises serving hot food and hot drink only to their own employees
- premises serving hot food and hot drink only to guests of those falling in the categories outlined above.

10.9 Restaurants, Cafes and Takeaways

Where these premises sell hot food or drink between the hours of 11pm to 05.00am they will need a Premises Licence. Restaurants, Cafes and Takeaways will also need a Premises Licence if they sell alcohol at any time during the day or night.

10.10 Casinos and Bingo Clubs

Where activities which are licensable under the Act are carried out in Casinos or Bingo Clubs the conditions imposed will apply alongside those conditions imposed under the Gambling Act 2005.

10.11 Petrol Stations

There are restrictions of the sale of alcohol from petrol stations, however, where it is shown that the main activity of the premises is not that of a garage each case will be judged on the individual circumstances of the application.

10.12 Vehicles and Moveable Structures

The sale of alcohol or the carrying out of other licensable activities from vehicles/moveable structures may only be carried out from a premises or site which holds a Premises Licence. It should also be noted that the provision of any entertainment or entertainment facilities on premises consisting of or forming part of any vehicle while it is in motion and not permanently or temporarily parked is not to be regarded as a regulated entertainment for the purposes of the 2003 Act. For example, a band performing on a moving float in a parade would not require a premises licence if performances only take place while the vehicle is in motion.

10.13 Vessels and Ships

Vessels or ships are licensable by the Licensing Authority where they are usually moored.

10.14 London City Airport

Premises Licences are not required where alcohol is sold airside in a port that has been designated by the Secretary of State i.e. where the non-travelling public do not have access, similarly this applies to wharfside in a designated port. Other parts of designated ports and airports are subject to normal licensing controls.

10.15 Sports Grounds

On premises that are subject to Safety at Sports Ground Act requirements, safety shall take precedence over conditions imposed or activities permitted by the premises licence during those times the Safety Certificate applies.

10.16 Vending Machines

Premises selling hot food via a vending machine will need to apply for a Premises Licence.

10.17 Amusements with Prizes Machines

This item is covered by the Councils' Gambling Policy. Premises licensed for the sale of alcohol for consumption on the premises may give notification to the Council if they require 1 or 2 machines. If they require more than 2 machines they must obtain a Licensed Premises gaming machine permit from the Council.

10.18 Hotel Mini Bars

Hotels which supply mini bars in hotel rooms will put in place measures within their operating schedule that alcohol will not be made available to persons under the age of 18 years.

11.0 Club Premises Certificate

11.1 A Qualifying Club may apply for a Club Premises Certificate, the Licensing Act 2003 stipulates the requirements of a Qualifying Club as specified in Sections 61-64 of the Act. The club/organisation members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation for supply to members and their guests. The Council must be satisfied these conditions have been met, including evidence to support that any gain from its activities is applied for the benefit of the club and its members and that there is a minimum of 48 hours delay between application and acceptance of new members. The Club must have a minimum of 25 members.

11.2 In order for Qualifying Clubs to supply alcohol and provide other licensable activities on Club premises, a Club Premises Certificate is required, and there is no requirement to specify a Designated Premises Supervisor as there are technically no retail sales of alcohol. If possible, the Council will give advice and answer any questions applicants may have in regard to their applications. See sections 10.2 and 11.5 of this Policy for Guidance on Operating Schedules.

11.3 The club must be established and conducted in 'good faith' (this involves consideration of details such as club finances).

11.4 Any member of a club over 18 years of age may apply for a Club Premises Certificate and applications must be accompanied by:-

- Completed application form
- The required fee
- An operating schedule
- A scale plan (1:100 unless otherwise agreed) of the premises to which the application relates in the prescribed form
- A copy of the Club rules
- The application to be advertised in a local paper and on a notice clearly displayed (24 hours per day). Further information is included in the application pack.

11.5 Operating Schedule

The Act requires the Club to produce an Operating Schedule which shall include the following:

- The qualifying club activities to which the application relates;
- The proposed hours of those activities and any other times during which it is proposed that the premises are to be open to the public;
- Where the relevant Qualifying Club activities include the supply of alcohol, whether the supplies are for consumption on the premises;
- Information to enable the Council or any interested party to assess the steps taken by the applicant to promote the Licensing Objectives (for example, the arrangements for door security to promote the prevention of crime and disorder & the prevention of the supply of alcohol to children).

11.6 Where a Club intends to provide licensable activities to the general public then a Premises Licence or a Temporary Events Notice is required. Where alcohol is sold and there is a Premises Licence, then there will also be a requirement for a Designated Premises Supervisor to be appointed. Temporary Event Notices are subject to certain restrictions i.e. 12 occasions per year, must not aggregate more than 15 days, must not be longer than 96 hours in duration or have more than 499 people attending.

11.7 If an applicant wishes to vary a Club Premises Certificate, the Council require the application to be processed in the same manner as for a Premises Licence.

- 11.8** Previously, registered members clubs also enjoyed another privilege of being outside the normal licensing regime: the freedom to sell alcohol to minors and allow them to consume it on the club premises. Although in recent years most clubs have operated voluntary rules which prohibit sales and supply of alcohol to those under 18 years old, the 2003 Act has removed this privilege and the sale or supply of alcohol to children in such clubs is now unlawful.
- 11.9** The Council will require the Club Secretary's current contact details to be readily available.

12.0 Personal Licenses

- 12.1** The Council will grant a personal licence provided the following criteria are met:
- a. The applicant is over 18
 - b. The required fee
 - c. The applicant possesses the original relevant licensing qualification
 - d. The applicant has not forfeited a personal licence in the previous five years beginning with the day the application was made
 - e. The applicant does not have a unspent relevant conviction for any relevant offence, or foreign offence as defined in Annex C of this Policy and Schedule 4 the Act.
 - f. Included in the application will be two passport quality photos (one of which should be, endorsed).
 - g. The applicant to submit an original CRB check (which must not be dated more than one month prior to the Councils receipt of it), and
 - h. The application has been submitted correctly).

The Council will give advice and guidance to applicants in regard to their applications.

- 12.2** In order to substantiate whether or not an applicant has a conviction for an unspent relevant Offence or foreign offence, applicants will be required to produce a current Criminal Record Bureau. A declaration is also required stating that an applicant has no relevant convictions for any relevant offences as mentioned in schedule 4 of the Government Guidance and in Annex C of this Policy.

A relevant offence or a foreign offence will be disregarded if it is spent for the purposes of the Rehabilitation of Offenders Act 1974.

- 12.3** The Council will liaise closely with the Police when an applicant is found to have an unspent conviction for a relevant offence as defined in the Act. Where an applicant for a personal licence has an unspent criminal conviction for a relevant offence, the police may interview the applicant should the police be minded to object to the grant of the licence.
- 12.4** If an objection is made by the Police to an application the matter will be referred to by the Licensing Committee.
- 12.5** In the event of number 12.4 above the refusal of the application will be the normal course unless there are in the opinion of the Council, exceptional and compelling circumstances that justify granting the application.
- 12.6** The Personal Licence holder must inform the Council of any new relevant convictions.
- 12.7** The Personal Licence holder must also notify the court at any hearing of any hearing of a relevant offence under the act that they are a Personal Licence holder.
- 12.8** Failure to comply with 12.6 and/or 12.7 is an offence.
- 12.9** Where the Personal Licence holder is also the Designated Premises Supervisor and the Licensing Authority becomes aware that a relevant offence has been committed they will notify the police who will consider if this undermines the prevention of crime and disorder objective of the act. If this is the case the police may call the relevant premises licence for review.
- 12.10** here a Personal Licence holder is convicted by a court for a relevant offence, the Court should advise the Council accordingly. On receipt of such notification, the Council will contact the holder within 14 days requesting return of the licence so that the necessary action can be taken. Licensees must also notify the Council know of any relevant convictions.

13.0 Temporary Event Notices

13.1 The Act provides for certain occasions when licensable activities may take place at small scale events **without** a premises licence is not necessary however, a Temporary Event Notice is required. A Temporary Event Notice is advance notice of an event.

13.2 The law states the Temporary Event Notice will be subject to the following limitations:-

- a. The Notice must be received by the Council and police at least clear 10 working days before the first day of the event. This excludes the day on which the notice is received. Applicants are asked to note that it is unlawful for the Council to accept a Temporary Event Notice outside of this time.
- b. The number of people attending the event cannot exceed 499 at any one time.
- c. Duration of event not to exceed 96 hours.
- d. The same premises can only be used for up to 12 occasions per calendar year, but the aggregate number of days must not exceed 15.
- e. A Personal Licence holder may only submit a maximum of 50 Temporary Event Notices per year.
- f. A person who does not hold a Personal Licence is limited to 5 Temporary Event Notices per year.

For events involving more than 499 people or for a longer period a Premises Licence will be needed, see Section 10.0 for details.

13.3 As mentioned above at least 10 clear working days notice must be given to the Police and the Council prior to the date of the event. It is advisable to give as much notice as possible in excess of the 10 day period. The Council recommends that 28 days notice be given in order to allow the police to consider the application, give advice to organisers on how to run their event in a proper manner and to pass on any relevant local information.

13.4 It is also recommended that persons submitting Temporary Event Notices carry out a risk assessment of the event in relation to all the licensing objectives. The Metropolitan Police recommends the Metropolitan Police Promotion / Event Risk Assessment Forms 696 (address to be inserted) as a useful and effective tool for purpose of a risk assessment for crime and disorder purposes. They also recommend that the completed form be submitted to them with the Temporary Event Notice.

13.5 Organisers looking to host a Temporary Event may wish to contact the Initial Response Team for advice on how to best reduce the risk of causing a nuisance.

14.0 Provisional Statement

- 14.1** Applicants may need to apply for a Provisional Statement where premises are being constructed, extended or substantially changed structurally for the purpose of licensable activities.
- 14.2** Applications for Provisional Statements shall be made and dealt with in the same way as a Premises Licence and/or Club Premises Certificate applications. However, before a premises may trade an application for a Premises Licence or Club Premises Certificate must be made (see section 10 and 11).

