Licensing Policy

Statement of Licensing Policy 2014

For the five year period starting on 23 October 2014
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FOREWORD

This is the fourth Licensing Policy produced by the London Borough of Newham as the Licensing Authority under the Licensing Act 2003. It fulfils the legal requirement to review the Policy and builds upon the previous statements. I hope you will find it not only helpful and useful but also easy and interesting to read.

Everything the Council does is underpinned by the requirement to promote the four licensing objectives that are the main tenets of the Act. Those four fundamental objectives are the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm.

In promoting these objectives we will continue to work closely with all the statutory responsible authorities, particularly the Metropolitan Police, to ensure the best level of service delivery to all. The Policy highlights the need for those operating licensed premises to be aware of the effect their premises may have on local residents and to make every effort to minimise anything that adversely affects residents’ quality of life.

We will expect anyone appearing in front of a Licensing Sub-Committee that adjudicates on opposed applications to be fully aware of the terms of this policy in order to show that they too are fulfilling their duty to promote the licensing objectives.

In particular, in reviewing its Licensing Policy the Council consulted on whether there was a need to establish a Cumulative Impact Policy in various areas of the Borough. In determining the outcome of the review the Council has decided to establish such a Cumulative Impact Policy in respect of six areas in the Borough. In essence this decision applies a presumption against extending or granting licences in the areas to which the policy applies. This special policy will not prevent applications being made in these areas and each case will be determined on its own merits but applicants will have to comprehensively demonstrate in their application that their proposals will not add to existing problems in the area. Full details and maps of the areas are contained in the Policy.

There are significant regeneration programmes across the Borough making this an exciting time to be in Newham. We continue to enjoy a wide range of cultural and entertainment facilities. In addition 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 and we recognise the very positive contribution that well managed premises can make to the Council’s wider objectives.

Through the implementation of the Licensing Act, statutory Government Guidance 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 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
Chair of Licensing Committee
1. INTRODUCTION

1.1 The Council for the London Borough of Newham (in its role as Licensing Authority) is responsible for the licensing of regulated activities under the Licensing Act 2003. This document sets out the principles that the Licensing Authority will apply when making decisions.

1.2 The Licensing Authority's aim is for the licensing process to allow the retail sale/supply 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 not to the detriment of residents, nor gives rise to loss of amenity. It is the Licensing Authority's aim to facilitate this through the licensing process by well run and managed premises and by licence holders demonstrating and taking action to ensure that the use of their licences will not be to the detriment of any of the licensing objectives.

1.3 Whilst licensing may not be considered a mechanism for the general control of anti-social behaviour by individuals beyond the direct control of the Premises Licence holder or Club Premises Certificate holder, it is recognised that issues such as anti-social behaviour may be as the direct result of the operation of the premises. Apart from the licensing process, there are a number of other mechanisms which could be available for addressing issues of unruly behaviour. Such mechanisms may include:-

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

However this Licensing Authority realises that the above measures may not be sufficient to deal with the promotion of the licensing objectives in relation to a particular licensed premises.

1.4 The Licensing Authority recognises that the licensed entertainment business sector and community licensed facilities in Newham contribute to the local economy and social infrastructure, but that this has to be balanced with the impact of such activities on the licensing objectives. The Licensing Authority 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.

1.5 Newham is a mixed commercial and residential area, whose amenity the Council has a duty to protect, and one of the Council’s aims is to promote safer and stronger communities. These factors may be taken into account in relation to applications that may have a material impact on a vicinity.

1.6 This policy will set out the general approach the Licensing Authority will take when it considers opposed applications. 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 ‘responsible authority’ or ‘other persons’ to make relevant representations on an application or seek a review of a licence where provision has been made for them to do so in the Act.

1.7 This Policy has been prepared to assist the Licensing Authority in reaching a decision on applications, setting out those matters that will normally be taken into account. It also seeks to provide information for applicants, residents, businesses in the Borough and the responsible authorities on the Licensing Authorities expectations.

1.8 Every opposed application will be determined on its own merits and this Licensing Authority reserves the right to deviate from this Policy whenever it considers it correct and appropriate to do so.