15.0 Application Consultation

- 15.1** This section of the policy outlines the licensing consultation process. The aim of consultation is to provide the opportunity for all sections of the community to be involved in the licensing process.
- 15.2** The consultation procedure required for each type of application is prescribed within the Act and Regulations made there under.

Applicants are required to advertise a licence application for the grant or variation of a Premises Licence (including Time Limited Premises Licence) or Club Premises Certificate. For such applications the consultation required is:-

- Copies of the application must be received by the Responsible Authorities (see Annex L for details) on the same day as the original application is received by the Local Authority.
- A blue coloured notice(s) must be displayed at the premises for the full 28 day consultation period. It must be clearly visible 24hrs a day and legible to passers by. The notice will give a brief outline of the regulated activities and the hours applied for.
- An advert will be placed in a local borough wide publications in Newham, these include; the Newham Recorder and Stratford and Newham Express, within 10 working days of the application being received by the council.
- Copy of the application to neighbouring council(s) on or near site boundary (within 3 working days).

16.0 Appeals

- 16.1** Where an applicant is aggrieved by a licence condition imposed or a decision made by the Council following an application made for a licence, there is a right of appeal. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Council of the decision and must be made to Stratford Magistrates Court, The Court House 389-397 High Street, Stratford, London E15 4SB.
- 16.2** Where a interested party or responsible authority has made a representation against an application and is aggrieved by the decision of the Council there is a right of appeal This appeal must be lodged within 21 days from the day on which the applicant was notified by the Council of the decision and must be made to Stratford Magistrates Court.
- 16.3** In respect of the refusal to issue a Personal Licence – appeals must be made to Stratford Magistrates Court. This appeal must be lodged within 21 days from the day on which the applicant was notified by the Council of the decision
- 16.4** Appeals in relation to all other licences must be made to Stratford Magistrates Court where the premises or event is situated. Applicants attention is drawn to Schedule 5 of the Act regarding appeals from the decisions of the Licensing Committee.
- 16.5** Similarly where a Premises Licence holder, responsible authority or interested party is aggrieved by the Council's decision following a review hearing a similar right of appeal exists.
- 16.6** There is no further appeal procedure mechanism beyond the Magistrates.
- 16.7** If you believe any party has acted outside of the law specialist legal advice should be sought.

17.0 Complaints about licensed premises.

17.1 Licensed premises must ensure they meet the four licensing objectives;

- **The prevention of crime and disorder;**
- **Public Safety**
- **The prevention of public nuisance**
- **The protection of children from harm**

17.2 Interested parties such as a resident/ local business owner, who live/trade within the vicinity of a premises which;

- a. is applying for a NEW Premises Licence,
 - b. or are applying for a VARIATION of an existing Premises Licence,
- have the right to raise a representation (objection) against the application.

17.3 If a premises has an existing licence you may also apply to the council for a review of that licence. In such cases and a hearing is held you will be required to appear at that hearing. The licensing team will advise you about the process, this does not take away any recourse you may have to raise your concerns with one of the responsible authorities. If this latter step results in sufficient evidence to call the licence in for review you may then be asked to give evidence in support of this.

17.4 If you believe a premises who holds an **existing licence**, is **undermining any** of the four licensing objectives, you may make a Representation to Newham Council's Licensing Team in writing. You must state the reason(s) for your view and supply any evidence in support.

17.5 For those premises **applying for a new licence or changing and existing licence** you **must** make your Representation in the specified time frame in the manner stated above. These dates will be stated in a Newspaper Advert and/or at the premises on a Blue Notice. **If your Representation is received after this date it cannot be considered.**

17.6 The council where possible will endeavour to facilitate an agreement through: The different parties so that where possible the need for a hearing is unnecessary. Such agreement may include potential licence conditions which could be imposed to resolve the issues.

Where an agreement is not practicable or fails the council may arrange for a hearing to review the licence or application.

17.7 A review of the licence will normally follow any action by the police to close down a premises for up to 24 hours on grounds of disorder or nuisance, as a result of a magistrates' court's determination sent to the Licensing Authority. A licence review can have several outcomes, ranging from no action being found necessary to the temporary suspension or revocation of a licence.

17.8 It must be stressed that the licensing authority may reject applications for a Review or Representations by Interested Parties if they are found to be **frivolous, vexatious or repetitious**. In the case of being repetitious this means that in the opinion of the Council a reasonable period of time has not lapsed since an earlier Representation or review application.

17.9 Residents and other interested parties may also make a complaint against a premises regardless of whether they have previously made representations or called for a review of an existing

licence. The complaints may in the first instance be made to the licensing team who will forward it to the relevant responsible authority e.g. In the case of crime and disorder the complaint will be forwarded to the police. Where practicable the licensing team will investigate any complaints that falls within its remit such as unauthorised activities for example the sale of alcohol after permitted hours.

18. Enforcement Policy

18.1 The council has a long established enforcement policy, based around the principles of consistency, transparency and proportionality set out in the Department of Trade and Industry's Enforcement Concordat and which also takes into account the Attorney-General's Guidelines to Crown Prosecutors for bringing prosecutions. The enforcement policy allows a proportionate response to be made where offences against licensing legislation are found or where licence conditions have been contravened.

18.2 It is essential that licensed premises operate in accordance with the act. Part of the council's role is to monitor premises and take appropriate action. This may be independently, alongside the police and/or other Responsible Authorities to ensure the licensing objectives are promoted.

Protocols have been established with the police on enforcement issues to provide an efficient and effective deployment of local authority and police staff. Joint visits are commonly undertaken to enforce licensing law and to inspect licensed premises.

18.3 The council expect the police to share information about licensees and licensed premises under the Crime and Disorder Act 1998 and its common law powers, to consult closely with the council when any enforcement action may be required and expects the police to continue using their powers under criminal law.

18.4 To protect the community and young people the sale of alcohol is restricted to those over the age of 18. The council routinely undertake test purchasing to ensure the law is being adhered to. Test purchasing will involve the use of underage children who;

- will not disguise their age with make-up,
- not try to persuade the retailer to sell if they are refused a purchase,
- will disclose their true age and leave the premises without argument, if challenged.

18.5 It should noted the council supports the use of the Challenge 21 Policy and recommends this should be included as part of an applicants operating schedule in any Premises Licence or Club Premises Certificate application. Please contact Trading Standards or Underage Sales Unit for further details.

19.0 Administration, Exercise and Delegation

- 19.1** The Council is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. The powers under the Act also allow for delegation of powers/functions to Licensing sub-committees or to one or more officers.
- 19.2** Appreciating the need to provide a speedy, efficient and cost effective service to all parties involved in the licensing process, the Council has taken advantage of these powers and has established a Licensing sub-committee/sub-committees.
- 19.3** Many of the decisions and functions are largely administrative in nature such as the grant of non-contentious applications, including for example those licences and certificates where no representations have been made. These will be delegated to Council officers. All such matters dealt with by officers will be reported for information to the next Licensing Committee meeting.
- 19.4** Applications where there are relevant representations will be dealt with by the Licensing Committee/sub-committee – unless such representations are considered irrelevant, frivolous or vexatious or unless the Council, the applicant and everyone who has made representations agrees that a hearing is not necessary.
- 19.5** The table given in 20.0 below sets out the agreed delegation of decisions and functions of the Licensing Committee, sub-committees, and officers.
- 19.6** This scheme of delegations is without prejudice to the right of relevant parties to refer an application to a Licensing sub-committee or the full Licensing Committee if considered appropriate in the circumstances of any particular case.
- 19.7** Unless there are compelling reasons to the contrary, the Council will require the Licensing Committee or any of its sub-committees to meet in public – although Members can retire into private session to consider their decision.

20. Delegated Functions

Matter to be dealt with	Full Licensing Committee	Licensing Sub-committee	Officers
Application for Personal Licence		If a Police objection on the grounds of unspent convictions	If no objection made
Application for Premises Licence / Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application for Provisional Statement		If a relevant representation made	If no relevant representation made
Application to vary Premises Licence / Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application to vary Designated Premises Supervisor		If a Police objection	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for Transfer of Premises Licence		If a Police objection	All other cases
Application for Interim Authorities		If a Police objection	All other cases
Application to review Premises Licence / Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a Police objection to a Temporary Event Notice		All cases	

21. Policy Consultation and Review

21.1 This Policy will take effect from 2 January 2008 and will remain in force for not more than 3 years, during that time it will be subject to periodic review and further consultation. At the end of the 3 year period the Policy will be formally reviewed and a formal consultation exercise will be carried out prior to publication of any subsequent policy.

21.2 In developing this policy the council will consult widely to ascertain an appropriate licensing framework for its area. The bodies consulted have included those specified in Section 3 of the Government Guidance and Annex J of this Policy;

- Responsible Authorities
- Representatives of the local licensing trade
- Representatives of local businesses and residents

21.3 In addition the Council will consult:

- Representatives of the local strategic partnership
- London Ambulance Service
- Newham Primary Care Trust
- Newham Community Forums

21.4 Monitoring and Review of Policy

The police, fire authority and other consultees will, if possible, be encouraged to report to the Council annually on the operation of the licensing function and, if possible, regular open meetings will be held to discuss and advise on how the Licensing Objectives are being met.

Consultation will take place via the Newham Magazine, Newham Recorder, publishing on the Council website asking for comment. see annex L of this policy. Comments received via this consultation process will be considered by officers and/or by a panel of officers and members depending on the nature of the comments as defined in Government Guidance.

21.5 The Council is also required to take into account any guidance issued by the Secretary of State. Following consultation, any revisions to this Policy will be published on Newham's website.

Annex A

Regulated Entertainment – Extract from Licensing Act 2003

Schedule 1 - Provision of Regulated Entertainment

Part 1 – General Definitions

The provision of regulated entertainment

1. (1) For the purposes of this Act the “provision of regulated entertainment” means the provision of
 - (a) entertainment of a description falling within paragraph 2, or
 - (b) entertainment facilities falling within paragraph 3, where the conditions in sub-paragraphs (2) and (3) are satisfied.

- (2) The first condition is that the entertainment is, or entertainment facilities are, provided -
 - (a) to any extent for members of the public or a section of the public,
 - (b) exclusively for members of a club which is a qualifying club in relation to the provision of regulated entertainment, or for members of such a club and their guests, or
 - (c) in any case not falling within paragraph (a) or (b), for consideration and with a view to profit.

- (3) The second condition is that the premises on which the entertainment is, or entertainment facilities are, provided are made available for the purpose, or concerned (whether of a description falling within paragraph 2(1) or paragraph 3(2) to take place.

To the extent that the provision of entertainment facilities consists of making premises available, the premises are to be regarded for the purposes of this sub-paragraph as premises “on which” entertainment facilities are provided.

- (4) For the purposes of sub-paragraph (2)(c), entertainment is, or entertainment facilities are, to be regarded as provided for consideration only in any charge -
 - (a) is made by or on behalf of –
 - (i) any person concerned in the organisation or management of that entertainment, or
 - (ii) any person concerned in the organisation or management of those facilities who is also concerned in the organisation or management of the entertainment within paragraph 3(2) in which those facilities enable persons to take part, and
 - (b) is paid by or on behalf of some or all of the persons for whom that entertainment is, or those facilities are, provided.

- (5) In sub-paragraph (4), “charge” includes any charge for the provision of goods or services.

- (6) For the purposes of sub-paragraph (4)(a), where the entertainment consists of the performance of live music or the playing of recorded music, a person performing or playing the music is not concerned in the organisation or management of the entertainment by reason only that he does one or more of the following -
 - (a) chooses the music to be performed or played,
 - (b) determines the manner in which he performs or plays it,
 - (c) provides any facilities for the purposes of his performance or playing of the music.

- (7) This paragraph is subject to Part 2 of this Schedule (exemptions).

Entertainment

2. (1) The descriptions of entertainment are –
- (a) a performance of a play,
 - (b) an exhibition of a film,
 - (c) an indoor sporting event,
 - (d) a boxing or wrestling entertainment,
 - (e) a performance of live music,
 - (f) any playing of recorded music,
 - (g) a performance of dance,
 - (h) entertainment of a similar description to that falling within paragraph (e), (f) or (g), where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining an audience.
- (2) Any reference in sub-paragraph(1) to an audience includes a reference to spectators.
- (3) This paragraph is subject to Part 3 of this Schedule (interpretation).

Entertainment Facilities

3. (1) In this Schedule, “entertainment facilities” means facilities for enabling persons to take part in entertainment of a description falling within sub-paragraph (2) for the purpose, or for purposes which include the purpose, of being entertained.
- (2) The descriptions of entertainment are –
- (a) making music,
 - (b) dancing,
 - (c) entertainment of a similar description to that falling within paragraph (a) or (b).
- (3) This paragraph is subject to Part 3 of this Schedule (interpretation).

Power to amend Schedule

4. The Secretary of State may by order amend this Schedule for the purpose of modifying -
- (a) the descriptions of entertainment specified in paragraph 2, or
 - (b) the descriptions of entertainment specified in paragraph 3,
- and for the purpose “modify” includes adding, varying or removing any description.

Part 2 – Exemptions

Film exhibitions for the purposes of advertisement, information, education, etc.

5. The provision of entertainment consisting of the exhibition of a film is not to be regarded as the provision of regulated entertainment for the purposes of this Act if its sole or main purpose is to -
- (a) demonstrate any product,
 - (b) advertise any goods or services, or
 - (c) provide information, education or instruction.

Film exhibitions: museums and art galleries

- (6) The provision of entertainment consisting of the exhibition of a film is not be regarded as the provision of regulated entertainment for the purposes of this Act if it consists or forms part of a exhibit put on show for any purposes of a museum or art gallery.

Music incidental to certain other activities

7. The provision of entertainment consisting of the performance of live music or the playing of recorded music is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it is incidental to some other activity which is not itself -
- (a) a description of entertainment falling within paragraph 2, or
 - (b) the provision of entertainment facilities.

Use of television or radio receivers

8. The provision of any entertainment or entertainment facilities is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it consists of the simultaneous reception and playing of a programme included in a programme service within the meaning of the Broadcasting Act 1990 (c. 42).

Religious services places of worship etc.

9. The provision of any entertainment or entertainment facilities -
- (a) for the purposes of, or for the purposes incidental to, a religious meeting or service, or
 - (b) at a place of public worship,
- is not to be regarded as the provision of regulated entertainment for the purposes of this Act.

Garden fetes, etc.

10. (1) The provision of any entertainment or entertainment facilities at a garden fete, or at a function or event of a similar character, is not to be regarded as the provision of regulated entertainment for the purposes of this Act.
- (2) But sub-paragraph (1) does not apply if the fete, function or event is promoted with a view to applying the whole or part of its proceeds for purposes of private gain.
- (3) In sub-paragraph (2) "private gain", in relation to the proceeds of a fete, function or event, is to be construed in accordance with section 22 of the Lotteries and Amusements Act 1976 (c. 32).

Morris dancing etc.

11. The provision of any entertainment or entertainment facilities is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it consists of the provision of -
- (a) a performance of Morris dancing or any dancing of a similar nature or a performance of unamplified, live music as an integral part of such a performance, or
 - (b) facilities for enabling persons to take part in entertainment of a description falling within paragraph (a).

Vehicles in motion

12. The provision of any entertainment or entertainment facilities -
- (a) on premises consisting of or forming part of a vehicle, and
 - (b) at a time when the vehicles is not permanently or temporarily parked,
- is to be regarded as the provision of regulated entertainment for the purposes of this Act.

Part 3 – Interpretation

General

13. This Part has effect for the purposes of this Schedule.

Plays

14. (1) A “performance of a play” means a performance of any dramatic piece, whether involving improvisation or not, -
- (a) which is given wholly or in part by one or more persons actually present and performing, and
 - (b) in which the whole or a major proportion of what is done by the person or person performing, whether by way of speech, singing or action, involves the playing of a role.
- (2) In this paragraph, “performance” includes rehearsal (and “performing” is to be construed accordingly).

Film exhibitions

15. An “exhibition of a film” means any exhibition of moving pictures.

Indoor sporting events

16. (1) An “indoor sporting event” is a sporting event –
- (a) which takes place wholly inside a building, and
 - (b) at which the spectators present at the event are accommodated wholly inside that building.
- (2) In this paragraph
“building” means any roofed structure (other than a structure with a roof which may be opened or closed) and includes a vehicle, vessel or moveable structure, “sporting event” means any contest, exhibition or display of any sport, “sport” includes –
- (a) any game in which physical skill is the predominant factor, and
 - (b) any form of physical recreation which is also engaged in for purposes of competition or display.

Boxing or wrestling entertainment’s

17. A “boxing or wrestling entertainment” is any contest, exhibition or display of boxing or wrestling.

Music

18. “Music” includes vocal or instrumental music or any combination of the two.

Annex B

Late Night Refreshment – Extract from Licensing Act 2003

Schedule 2 – Provision of Late Night Refreshment

The provision of regulated entertainment

1. (1) For the purposes of this Act, a person “provides late night refreshment” if –
 - (a) at any time between the hours of 11.00pm and 5.00am, he supplies hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises, or
 - (b) at any time between those hours when members of the public, or a section of the public, are admitted to any premises, he supplies, or holds himself out as willing to supply, of food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises, unless the supply is an exempt supply by virtue of paragraph 3, 4 or 5.
- (2) References in this Act to the “provision of late night refreshment” are to be construed in accordance with sub-paragraph (1).
- (3) This paragraph is subject to the following provisions of this Schedule.

Hot food or hot drink

2. Food or drink supplied on or from any premises is “hot” for the purposes of this Schedule if the food or drink, or any part of it, -
 - (a) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature, or
 - (b) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.

Exempt supplies: clubs, hotels etc. and employees

3. (1) The supply of hot food or hot drink on or from any premises at any time is an exempt supply for the purposes of paragraph 1(1) if, at that time, a person will neither –
 - (a) be admitted to the premises, nor
 - (b) be supplied with hot food or hot drink on or from the premises except by virtue of being a person of a description falling within sub-paragraph (2).
- (2) The descriptions are that -
 - (a) he is a member of a recognised club,
 - (b) he is a person staying at a particular hotel, or at particular comparable premises, for the night in question,
 - (c) he is an employee of a particular employer,
 - (d) he is engaged in a particular trade, he is a member of a particular profession or he follows a particular vocation,
 - (e) he is a guest of a person falling within any of paragraphs (a) to (d).
- (3) The premises which, for the purposes of sub-paragraph (2)(b), are comparable to a hotel are -
 - (a) a guest house, lodging house or hostel,
 - (b) a caravan site or camping site, or
 - (c) any other premises in the main purpose of maintaining which is the provision of

facilities for overnight accommodation.

Exempt supplies: premises licensed under certain other Acts

4. The supply of hot food or hot drink on or from any premises is an exempt supply for the purposes of paragraph 1(1) if it takes place during a period for which -
- (a) the premises may be used for a public exhibition of a kind described in section 21(1) of the Greater London Council (General Powers) Act 1966 (c.xxviii) by virtue of a licence under that section, or
 - (b) the premises may be used as near beer premises within the meaning of section 14 of the London Local Authorities Act 1995 (c. x) by virtue of a licence under section 16 of that Act.