1.9 It is not the purpose of this Policy to re-iterate the specific provisions of the Act or the Regulations made thereunder or the legal complexities of the legislation, unless it is considered appropriate to do so.
2. SCOPE OF THIS POLICY

2.1 The Council for the London Borough of Newham is the Licensing Authority responsible for the authorising of licensable activities, the issue of personal licences, and other matters set out in the Licensing Act 2003 ("the Act") in the Borough. This document sets out the principles that the Licensing Authority will apply when making decisions upon applications, notices and other authorisations relating to:

- 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
- Regulated entertainment
- The provision of late night refreshment being the supply of hot food or drink from a premises (other than a premise with a Club Premise Certificate or other lawfully exempt premises) between 11.00pm and 05.00am.

2.2 Regulated entertainment requires a licence or authorisation (unless exempted by the Act) 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
- Entertainment of a similar description to the performance of live music and/or the playing of recorded music and/or the performance of dance.

2.3 The Act sets out four main licensing objectives which the Licensing Authority 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.

2.4 This policy shall apply in respect of new consents, renewals, transfers, variations, reviews and such other notices or authorisations that may be required in relation to:-

- Premises Licence
- Club Premises Certificates
- Provisional Statements
- Personal Licences
- Temporary Event Notices
- Such other applications, authorisations or notices (e.g. interim authorities) as are required under the Act.

3. POLICY CONSULTATION AND REVIEW

3.1 This Policy will take effect from 23rd October 2014 and will be subject to periodic review and consultation.

3.2 In developing its policy the Licensing Authority has consulted widely to ascertain an appropriate licensing framework for its area. The bodies consulted included those specified in Section 3 of the Government Guidance i.e.;

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

Public consultation has also taken place via the Newham Magazine, a local independent newspaper, and by publishing on the Council website.

In addition the authority has consulted:

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

Comments were invited and all comments received via this consultation process were considered by the Licensing Authority.
3.3 The Licensing Authority has also taken into account the guidance issued by the Home Office under section 182 of the Act with regard to licensing policies.

3.4 With regard to the monitoring and review of the Policy the police, fire authority and other consultees will be encouraged to report to the Licensing Authority annually on the operation of the licensing function and, if possible, regular meetings will be held to discuss and advise on how the Licensing Objectives are being met.

4. DETERMINATIONS OF APPLICATIONS

4.1 This Licensing Authority when determining applications, authorisations and notices that have attracted relevant representations, and review applications, will normally work within the framework of this Policy and also take into account the Guidance issued by the Department of Culture, Media and Sport under section 182 of the Act. However, this Licensing Authority reserves the right to depart from this Policy and the Guidance whenever it considers it correct and appropriate to do so.

4.2 If, during the period of this Policy new Guidance is issued by the Government such Guidance will be taken into account by the Licensing Authority even if it is not referred to in this Policy.

4.3 When an application has not attracted relevant representations, the Licensing Authority is compelled under the provisions of the Act to automatically grant the application without regard to this Policy. The only exceptions to this are applications for:

- The review of a Premises Licence or Club Premises Certificate;
- A minor variation of a Premises Licence or Club Premises Certificate; and an
- An application for the mandatory alcohol condition requiring a Designated Premises Supervisor in respect of a premises licence to be dispensed with for a community premises

4.4 All opposed applications (with the exception of certain minor variations) will be determined by the Licensing Authority’s Licensing Committee or one of its Licensing Sub-Committees.

5. ADMINISTRATION, EXERCISE AND DELEGATION

5.1 The Licensing Authority 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.

5.2 Appreciating the need to provide a speedy, efficient and cost effective service to all parties involved in the licensing process, the Licensing Authority has taken advantage of these powers and has established a Licensing Sub-Committee/Sub-Committees.

5.3 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.

5.4 Applications where there are relevant representations will be dealt with by the Licensing Committee/Sub-committee, unless:

(a) such representations are from ‘other persons’ and are considered to be irrelevant, frivolous or vexatious, or
(b) the Licensing Authority, the applicant and everyone who has made relevant representations agrees that a hearing is not necessary, or
(c) the representations are in relation to a minor variation and the power to determine the application has been delegated to the officers of the Licensing Authority

With regard to paragraph (b) above, the Licensing Authority reserves the right to disagree that a hearing is not necessary.