Miscellaneous exempt supplies

5. (1) The following supplies of hot food or hot drink are exempt supplies for the purposes of paragraph 1(1) –
- (a) the supply of hot drink which consists of or contain alcohol,
 - (b) the supply of hot drink by means of a vending machine,
 - (c) the supply of hot food or hot drink free of charge,
 - (d) the supply of hot food or hot drink by a registered charity or a person authorised by a registered charity,
 - (e) the supply of hot food or hot drink on a vehicle at a time when the vehicle is not permanently or temporarily parked.
- (2) Hot drink is supplied by means of a vending machine for the purposes of sub-paragraph (1)(b) only if -
- (a) the payment for the hot drink is inserted into the machine by a member of the public, and
 - (b) the hot drink is supplied directly by the machine to a member of the public.
- (3) Hot food or hot drink is not to be regarded as supplied free of charge for the purposes of sub-paragraph (1)(c) if, in order to obtain the hot food or hot drink a charge must be paid -
- (a) for admission to any premises or
 - (b) for some other item.
- (4) In sub-paragraph (1)(d) “registered charity” means -
- (a) a charity which is registered under section 3 of the Charities Act 1993 9c. 10), or
 - (b) a charity which by virtue of subsection (5) of that section is not required to be so registered.

Clubs which are not recognised clubs: members and guests

6. For the purposes of this Schedule -
- (a) the supply of hot food or hot drink to a person as being a member, or the guest of a member, of a club which is not a recognised club is to be taken to be a supply to a member of the public, and
 - (b) the admission of any person to any premises as being such a member or guest is to be taken to be the admission of a member of the public.

Annex C

Relevant Offences – Extract from Licensing Act 2003

Schedule 4 – Personal Licence: Relevant Offences

1. An offence under this Act.
2. An offence under any of the following enactments –
 - (a) Schedule 12 to the London Government Act 1963 (c. 33) (public entertainment licensing);
 - (b) the Licensing Act 1964 (c. 26);
 - (c) the Private Places of Entertainment (Licensing) Act 1967 (c.19);
 - (d) section 13 of the Theatres Act 1968 (c. 54);
 - (e) the Late Night Refreshment Houses Act 1969 (c. 53);
 - (f) section 6 of, or Schedule 1 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30);
 - (g) the Licensing (Occasional Permissions) Act 1983 (c. 24);
 - (h) the Cinemas Act 1985 (c. 13);
 - (i) the London Local Authorities Act 1990 (c. vii).
3. An offence under the Firearms Act 1968 (c. 27).
4. An offence under section 1 of the Trade Descriptions Act 1968 (c. 29) (false trade description of goods) in circumstances where the goods in question are or include alcohol.
5. An offence under any of the following provisions of the Theft Act 1968 (c. 60) –
 - (a) section 1 (theft);
 - (b) section 8 (robbery);
 - (c) section 9 (burglary);
 - (d) section 10 (aggravated burglary);
 - (e) section 11 (removal of articles from places open to the public);
 - (f) section 12A (aggravated vehicle-taking) in circumstances where subsection (2)(b) of that section applies and the accident caused the death of any person;
 - (g) section 13 (abstracting of electricity);
 - (h) section 15 (obtaining property by deception);
 - (i) section 15A (obtaining a money transfer by deception);
 - (j) section 16 (obtaining pecuniary advantage by deception);
 - (k) section 17 (false accounting);
 - (l) section 19 (false statements by company directors etc);
 - (m) section 20 (suppression, etc. of documents);
 - (n) section 21 (blackmail);
 - (o) section 22 (handling stolen goods);
 - (p) section 24A (dishonestly retaining a wrongful credit);
 - (q) section 25 (going equipped for stealing etc).
6. An offence under section 7(2) of the Gaming Act 1968 (c.65) (allowing child to take part in gaming on premises licensed for the sale of alcohol).
7. An offence under any of the following provisions of the Misuse of Drugs Act 1971 (c.38) –
 - (a) section 4(2) (production of a controlled drug);
 - (b) section 4(3) (supply of a controlled drug);
 - (c) section 5(3) (possession of a controlled drug with intent to supply);
 - (d) section 8 (permitting activities to take place on premises).
8. An offence under either of the following provisions of the Theft Act 1978 (c. 31) –
 - (a) section 1 (obtaining services by deception);

- (b) section 2 (evasion of liability by deception).
9. An offence under either of the following provisions of the Customs and Excise Management Act 1979 (c. 2)–
- (a) section 170 (disregarding subsection (1)(a)) (fraudulent evasion of duty etc.);
 - (b) section 170B (taking preparatory steps for evasion of duty).
10. An offence under either of the following provisions of the Tobacco Products Duty Act 1979 (c. 7)–
- (a) section 8G (possession and sale of unmarked tobacco);
 - (b) section 8H (use of premises for sale of unmarked tobacco).
11. An offence under the Forgery and counterfeiting Act 1981 (c. 45) (other than an offence under section 18 or 19 of that Act).
12. An offence under the Firearms (Amendment) Act 1988 (c. 45).
13. An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 (c. 48) -
- (a) section 107(1)(iii) (public exhibition in the course of a business of article infringing copyright);
 - (b) section 107(3) (infringement of copyright by public performance of work etc.);
 - (c) section 198(2) (broadcast etc. of recording of performance made without sufficient consent);
 - (d) section 297(1) (fraudulent reception of transmission);
 - (e) section 297A(1) (supply etc. of unauthorised decoder).
14. An offence under any of the following provisions of the Road Traffic Act 1988 (c. 52) –
- (a) section 3A (causing death by careless driving while under the influence of drink or drugs);
 - (b) section 4 (driving etc. a vehicle when under the influence of drink or drugs);
 - (c) section 5 (driving etc. a vehicle with alcohol concentration above prescribed limit).
15. An offence under either of the following provisions of the Food Safety Act 1990 (c. 16) in circumstances where the food in question is or includes alcohol –
- (a) section 14 (selling food or drink not of the nature, substance or quality demanded);
 - (b) section 15 (falsely describing or presenting food or drink).
16. An offence under section 92(1) or (2) of the Trade Marks Act 1994 (c. 26) (unauthorised use of trade mark, etc. in relation to goods) in circumstances where the goods in question are or include alcohol.
17. An offence under the Firearms (Amendment) Act 1997 (c. 5).
18. A sexual offence, being an offence:
- (a) listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003, other than an offence mentioned in paragraph 95 (an offence under section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts)),
 - (b) an offence under section 8 of the Sexual Offences Act 1956 (intercourse with a defective),
 - (c) an offence under section 18 of the Sexual Offences Act 1956 (fraudulent abduction of an heiress).
19. A violent offence, being any offence which leads, or is intended or likely to lead, to a persons death or to physical injury to a person, including an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition).
20. An offence under section 3 of the Private Security Industry Act 2001 (c. 12) (engaging in certain activities relating to security without a licence).

Annex D

Conditions relating to the prevention of crime and disorder

It should be noted in particular that it is unlawful under the Licensing Act 2003:

- Knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk
- Knowingly to allow disorderly conduct on licensed premises
- For the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- To allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol

Conditions enforcing these arrangements are therefore unnecessary.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules or when responsible authorities are considering such applications or when licensing authorities are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following matters should be considered as control measures which would promote the prevention of crime and disorder.

These options may be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

The following measures should not be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of possible conditions drawn from experience relating to differing situations and to offer guidance.

Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution or a review of the licence.

Where significant events or promotion may be held at premises, the recommended model risk assessment conditions are:

1. The licensee shall undertake a risk assessment of every promotion or event that is a licensable activity under the Licensing Act 2003 and which involves live performers such as musicians, DJs, MCs, or other artistes, at the premises. The Licensee shall use the MPS Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy to the Metropolitan Police Service and the Licensing Authority not less than 14 days before the event is due to take place.
2. When an event has taken place, the licensee shall complete an MPS After Promotion/Event Debrief Risk Assessment (Form 696A) and submit this to the Metropolitan Police and the Licensing Authority, within 3 days of the conclusion of the event.

Behaviour of Customers Outside Licensed Premises

One of the main sources of complaint regarding licensed premises relates to the activities and behaviour of customers outside the boundaries of licensed premises. Licensees must take reasonable steps to

prevent such behaviour having a negative impact on the vicinity of the premises. Such steps could include measures referred to later in this annex. In addition licensees should consider identifying and refusing to admit problem customers. Particular regard should be given to premises where customers congregate outside for example; to smoke or in periods of fine weather or where customers do not disperse quickly when leaving the premises, particularly late at night in residential areas.

Radio Pagers

Newham is currently operating a radio communication system in parts of the borough which allows easy and instant contact to be made between licensees and Newham Emergency Control Centre. The Control Centre has a direct link with the Metropolitan Police. This system will connect premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police or the Local Authority to situations of disorder which may be endangering the customers and staff on the premises.

Such communication systems provide two-way communication, both enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that text or radio pagers should be considered appropriate necessary conditions for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. Following individual consideration of the particular circumstances of the venue, such conditions may also be appropriate and necessary in other areas for the prevention of crime and disorder.

It is recommended that a conditions requiring the communication links where available should include the following elements:

- a requirement that the text/pager equipment is kept in working order at all times;
- a requirement that the pager link be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- a requirement that any police/local authority instructions/directions are complied with whenever given; and
- a requirement that all instances of crime and disorder are reported via the communication link by the designated premises supervisor or a responsible member of staff to an agreed contact point.

For further information contact the Council's Crime and Anti-Social Behaviour Service.

Door Supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside of venues prone to such queuing.

Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches). Door supervisors also have a role to play in ensuring public safety (see Annex E).

The use of glass in licensed premises

Glass bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises.

It is recommended that a condition requiring that no sales of beverages in glass bottles for consumption on the premises should be expressed in clear terms and include the following elements:

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
- no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public

In appropriate circumstances, the condition could in exceptions, for example, as follows:

- but bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

Glasses containing drinks may be used as weapons during incidents of disorder and in non-toughened form, can cause very serious injuries. Consideration could therefore be given to conditions requiring either the use of polypropylene containers or toughened glass which inflicts less severe injuries where considered necessary. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. The use of such polypropylene containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

It should be noted that the use of polypropylene or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety (see Annex E).

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises but also the precise location of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time (recommended 1 month).