5.5 If a Licensing Committee/Sub-Committee hearing is required under the Act in respect of an application, the hearing will be in public unless there are compelling reasons for it to be heard otherwise. When a hearing is held in public, the Licensing Committee/Sub-Committee can retire into private session to consider their decision. Opposed applications for personal licences will normally be held in a private session.
5.6 The following table outlines the delegation of functions:

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<th>Full Committee</th>
<th>Sub Committee</th>
<th>Officers</th>
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<tbody>
<tr>
<td>Application for personal licence</td>
<td>If a police objection</td>
<td>If no objection made</td>
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<tr>
<td>Application for personal licence with unspent convictions</td>
<td>All cases</td>
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<tr>
<td>Application for premises licence/club premises certificate</td>
<td>If a relevant representation made</td>
<td>If no relevant representation made</td>
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<tr>
<td>Application for provisional statement</td>
<td>If a relevant representation made</td>
<td>If no relevant representation made</td>
<td></td>
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<tr>
<td>Application to vary premises licence/club premises certificate under sections 34 and 84 of the Act</td>
<td>If a relevant representation made</td>
<td>If no relevant representation made</td>
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<tr>
<td>Application to vary premises licence/club premises certificate under sections 41A and 86A of the Act - minor variations</td>
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<tr>
<td>1. To consider and determine applications for minor variations, whether representations have been made or not, when such applications relate to:</td>
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<td>i) Changes to the layout and arrangements at premises</td>
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<td>ii) Reductions in the hours of licensable activities;</td>
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<td>iii) The removal of licensable activities from a licence.</td>
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<td>iv) The removal or alteration of defunct or unenforceable conditions on licences;</td>
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<tr>
<td>v) Alterations to existing conditions and/or the imposition of new volunteered conditions when such an action has been recommended to the licence holder by a responsible authority.</td>
<td></td>
<td>Officers in all cases</td>
<td></td>
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<tr>
<td>Matters to be dealt with</td>
<td>Full Committee</td>
<td>Sub Committee</td>
<td>Officers</td>
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<td>2. All other minor variation applications</td>
<td>If a relevant representation made</td>
<td>If a relevant representation made</td>
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<tr>
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<td>If a police objection</td>
<td>All other cases</td>
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<td>All cases</td>
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<td>Applications for interim authorities</td>
<td>If a police objection</td>
<td>All other cases</td>
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<tr>
<td>Decision on whether a complaint is irrelevant frivolous vexatious etc</td>
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<td>All cases</td>
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<td>Determination of an objection to a temporary event notice</td>
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<td>Determination of application to vary premises licence at community premises to include alternative licence condition</td>
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<td>All other cases</td>
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<td>Decision whether to consult other responsible authorities on minor variation application</td>
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<td>All cases</td>
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<tr>
<td>To serve a counter notice for a ‘late’ Temporary event Notice</td>
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<td>All cases</td>
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6. RESPONSIBLE AUTHORITIES, OTHER PERSONS AND REPRESENTATIONS

6.1 The Act sets out the responsible authorities that can make representations about licence applications, or who can apply for a review of an existing licence. In Newham these are (at the time this Policy was published):

- The Metropolitan Police
- The London Fire and Emergency Planning Authority (LFEPA) - normally called the Fire Brigade
- The Council’s Development Control Service
- The Council’s ASB & Nuisance Team
- The Council’s Children and Young People’s Services
- The Council’s Trading Standards Service
- The Councils Health & Safety Team*
- The Council’s Director of Public Health
- The Licensing Authority
- And any other body or person that may be prescribed by Regulations at a later date

*If the premises are not enforced by Newham under the Health and Safety at Work Act then the Health and Safety Executive.

A current list of responsible authorities and their addresses can be obtained from the Council’s Licensing Team.

6.2 Representations can be made by ‘other persons’ about certain applications made to the Licensing Authority. Those ‘other persons’ may also apply for a review of a Premises Licence or a Club Premises Certificate. The term ‘other persons’ means any individual, body or business entitled to make representations to this licensing authority in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, and applications for provisional statements, regardless of their geographic proximity to the premises.

Any representations made by these persons must be ‘relevant’, in that the representation relates to one or more of the licensing objectives.