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Open containers not to be taken from the premises

A condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles) the condition may be necessary to prevent the potential for crime and disorder or for public nuisance. Where this is permitted licensees must take all reasonable steps to ensure the area is completely clear of drinking vessels.

Capacity limits

A condition may be imposed to set a maximum capacity limit on licensed premises or any parts thereof to ensure public safety and the prevention crime and disorder. Where premises are particularly overcrowded this has been shown to increase the risk of conflict between customers. Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

Proof of age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of “proof of age” before such sales are made. This should not be limited to recognised “proof of age” cards, but allow for the production of other proof, such as photo-driving licences, student cards and passports. The Council recommends that applicants adopt and use the ‘Challenge 21’ policy and procedures, details of which can be obtained from Trading Standards (see Annex M for contact details) The Secretary of State strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences and passports.

It should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought. For Example, the requirement might be to ensure sight of evidence of age from any person appearing to those selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This would ensure that most minors – even those looking older – would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.

Crime prevention notices

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a conditions attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Drinks promotions

Where it is shown there is a link between drinks promotions and crime and disorder and/or anti-social behaviour the appropriate conditions may be imposed. Conditions tailored to the individual circumstances of particular premises which address **irresponsible** drinks promotions may be necessary for the promotion of the licensing objectives. Such matters are considered objectively in the context of the licensing objectives and with the benefit of appropriate legal advice.

Signage

It may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

It may also be necessary a condition to be imposed stipulating notices be displayed on the premises requesting patrons to leave the vicinity showing consideration to local residents.

High Volume Vertical Drinking

Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, used primarily or exclusively for the and consumption of alcohol, and have little or no seating for patrons.

Where necessary and appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises (if not volunteered by the venue operator and following representations on such grounds) which require adherence to:

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit.

Adult Entertainment & Services

Where adult entertainment and services are to be provided, it is essential that the applicant carry out a full risk assessment on the licensing objective of crime and disorder. (Note: There are also implications of such entertainments etc with regard to the protection of children from harm, and this aspect is dealt with under section 9.13 of the policy).

For striptease and pole dancing type entertainments, the following model conditions may be necessary:

1. All references to striptease shall be deemed to include all forms of dancing and similar entertainment's involving striptease or nudity, or semi - nudity, or the wearing of see through clothing.
2. Only activities to which the Council has given written consent shall take place. Such consent may :-
 - designate the areas where the activity is to be performed and viewed from, and
 - stipulate the hours during which the activities may be provided, and
 - stipulate any other terms and restrictions which may be necessary for the proper conduct of the premises or for the protection of children.

The consent from the Council may be in a form of a letter or may be included on the actual licence document.

3. The activities shall only be performed on the stage/performance area, and no patron shall be allowed onto the stage/performance area.
4. The activities shall be given only by the performers/entertainers engaged exclusively for that purpose.
5. There shall be no physical contact between patrons and performers. The only exception to this shall be the placing of money or tokens by patrons into collection containers held by the performers.
6. The licensee shall not encourage, or permit encouragement to be made for the throwing of money or tokens at performers.
7. The access to the dressing rooms shall be maintained, so those performers using the access route cannot be obstructed by patrons. No persons other than performers and authorised personnel shall be allowed into the dressing rooms.
8. The activity must not be visible from the outside of the premises (e.g. from the street) or any area inside the premises which has not been designated by the Council for the viewing of the activity.
9. Whilst the activity is taking place no person under the age of 18 shall be in any area in the premises where the activity can be viewed. From at least one hour prior to any activity to the conclusion of the activity, a conspicuous notice shall be displayed in a prominent position at each entrance to the area with the following words:-
"NO ENTRY TO PERSONS UNDER THE AGE OF 18"
10. Copies of the licensees 'house rules', that have been approved by the Council, shall be prominently displayed at the premises. The licensee shall ensure that patrons, performers and staff comply with the 'house rules'.
11. Any external advertising shall be restricted to the times and dates of forthcoming activities and shall not contain any sexually explicit material.

For Lap/table dancing type entertainments, the following model conditions may be necessary:

1. All references to lap/table dancing shall be deemed to include all forms of dancing or similar entertainment's involving striptease or nudity, or semi - nudity, or the wearing of see through clothing.

2. Only activities to which the Council has given written consent shall take place. Such consent may :-
 - designate the areas where the activity is to be performed and viewed from, and
 - stipulate the hours during which the activities may be provided, and
 - stipulate any other terms and restrictions which may be necessary for the proper conduct of the premises or for the protection of children.

The consent from the Council may be in a form of a letter or may be included on the actual licence document.

3. The activities are to be performed only to patrons seated at tables.
4. The activities shall be given only by the performers/entertainers engaged exclusively for that purpose.
5. There shall be no physical contact between patrons and performers. The only exception to this shall be the transfer of money or tokens by patrons to the performers.
6. The licensee shall not encourage, or permit encouragement to be made for the throwing of money or tokens at performers.
7. The access to the dressing rooms shall be maintained, so that performers using the access route cannot be obstructed by patrons. No persons other than performers and authorised personnel shall be allowed into the dressing rooms.
8. The activity must not be visible from the outside of the premises (e.g. from the street) or any area inside the premises which has not been designated by the Council for the viewing of the activity.
9. Whilst the activity is taking place no person under the age of 18 shall be in any area in the premises where the activity can be viewed. From at least one hour prior to any activity to the conclusion of the activity, a conspicuous notice shall be displayed in a prominent position at each entrance to the area with the following words:-
'NO ENTRY TO PERSONS UNDER THE AGE OF 18'
10. Copies of the licensees 'house rules', that have been approved by the Council, shall be prominently displayed at the premises. The licensee shall ensure that patrons, performers and staff comply with the 'house rules'.
11. Any external advertising shall be restricted to the times and dates of forthcoming activities and shall not contain any sexually explicit material.

Annex E

Conditions relating to public safety

It should be noted that conditions relating to public safety should be those which are necessary, in the particular circumstances of any individual premises or club premises, and should not duplicate other legal requirements. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks. Conditions enforcing those requirements would therefore be unnecessary.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote public safety. Additional matters relating to cinemas and theatres are considered in Annex F. It should also be recognised that special issues may arise in connection with outdoor and large scale events.

Whether or not any risk assessment shows any of the measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises, the anticipated clientele of the business involved and the competency of the management and staff at the premises.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

In addition, to considering the points made in this Annex, those preparing operating schedules, licensing authorities and responsible authorities should consider:

- Rules of Management for Places of Public Entertainment – available from Newham Council.
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through: www.streetartsnetwork.org.uk/pages/publications.htm
- Technical Standards for Places of Public Entertainment – available from Newham Council

The following British Standards should also be considered:

- BS 5588 Part 6 (regarding places of assembly)
- BS 5588 Part 9 (regarding ventilation and air conditioning systems)
- BS 5588 Part 9 (regarding means of escape for disabled people)
- BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing

objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Where existing legislation and regulations do not (in the opinion of the Council) adequately cover public safety issues the following matters should be taken into consideration:

Escape routes

It may be necessary for public safety to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring gangways are kept unobstructed.

- all emergency exit doors can be easily opened without the use of a key, card, code or similar means;
- doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- any removable security fastenings are removed whenever the premises are open to the public or occupied by staff;
- where necessary the edges of the treads of steps and stairways are to be conspicuous from the rest of the stairtreads.

Safety Checks

Consideration might also be given to conditions that ensure that:

- safety checks are carried out before the admission of the public; and
- details of such checks are kept in a Log-book.

Capacity limits

Consideration might also be given to conditions that ensure that:

- arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded; and
- the licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

Fire action notices

Consideration might also be given to conditions that ensure that:

- notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration.

Access for emergency vehicles

Consideration might also be given to a condition that ensures that access for emergency vehicles is kept clear and free from obstruction.

First Aid

Consideration might also be given to conditions that ensure that:

- adequate and appropriate supply of first aid equipment and materials is available on the premises;
- if necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

Lighting

Consideration might also be given to conditions that ensure that:

- in the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present;
- emergency lighting is not altered;
- emergency lighting and signage are maintained before the admission of the public, members or guests; and
- in the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

Temporary electrical installations

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- temporary electrical wiring and distribution systems are not provided without prior inspection by a suitable qualified electrician;
- temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909; and
- where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

Indoor sports entertainment's

Subject to the type of sports provided and the appropriate risk assessments consideration may be given to conditions to ensure that:

- an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo karate or other sports entertainment of a similar nature;
- where a ring is involved, it is constructed and supported by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame-retardant;
- at any wrestling or other entertainment's of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring; and
- at water sports entertainment's, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

Alterations to the premises

Premises should not be altered in such a way as to make it impossible to comply with any licensing condition. Licence holders wishing to carry out alterations to their premises should see the advice of the council's licensing team as to the correct licensing procedure. Alterations may mean that an application for a new licence is required.

Special effects

The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Special effects which should be considered include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators
- pyrotechnics, including fireworks;

- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers for display purposes [HS (G) 95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification to, and the approval of the fire authority.

Annex F

Theatres, cinemas, concert halls and similar places (promotion of public safety)

In addition to the points made in Annex E, there are particular matters in the context of public safety and fire safety which should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and should be established through risk assessment and standardised conditions should be avoided. The points which follow are for consideration and do not represent a mandatory list.

Premises used for closely seated audiences

Attendants

- (a) The number of attendants of each floor in a closely seated auditorium should be as set out on the table below:-

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
1 – 100	One
101 – 250	Two
251 – 500	Three
501 – 750	Four
751 – 1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

- (b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- (c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- (d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.
- (e) No article shall be attached to the back on any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.
- (f) A copy of any certificate relating to design, construction and loading of any temporary seating shall be shown to any authorised person on request.

Standing and sitting in gangways etc.

- (a) Sitting on floors shall not be permitted except in areas designated in the premises licence or club premises certificate.
- (b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- (c) In no circumstances shall anyone be permitted to –
- (i) sit in a gangway;
 - (ii) stand or sit in front of any exit; or
 - (iii) stand or sit on any staircase including any landings.