6.3 Responsible authorities and other persons and can make representations about:

- Applications for a new Premises Licence
- Applications for the variation of an existing Premises Licence
- Applications for a new Club Premises Certificate
- Applications for the variations of an existing Club Premises Certificate
- Applications for a Provisional Statement
- Review applications

6.4 All representations must be ‘relevant’, for example they must be about the likely effect of the grant of an application on the promotion of one or more of the licensing objectives of:

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

In the case of other persons, the Licensing Authority may reject representations that it considers to be irrelevant, frivolous, vexatious or repetitious.

6.5 It is important for responsible authorities and other persons to note that they can make representations on any of the 4 licensing objectives (for example the Fire Brigade could make representations about crime at a premises or Trading Standards on the basis of public nuisance).

6.6 Only the Police and Environmental Health Officers can object to Temporary Event Notices, but they may object on any of the Four Licensing Objectives.

6.7 Applications for the review of an existing Premises Licence or Club Premises Certificate can be made by responsible authorities and other persons. When a review application has been made, representations can also be made by ‘other persons’ and the responsible authorities about that Licence or Certificate. Applications for the review of an existing Licence or Certificate can only be made in relation to one or more of the four licensing objectives.
6.8 Only the Police can make representations about applications for:

- Transfers of premises licences,
- Variations to change the Designated Premises Supervisor at a premises,
- Applications for personal licences,
- Interim authority notices, and

In above cases, the representations from the Police have to be restricted to the licensing objective of the prevention of crime and disorder.

6.9 All representations must be received by the Licensing Authority (at the offices of its Licensing Team) within the statutory deadlines set out in either the Act or the Regulations made under the Act. The Licensing Authority cannot legally accept any late representations. In the cases of applications for new Premises Licences/Club Premises Certificates and variations, the deadline for receipt of any representations and the address that they must be sent to, will be shown on a notice(s) displayed at the premises and in a notice placed in a local newspaper by the applicant.

6.10 When considering applications for new, or variations (under sections 34 and 84 of the Act) to existing Premises Licences /Club Premises Certificates the responsible authorities and other persons should consider the adequacy of any measures intended by the applicant to deal with any potential for public nuisance, crime and disorder, public safety, and the protection of children from harm. Any such proposed measures should be included in the application form submitted to the Licensing Authority by the applicant. If any responsible authority or other persons is not satisfied with any of the proposed measures they may make representations against the application to the Licensing Authority.

6.11 Applications for ‘minor’ variations under section 41A or section 86A of the Act do not have to include details of the steps that the applicant intends to take to promote the licensing objectives. Nor can the Licensing Authority convert any intended steps that may be included in the application into additional licence conditions. It is recommended that:

- Applicants take this into account when applying for a ‘minor’ variation in relation to the receipt of any representations against the applications, and
- The responsible authorities and other persons also take this into account when considering whether the application will have any effect on the licensing objectives.

NB: It is important for applicants, responsible authorities and other persons to note that the Licensing Authority may only grant this type of application in its entirety or completely refuse it. Any agreements (e.g. concerning additional conditions) made between the applicant and those making representations are of no effect under the Act and can not be taken into account when the Licensing Authority makes its determination on the application.

7. APPLICATION CONSULTATION

7.1 The aim of consultation is to provide the opportunity for other persons to be involved in the licensing process. The consultation procedure required for each type of application is prescribed within the Act and Regulations made thereunder.

7.2 Applicants are required to advertise an application for the grant or variation of a Premises Licence or Club Premises Certificate and for an application for a Provisional Statement. For such applications the consultation required is:-

- Copies of the application must be received by the Responsible Authorities 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 must give a brief outline the application including the regulated activities and the hours applied for.
- An advertisement must be placed in a local borough wide publication, within 10 working days of the application being received by the Licensing Authority. It is the responsibility of the applicant to forward evidence of the newspaper notice, its wording and its date of publication to the Licensing Authority.
- For ‘minor’ variations, there is no requirement for the applicant to send copies to the responsible authorities or for a newspaper notice and the premises notice need only be made on white paper and be displayed for 10 days. The Licensing Authority will advise the appropriate responsible authorities of the application.
7.3 Applications for review of Premises Licence or Club Premises Certificate will be advertised by the Licensing Authority in accordance with the legislation. For ordinary review applications this will take the form of notices being displayed near to the premises for 28 days, and for ‘summary’ reviews notices being displayed for 7 working days.