Drinks

Except as authorised by the premises or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special effects

In certain circumstances it may be necessary to require that certain special effects are used with prior notification to, and the approval of the fire authority. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Specials effects include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority or [inspection by] fire authority.

Seating

All seatings in those parts of the premises to which the audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

Premises used for film exhibitions

Attendants – premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present who should be as set out in the table below:-

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1 – 250	Two
An one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

Attendants – premises with a staff alerting system

- (a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of other staff on the premises who are available to assist in the event of an emergency
1 – 500	Two	One
501 – 1000	Three	Two
1001 – 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

- (b) Staff shall not be considered as being available to assist in the event of an emergency if they are:
- (i) the holder of the premises licence or the manager on duty at the premises; or
 - (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
 - (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.
- (c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
- (d) The staff alerting system shall be maintained in working order.

Minimum lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

Flammable films

No flammable films should be allowed on the premises without the prior notification of the licensing authority.

Annex G

Conditions relating to the prevention of public nuisance

It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

General

Public nuisance includes any noise generated as a result of the activities at the premises, including the behaviour of customers arriving and leaving the venue. This may include such behaviours as banging of car doors, playing of car stereos or urinating in the street, littering, careless disposal of smoking material, obstruction of public highway.

Public nuisance includes any noise generated as a result of the activities at the premises including the behaviour of customers whilst arriving, leaving or at the venue. This may include noise from customers cars arriving, car stereo systems, car horns, vocal noise from customers or those that transport customers to and from the venue, revving engines. The area included may extend beyond the immediate vicinity where these activities are associated with the premises.

When applicants for premises licences or club premises certificates are preparing their operating schedules, the matters dealt with in this annex should be carefully considered as a means to prevent public nuisance.

Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for licences and certificates will also depend on local knowledge of the premises.

Management and control of customers

Procedures should be put in place to manage the behaviour of customers in so far as it may contribute to public nuisance. These measures may include; management of people who arrive and leave the premises, the placing of signage reminding patrons to arrive and leave quietly, the consideration of arranging a dedicated taxi service, the quick dispersal of customers away from the premises when leaving, when drinking outside is permitted to take into consideration the potential of public nuisance.

Hours

The hours during which the licensable activities are permitted at premises by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which results from artificially early fixed closing times. For example where the premises is in a predominately residential area the potential for public nuisance is greater.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though, even though other licensable activities are permitted to continue. But also where an external area is permitted to have licensed activity, for example a beer

garden, it may be appropriate to cease that activity earlier than the terminal hour of the rest of the premises.

Noise and vibration

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises;
- Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- The placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties.

Annex H

Conditions relating to the protection of children from harm

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

Access for children to licensed premises – in general

Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the licensing authority considers it necessary to protect children from harm. Whilst applications in relation to premises licences and club premises certificates must be judged by licensing authorities on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- for any premises with known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
 - explain their reasons; and
 - outline in detail the steps that they intend to take to protect children from harm on such premises.
- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
 - explain their reasons; and
 - outline in detail the steps that they intend to take to protect children from harm on such premises.
- In any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps necessary to be taken to promote the protection of children from harm while on the premises.

Age Restrictions – specific

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities following relevant representations made by responsible authorities and interested parties will need to consider a range of conditions that are to be tailored to the particular premises and their activities where these are necessary. Licensing authorities are expected to consider:

- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- types of event or activity in respect of which no age restrictions may be needed, for example;
 - family entertainment; or
 - non-alcohol events for young age groups such as under 18's dances,
- Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example;
 - during "Happy Hours" or on drinks promotion nights;
 - during activities outlined in the first bullet point in the first paragraph above.

Age restrictions – Cinemas

The Secretary of State considers that, in addition to the mandatory conditions imposed by virtue of section 20, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 or by the licensing authority itself, conditions restricting the admission of children to film exhibitions should include:

- a condition that where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- a condition that when films are classified, by either the film classification body as specified in the licence or the licensing authority, they should be classified in the following way:
 - U – Universal. Suitable for audiences aged four years and over.
 - PG – Parental Guidance. Some scenes may be unsuitable for young children.
 - 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
 - 15 – Passed only for viewing by persons aged 15 years and over.
 - 18 – Passed only for viewing by persons aged 18 years and over.
- that conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising film, of the statement approved by the Board indicating the classification of the film;
- a condition that when a licensing authority has made a recommendation of the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

"Where a programme includes a film recommended by the licensing authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person's parent or legal guardian has first been obtained."

Theatres

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency (see annex F).

Performances especially for children

Where performances are presented especially for unaccompanied children in theatres and cinemas conditions are anticipated to be needed which require:

- an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Licensing authorities are expected, having regard to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show. Licensing authorities should familiarise themselves with the requirements of these Regulations and not duplicate any of these requirements. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority should consider the matters outlined below.

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- **Fire safety** – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- **Special effects** it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- **Care of children** – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

Adult Entertainment and Services

Please see section 9 (especially section 9.13) and Annex D concerning this matter.

‘Challenge 21’

It is unlawful to sell or supply alcohol to persons under the age of 18, and applicants are recommended to adopt the ‘Challenge 21’ policy. The recommended conditions are:

1. The Licensee to adopt a “Challenge 21” policy where all customers who appear to be under the age of 21 and attempt to purchase alcohol or other age-restricted products are asked for proof of their age.

The Licensee to prominently display notices advising customers of the “Challenge 21” policy.

The following proofs of age are the only ones to be accepted:

- Proof of age cards bearing the “Pass” hologram symbol
- UK Photo Driving licence
- Passport

2. Staff Competence and Training:

The Licensee to keep a written record of all staff authorised to sell alcohol, the record to contain the full name, home address, date of birth and national insurance number of each person so authorised. The staff record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.

The Licensee to ensure that each member of staff authorised to sell alcohol has received adequate training on the law with regard to age restricted products and that this has been properly documented and training records kept. The training record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.

The Licensee to ensure that each member of staff authorised to sell alcohol is fully aware of his/her responsibilities in relation to verifying a customer’s age and is able to effectively question purchasers and check evidence of proof of age.

The Licensee to ensure that each member of staff authorised to sell alcohol is sufficiently capable and confident to confront and challenge under – 18s attempting to purchase alcohol.

3. Refusals Book:

The licensee to keep a register of refused sales of all age- restricted products (Refusals Book).

The refusals book to contain details of time and date, description of the attempting purchaser, description of the age restricted products they attempted to purchase, reason why the sale was refused and the name/signature of the sales person refusing the sale.

The Refusals book to be examined on a regular basis by the Licensee and date and time of each examination to be endorsed in the book.

The Refusals Book to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.

Annex I

Statutory qualifying conditions for clubs

The following qualifying conditions for clubs are extracted from the Licensing Act 2003.

62 The general conditions

- (1) The general conditions which a club must satisfy if it is to be a qualifying club in relation to a qualifying club activity are the following:-
- (2) Condition 1 is that under the rules of the club persons may not –
 - (a) be admitted to membership, or
 - (b) be admitted, as candidates for membership, to any of the privileges of membership,without an interval of at least two days between their nomination or application for membership and their admission.
- (3) Condition 2 is that under the rules of the club persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission.
- (4) Condition 3 is that the club is established and conducted in good faith as a club (see section 63 of Guidance).
- (5) Condition 4 is that the club has at least 25 members.
- (6) Condition 5 is that alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.

63 Determining whether a club is established and conducted in good faith

- (1) In determining for the purposes of condition 3 in subsection (4) of section 62 whether a club is established and conducted in good faith as a club, the matters to be taken into account are those specified in subsection (2).
- (2) Those matters are –
 - (a) any arrangements restricting the club's freedom of purchase of alcohol;
 - (b) any provision in the rules, or arrangements, under which –
 - (i) money or property of the club, or
 - (ii) any gain arising from the carrying on of the club,is or may be applied otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes;
 - (c) the arrangements for giving members information about the finances of the club;
 - (d) the books of account and other records kept to ensure the accuracy of that information;
 - (e) the nature of the premises occupied by the club.
- (3) If a licensing authority decides for any purpose of this Act that a club does not satisfy condition 3 in subsection (4) of section 62, the authority must give the club notice of the decision and of the reasons for it.

64 The additional conditions for the supply of alcohol

- (1) The additional conditions which a club must satisfy if it is to be a qualifying club in relation to the supply of alcohol to members or guests are the following.
- (2) Additional condition 1 is that (so far as not managed by the club in general meeting or otherwise by the general body of members) the purchase of alcohol for the club, and the supply of alcohol by the club, are managed by a committee whose members –
 - (a) are members of the club;
 - (b) have attained the age of 18 years; and
 - (c) are elected by the members of the club.This subsection is subject to section 65 (which makes special provision for industrial and provident societies, friendly societies etc.).
- (3) Additional condition 2 is that no arrangements are, or are intended to be, made for any person to receive at the expense of the club any commission, percentage or similar payment on, or with reference to, purchases of alcohol by the club.

65 Industrial and provident societies, friendly societies etc.

- (1) Subsection (2) applies in relation to any club which is –
 - (a) a registered society, within the meaning of the Industrial and Provident Societies Act 1965 (c.12) (see section 74(1) of that Act),
 - (b) a registered society, within the meaning of the Friendly Societies Act 1974 (c. 46) (see section 111(1) of that Act), or
 - (c) a registered friendly society, within the meaning of the Friendly Societies Act 1992 (c. 40) (see section 116 of that Act).
- (2) Any such club is to be taken for the purposes of this Act to satisfy additional condition 1 in subsection (2) of section 64 if and to the extent that –
 - (a) the purchase of alcohol for the club, and
 - (b) the supply of alcohol by the club,are under the control of the members or of the committee appointed by the members.
- (3) References in this Act, other than this section, to –
 - (a) subsection (2) of section 64, or
 - (b) additional condition 1 in that subsection,are references to it as read with subsection (1) of this section.
- (4) Subject to subsection (5), this Act applies in relation to an incorporated friendly society as it applies in relation to a club, and accordingly –
 - (a) the premises of the society are to be treated as the premises of a club,
 - (b) the members of the society are to be treated as the members of the club, and
 - (c) anything done by or on behalf of the society is to be treated as done by or on behalf of the club.
- (5) In determining for the purposes of section 61 whether an incorporated friendly society is a qualifying club in relation to a qualifying club activity, the society is to be taken to satisfy the following conditions –
 - (a) condition 3 in subsection (4) of section 62,
 - (b) condition 5 in subsection (6) of that section,
 - (c) the additional conditions in section 64.