7.4 The Licensing Authority will make copies of applications available for inspection by the public.

8. PREMISES LICENCES

8.1 New Applications

The application form should include sufficient information to enable the Licensing Authority, any other person and any responsible authority to assess the steps intended by the applicant to promote the Licensing Objectives. A description of business to be conducted on the premises must also be included in the application form.

Where alcohol is to be sold for consumption on premises it would be valuable to know the extent of seating and the type of activities available on the premises whether licensable under the Act or not.

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
- The steps the applicant proposes to take to promote the Licensing Objectives.
- The applicant will be expected to undertake a thorough risk assessment with regard to each of the licensing objectives when preparing their applications and specify the steps that they will take to promote the licensing objectives.

Applicants are recommended to acquaint themselves with:

- The contents of this Policy dealing with the 4 licensing objectives
- The Guidance issued by the Home Office under section 182 of the Act and the other guidance available on Government websites.

The Licensing Authority will expect Operating Schedules to satisfactorily address the issues of the licensing objectives, from the design of the premises through to the daily operation of the business. Particular consideration will be given to the following:

- Safety arrangements e.g. premises must be constructed or adapted in such a way that they are safe and appropriate, have a safe capacity assessment etc.
- The steps that will be taken to prevent the under age sale of alcohol.
- 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.
- What measures will be taken to prevent disorder and nuisance and secure public safety e.g. the use of CCTV, the employment of registered door supervisors, means of access/exit, types of drinking utensils used such as glass, plastic, no bottles etc.
- 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.
8.2 Variations to existing Premises Licences
The holder of an existing Premises licence may apply for a variation of the licence (e.g. to change the licensed hours or activities) under either section 34 of the Act ("full variations") or in the case of "minor" variations under section 41A of the Act. For a "full" variation the applicant is expected to include in the application form with the steps they intend to take to promote the licensing objectives.

8.3 Designated Premises Supervisor
Where a premises sells alcohol, a Personal Licence holder will be identified in the Premises Licence as the Designated Premises Supervisor for the premises. This is 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 (e.g. on holiday) they should nominate in writing somebody who is authorised to act on behalf Designated Premises Supervisor, as a point of contact.

Community premises can apply to have the requirement for a Designated Premises Supervisor removed from their premises licence.

8.4 Wholesale of Alcohol
The wholesale of alcohol to the public is a licensable activity under the 2003 Act, and a Premises Licence and a Designated Premises Supervisor will be needed where such transactions take place.

8.5 Internet and mail order sales
A Premises Licence will be required for the warehouse/storage facility of the alcohol, when the alcohol is delivered/despatched from that place to the 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).

8.6 Regulated Entertainment
Regulated entertainment will require (subject to certain exemptions) a Premises Licence, a Club Premises certificate or a Temporary Event Notice. The forms of regulated entertainment are: -

- 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
- Entertainment of a similar description to the performance of live music and/or the playing of recorded music and/or the performance of dance.

8.7 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.

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

8.9 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 petrol station, a licence will be required. Each case will be judged on the individual circumstances of the application.
8.10 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.

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

8.12 Ports and Airports
Premises Licences are not required where alcohol is sold airside at an airport or wharfside in a port that has been designated by the Secretary of State i.e. where the non-travelling public do not have access. Other parts of designated ports and airports are subject to normal licensing controls.

8.13 Sports Grounds
On premises that are subject to Safety at Sports Ground Act 1975 requirements, the Safety Certificate issued for the premises will normally take precedence over the licence conditions relating to safety, whilst the premises is in use under the Safety Certificate.

8.14 Hotel Mini Bars
Hotels that have mini bars in their rooms will have to ensure and demonstrate that they have put adequate measures in place to ensure that alcohol can not be obtained by under age persons.

9. CLUB PREMISES CERTIFICATES

9.1 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 Licensing Authority must be satisfied that these conditions have been met, including evidence to show 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 the application for membership and acceptance as new members. The Club must have a minimum of 25 members.

9.2 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.

9.3 The Licensing Authority will require the Club Secretary’s current contact details to be readily available.

9.4 The procedures, guidance and this Licensing Authorities Policy in relation to Club Premises Certificates are identical to that for Premises Licences.