66 Miners' welfare institutions

- (1) Subject to subsection (2), this Act applies to a relevant miners' welfare institute as it applies to a club, and accordingly –

- (a) the premises of the institute are to be treated as the premises of a club,
 - (b) the persons enrolled as members of the institute are to be treated as the members of the club, and
 - (c) anything done by or on behalf of the trustees or managers in carrying on the institute is to be treated as done by or on behalf of the club.
- (2) In determining for the purposes of section 61 whether a relevant miners' welfare institute is a qualifying club in relation to a qualifying club activity the institute is to be taken to satisfy the following conditions –
- (a) condition 3 in subsection (4) of section 62,
 - (b) condition 4 in subsection (5) of that section,
 - (c) condition 5 in subsection (6) of that section,
 - (d) the additional conditions in section 64.
- (3) For the purposes of this section –
- (a) “miners' welfare institute” means an association organised for the social well-being and recreation of persons employed in or about coal mines (or of such persons in particular), and
 - (b) a miners' welfare institute is “relevant” if it satisfies one of the following conditions.
- (4) The first condition is that –
- (a) the institute is managed by a committee or board, and
 - (b) at least two thirds of the committee or board consists –
 - (i) partly of persons appointed or nominated, or appointed or elected from among persons nominated, by one or more licensed operators within the meaning of the Coal Industry Act 1994 (c. 21), and
 - (ii) partly persons appointed or nominated, or appointed or elected from among persons nominated, by one or more organisations representing persons employed in or about coal mines.
- (5) The second condition is that –
- (a) the institute is managed by a committee or board, but
 - (b) the making of –
 - (i) an appointment or nomination falling within subsection (4)(b)(i), or
 - (ii) an appointment or nomination falling within subsection (4)(b)(ii),
 is not practicable or would not be appropriate, and
 - (c) at least two thirds of the committee or board consists –
 - (i) partly of persons employed, or formerly employed, in or about coal mines, and
 - (ii) partly of persons appointed by the Coal Industry Social Welfare Organisation or a body or person to which the functions of that Organisation have been transferred under section 12(3) of the Miners' Welfare Act 1952 (c. 23).
- (6) The third condition is that the premises of the institute are held on trusts to which section 2 of the Recreational Charities Act 1958 (c. 17) applies.

Annex J List of Consultees

Health & Safety Executive
Metropolitan Police
London Fire Brigade
London Borough of Newham: - The Mayor; All Councillors; Development Control Unit; Health & Safety Unit; Children's Services; Trading Standards; Healthworks; Food Safety Unit; Community Safety; Culture & Community; Legal Services; Communications Services.
Port of London Authority
Lea Valley Regional Park Authority
Newham Chamber of Commerce
British Chamber of Commerce (London Region)
National Federation of Retail Newsagents
British Hospitality Association
National Association of Kebab Shops Ltd
Association of Convenience Stores Ltd
Excel Exhibition Centre
Newham Pubwatch
East Ham Working Men's Club
London Borough of Hackney
Theatre Royal
West Ham United Football Club Limited
Natl Amusements (UK) Ltd
Boleyn Cinema
City Screen (Stratford) Ltd
Newham Drug Action Team
London Ambulance Service
Fairmark Limited (Stratford Rex)
TLT (Solicitors)
Fraser Brown (Solicitors)
Punch Taverns
Admiral Taverns
Newham PCT
British Transport Police
Wolffe Gardens & College Point Tenants Association
Victoria Gardens Tenants Residents Association
Friends Tenants Residents Association
Olde Gaitskell Tenants Residents Association
Twelve Acre House Tenants Association
The Gate Tenants Association
Little Ilford Committee Tenants Association
Stondon Walk Tenants Residents Association
The Draft Policy was available to the public on the Newham Website and at: - Licensing Team Office; Custom House Library; Forest Gate Library; Manor Park Library; East Ham Library; Beckton Globe Library; Green Street Library; Canning Town Library; Plaistow Library; Pier Road Library; Forest Gate LSC; Manor Park LSC; East Ham LSC; Beckton Globe LSC; Pier Road LSC; Green Street LSC.

Annex K - Definitions

In this Policy, the following definitions are included to provide an explanation of certain terms included in the Act and therefore in the Policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

Appeals	Appeals against decisions of the licensing authority are to the magistrates' court for the area in which the premises are situated. The appeal must be lodged in 21 days. On appeal a magistrates' court may, dismiss the appeal; substitute its own decision; remit the case to the licensing authority with directions; and make an order for costs.
Authorised Persons	Authorised Persons are specified people who have statutory duties in relation to the inspection of premises, e.g. fire, health & safety, environmental health.
Interested Parties	Interested Parties are persons living in the vicinity of the premises; a body representing such persons; a person involved in business in the vicinity; or a body representing businesses in the vicinity.
Responsible Authorities	Responsible Authorities include the police, fire, enforcing authority for health and safety, planning authority, environmental health, bodies responsible for child protection and other specified authorities. Only these groups can make representations about an application for a premises licence.
Closure Order	New powers for the police and courts to close premises. The 2003 Act significantly extends the existing powers of the police to see court orders in a geographical area that is experiencing or likely to experience disorder or to close down instantly individual licensed premises that are disorderly, likely to become disorderly or are causing noise nuisance.
Conditions	A premises licence may be granted subject to different conditions, and these may be in respect of different parts of the premises and different licensable activities. There is no power to impose conditions on a personal licence. Secretary of State's guidance provides <i>"The only conditions which should be imposed on a premises licence or club premises certificate are those which are necessary for the promotion of the licensing objectives. Accordingly, if the existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder"</i> . Conditions must be proportional and tailored to size, style, characteristics and activities taking place at the premises concerned.
Designated Premises Supervisor	The person who must be a Personal Licence holder, in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder himself (who must also be a Personal Licence holder).
Grandfather Rights	The term used to describe the transitional provisions contained in the 2003 Act by which applicants for premises and personal licences who are already licensed are entitled to be granted new licences authorising the same activities and with the same restrictions and conditions as they have already.
Hot Food or Hot Drink	<ul style="list-style-type: none"> • Food or drink supplied on or from any premises is "hot" for the purposes of Schedule 2 to the Act if the food or drink, or any part of it: • Before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature, or <p>After it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.</p>
Interested Party	<p>An Interested Party means any of the following as defined by Section 13 of the Act:</p> <ul style="list-style-type: none"> • A body representing persons who live in that vicinity. • A person involved in a business in that vicinity. • A body representing persons involved in such businesses. <p>A person living in the vicinity of the premises.</p>

Interim Authority Notices	Where a premises licence lapses due to death, incapacity or insolvency etc. of the holder, specified persons can within 7 days serve an interim authority notice on the licensing authority. This allows the licence to continue, subject to police objection, for a period of up to 2 months so the premises can continue trading.
Late Night Refreshment	<ul style="list-style-type: none"> The provision of hot food or hot drink to members of the public or a section of the public, on or from any premises, (whether for consumption on or off the premises) between the hours of 11.00pm and 5.00am, or at any time between those hours when members of the public, or a section of the public, are admitted to any premises, a person supplies, or holds himself willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.
Licensable Activities	<ul style="list-style-type: none"> The sale by retail of alcohol. The supply of alcohol by or on behalf of a qualifying club, or to the order of a member of the club. The provision of Regulated Entertainment. The provision of Late Night Refreshment. In qualifying clubs the following activities are also licensable <ul style="list-style-type: none"> The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises where the supply takes place. The sale by retail of alcohol by or on behalf of a club for consumption on the premises where the sale takes place. The provision of regulated entertainment where that provision is by or on behalf of a club for members of the club and their guests.
Licensing Authority	London Borough of Newham
Licensing Objectives	The objectives of licensing set out in the Act:- <ul style="list-style-type: none"> The prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives.
Licensed Premises	Includes club premises and events unless the context otherwise requires.
Mandatory Conditions	Conditions that the Act requires are imposed on a premises licence in specified circumstances. For example no supply of alcohol unless there is a designated premises supervisor; where films are exhibited film classifications must be observed; and where the premises licence includes a door supervision condition it must also require the door supervisors to be licensed by the Security Industry Authority.
Objection Notice	A procedure whereby the police can object to the grant of a personal licence on the grounds there where having regard to convictions of the applicant for relevant offences, the grant would undermine the crime prevention objective.
Operating Schedule	A document containing a statement of the following matters (and any others that may be prescribed):- <ul style="list-style-type: none"> Steps taken by the Licence holder to promote the four licensing objectives. The Licensable Activities to be conducted on the premises. The times during which the Licensable Activities are to take place and any other times when premises are open to the public. Where the licence is required only for a limited period, that period. Where the Licensable Activities include the supply of alcohol, the name and address of the individual to be specified as the Designated Premises Supervisor.
Personal Licence	A licence granted to an individual and authorises that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. The licence lasts for 10 years and can be renewed. It ceases to have effect when revoked, forfeited, surrendered or suspended. A personal licence holder is not required where the premises concerned does not supply alcohol as one of its licensable activities. A personal licence holder is also not required for the supply of alcohol in a club which holds a club premises certificate. Only the police can object to the grant of a personal licence (there is no equivalent to relevant representations as for premises licences).

Premises Licence	A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities. Has effect until revoked, surrendered or death, insolvency etc of the holder. Applications dealt with by the local authority licensing committee in the area where the premises are situated.
Provisional Statement	A procedure by which the licensing authority can give a statement approving for licensing purposes proposals for a premises being built or in the course of being constructed. Equivalent to a "provisional grant" under the Licensing Act 1964. Where a provisional statement is made, subject to limited exceptions, the full licence must normally be granted once the premises are completed.
Qualifying Club	To be eligible for a Club Premises Certificate the club/organisation members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation for supply to members and their guests. Qualifying conditions are specified in Section 61 of the Act and the Council must be satisfied that these conditions have been met, including evidence to support that the club is non-profit making and that there is a minimum of 48 hours delay between application and acceptance of new members. The club must be established and conducted in 'good faith' (this involves consideration of details such as club finances).
Regulated Entertainment	<ul style="list-style-type: none"> • Performance of a play • Exhibition of a film • Indoor sporting event • Boxing or wrestling entertainment (indoors and outdoors) • Performance of live music • Playing of recorded music • Performance of dance • Provisions of facilities for dancing • Provisions of facilities for making music • Entertainment of a similar description to the performance of live music, the playing of recorded music and the performance of dance. • Provision of facilities for entertainment of a similar description to dance and making music.
Relevant Representations	<p>Authorised persons, interested parties and responsible authorities can be able to make relevant representations about an application for a licence. Representations must relate to the licensing objectives and where made by an interested party must not be frivolous or vexatious. When considering representation from an interested party or responsible authority the local authority need only consider relevant representations.</p> <p>These are as defined by Section 18 of the Act and must be:</p> <ol style="list-style-type: none"> a. about the likely effect of the Premises Licence on the promotion of the licensing objectives b. made by an interested party or a responsible authority, have not been withdrawn and, in the case of representations made by an interested party they are not in the Council's opinion c. irrelevant, frivolous or vexatious.
Responsible Authority	<ul style="list-style-type: none"> ▪ The Chief Officer of Police for any Police in which the premises are situated. ▪ The Fire Authority for any area in which the premises are situated. ▪ The enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 for any area in which the premises are situated. ▪ The local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated. ▪ The local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health. ▪ Environmental Health IRT – Newham Council ▪ Childrens Services – Newham Council ▪ Any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated. ▪ <u>In relation to a vessel:</u>

	<p>A navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities.</p> <p>Port of London Authority The Environment Agency. The British Waterways Board, or The Secretary of State for Transport and Scotland.</p>
Review of Licence	<p>Where a premises licence is in force an interested party or responsible authority may apply to the Council for it to be reviewed. The Council must hold a hearing to review the licence and as a result must take any necessary steps to promote the licensing objectives, such as modification of conditions; exclusion of licensable activities; removal of the premises supervisor; suspension of the licence for up to three months; or the revocation of the licence.</p>
Risk Assessment	<p>A risk assessment is a careful examination of what could cause harm to people, so that you are able to put control measures in place to prevent or reduce risk</p> <p>The aim is to make sure no one gets hurt or becomes ill. Accidents and ill health can ruin lives, and affect your business too if output is lost, machinery is damaged, insurance costs increase, or you have to go to court. You are legally required to assess the risks in your workplace."</p>
Statement of Licensing Policy	<p>Each licensing authority must at least every three years determine and publish a statement of licensing policy. There is a requirement to consult on the policy and keep it under review.</p>
Temporary Event Notice	<ul style="list-style-type: none"> • A permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations:- • Duration – they are limited to events lasting for up to 96 hours. • Scale – they cannot involve the presence of more than 499 people at any one time. • Premises – the same premises cannot have more than 12 temporary event notices in a calendar year, and are subject to an overall aggregate of 15 days per calendar year irrespective of the number of temporary event notices. • The number of notices given by one individual within a given period of time – a Personal Licence holder is limited to 50 notices in one year, and any other person to five notices in a similar period. <p>If these conditions are not fulfilled, the Temporary Event would require a Premises Licence.</p>
Transfer	<p>A procedure where an application can be made to transfer the premises licence into a new name e.g. if a premises licence holder sells his premises an application may be made to transfer the premises licence to the new owner.</p>

ANNEX L:

Licensing Authority Details & List of Responsible Authorities

Licensing Authority address for applications and correspondence etc

London Borough of Newham

Licensing Team

Alice Billings House
2 – 12 West Ham Lane
Stratford
London
E15 4SF

Tel: 020 8430 6509

Fax: 020 8430 4430

Email: LicensingRegistration@newham.gov.uk

Addresses of the responsible authorities - copies of the application and attachments (including plans) must be sent to them.

- 1. Metropolitan Police – Licensing Department**
Plaistow Police Station
444 Barking Road
LONDON
E13 8HJ
Tel: 020 7275 5882
- 2. London Fire Brigade**
210 High Street South
East Ham
London
E6 3RS
Tel: 020 8587 2300
- 3. London Borough of Newham Development Control Unit**
Town Hall Annexe
Barking Road
East Ham
London
E6 6 EH
Tel: 020 8430 2689
- 4. London Borough of Newham Health & Safety Unit**
Alice Billings House
2 – 12 West Ham Lane
Stratford
London
E15 4SF
Tel: 020 8430 3831
- 5. London Borough of Newham Initial Response Team**
Alice Billings House
2 – 12 West Ham Lane
Stratford
London, E15 4SF
Tel: 020 8430 3810
- 6. London Borough of Newham Childrens Services**
Broadway House
High Street
Stratford
London
E15 IAJ
Tel: 020 8430 3584
- 7. London Borough of Newham Trading Standards**
495 High Street North
Manor Park
London
E12 6TH
Tel: 020 8430 3869

*** If the premises are not enforced by the Local Authority under the Health & Safety at Work Act the application must be submitted :**

Health & Safety Executive *
Licensing Applications Officer
Field Operations Division
Health and Safety Executive
Rose Court
2 Southwark Bridge
London
SE1 9HS

Note:

If a licence is required for a boat, ship or floating vessel please contact the Licensing & Registration Team as you may be required to forward a copy of your application to other responsible authorities not listed here.

ANNEX M: Useful Contacts & Publications

Licensing Team – London Borough of Newham
Alice Billings House
2 – 12 West Ham Lane
Stratford
London
E15 4SF
Tel: 020 8430 6509
Fax: 020 8430 4430
Email: LicensingRegistration@newham.gov.uk
Website: www.newham.gov.uk

Metropolitan Police – Licensing Department
Plaistow Police Station
444 Barking Road
LONDON
E13 8HJ
Tel:020 7275 5882
Fax:020 7275 5740

London Fire Brigade
210 High Street South
East Ham
London
E6 3RS
Tel:020 8587 2300

Initial Response Team (Noise) – London Borough of Newham
Alice Billings House
2 – 12 West Ham Lane
Stratford
London E15 4SF
Tel:020 8430 3810

The Environment Agency
Apollo Court
2 Bishop's Square Business Park
St Alban's Road West
Hatfield, Herts
AL10 9EX
Tel:01701 632360

Lea Valley Regional Park Authority
Myddleton House
Bulls Cross
Enfield
Middlesex EN2 9HG
Tel:01992 709829

LACORS
Local Government House
Smith Square
London SW1P 3HZ
Tel: 020 7665 3888
Fax: 020 7665 3887
Email: Info@lacors.gov.uk

Childrens Services
London Borough of Newham
Broadway House
High Street
Stratford
London E15 IAJ
Tel: 020 8430 3584

Health & Safety Team
London Borough of Newham
Alice Billings House
2 – 12 West Ham Lane
Stratford
London E15 4SF
Tel:020 8430 3831

Stratford Magistrates Court
The Court House
389-397 High Street
Stratford
London E15 4SB
Tel:020 8522 5000
Fax:020 8519 9214

Port of London Authority
Bakers' Hall
7 Harp Lane
London
EC3R 6LB
Tel:020 7743 7900
Fax: 020 7742 7998

Secretary of State for
Transport and Scotland
Cabinet Office
70 Whitehall
London SW1A 2AS
Tel: 020 7276 3000
Website: <http://www.cabinet-office.gov.uk>

Department for Media, Culture and Sport
2-4 Cockspur Street
London, SW1Y 5DH
Tel:020-7211 6200
Email: Enquiries@culture.gov.uk
Website: www.culture.gov.uk

Security Industry Authority
PO Box 9
Newcastle Upon Tyne
NE82 6YX
Telephone:08702 430 100
Fax:08702 430 125

Applicants should also have regard to :

- Home Office: Safer Clubbing Guide
- Metropolitan Police: Safe and Sound (helping you to manage the threat posed by drugs, weapons and other crime. Version 2),
- LACORS/TSI Code of Practice on Test Purchasing
- Private Security Industry Act 2001, for example liaison or information sharing protocols
- HSG195 – The Event Safety Guide: A Guide to Health, Safety and Welfare at Music and Similar Events'
- Managing Crowds Safely HSE 2000 ISBN 07176-1834-X
- '5 Steps to Risk Assessment: Case Studies' HSE 1998 ISBN 0-7176-15804
- 'The Guide to Safety at Sports Grounds' The Station Office 1997 ("The Green Guide")
- 'Safety Guidance for Street Arts, Carnivals, Processions and Large-Scale Outdoor Performances' Independent Street Arts Network (ISAN) available from:
- <http://www.streetartsnetwork.org.uk/pages/publications.htm>
- Technical Standards for Places of Entertainment – available from the Licensing Team, Newham Council
- Rules of Management for Places of Public Entertainment – available from the Licensing Team, Newham Council
- The guidance issued by the Department of Communities and Local Government under the Regulatory Reform (Fire Safety) Order 2005. Web site: www.communities.gov.uk



Contact Details:

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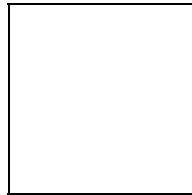
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The Policy is available on the Councils web-site at
www.newham.gov.uk