10. PROVISIONAL STATEMENTS

10.1 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.

10.2 This Licensing Authority’s Policy in relation to Provisional Statements is identical to that for Premises Licences. Before premises with a Provisional Statement may be used for licensable activities an application must be made and granted for a Premises Licence or Club Premises Certificate.

10.3 If representations are received in respect of an application for a Provisional Statement, conditions may be imposed on the Provisional Statement in the same manner as if it were a Premises Licence or the application may be refused by the Licensing Authority.

11. CONDITIONS ON PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

11.1 The Act sets out mandatory conditions that are applicable to Premises Licences and Club Premises Certificates according to the activities that they are authorised for.
11.2 The Licensing Authority may impose additional conditions as a result of representations against a licence. Each case will be on its own merits, and any additional conditions will be appropriate to the nature of the activities and hours applied for and shall reflect the four licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation. When no representations have been received against an application, the Licensing Authority reserves the right to convert the steps that an applicant has put into their application into licence conditions whenever such conditions are appropriate to the licensing objectives.

The additional conditions that may be attached to licences and certificates upon consideration of relevant representations will be tailored to the individual circumstances and characteristics of the premises and events concerned 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.

11.3 Any conditions imposed on a premises licence or certificate by a Licensing Authority must be appropriate for the promotion of the licensing objectives.

11.4 A list of the types of conditions which may be attached to a premises licence or a club premises certificate and guidance is detailed in Annex 2 – Model Pool of Conditions

11.5 Further guidance on the types of conditions which may be included in or attached to a premises licence or a club premises certificate is detailed in Annex 2 – Model Pool of Conditions

12. FILM CLASSIFICATION

12.1 The admission of children to any film exhibition shall be restricted in accordance with the classification given to that film by the British Board of Film Classification (or in exceptional circumstances this Licensing Authority). No person under the age of 18 shall be admitted to any film that has not been classified by the British Board of Film Classification (or in exceptional circumstances this Licensing Authority).

12.2 This Licensing Authority agrees with the recommendation of the Secretary of State that Licensing Authorities should not duplicate the role of the British Board of Film Classification by choosing to classify films themselves. The classifications recommended by the British Board of Film Classification for any film will be applied by this Licensing Authority unless there are exceptional reasons for this Licensing Authority to adopt the role of film classifier and classify or re-classify any particular film. The decision as to whether to classify or re-classify any particular film will be at the absolute discretion of this Licensing Authority.

12.3 If the Licensing Authority 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 Licensing Authority. In such circumstances the Licensing Authority will view and classify the film as a matter of urgency.

12.4 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.

12.5 Where any video works are shown on premises with a licence (e.g. in pubs) they should be suitable for the age group of the children present, having regard to the official age classification of the work given by the British Board of Film Classification.

13. HOURS OF LICENSED ACTIVITIES

13.1 Applicants are advised, prior to making an application, to carefully consider the licensed hours that they require and the impact those hours may have on any of the licensing objectives. They should include details in the application form of the steps that they propose to take to ensure the proposed licensed hours do not cause problems in relation to the licensing objectives.
13.2 In making decisions that relate to the hours for which a premises is licensed or any conditions as to delivery times etc. the Licensing authority will give consideration to how the applicant will promote the Licensing Objectives and the representations made against such hours.

13.3 Each case will be decided on its own merits based on whether the licensing objectives can be promoted. Stricter conditions, including limiting licensed hours, are likely to apply to premises when the applicant is unable to demonstrate that the hours required would not be detrimental to one or more of the licensing objectives.

13.4 Limitations on operating hours may be imposed as appropriate upon consideration of representations for example, in the case of premises known to be a focus of disorder, nuisance, disturbance or people engaging in anti-social behaviour.

13.5 One of the aims of the Licensing Act 2003 was that varied licensing hours would minimise concentrations of customers leaving licensed premises simultaneously and thus help reduce the potential for disorder. However this Licensing Authority recognises that in relation to any of the licensing objectives that an individual premises could, in relation to any of the licensing objectives, cause as many if not more problems, than a concentration of premises in an area.

13.6 In relation to shops and other retail outlets supplying alcohol for consumption off the premises, whilst the general policy will be to allow sales of alcohol at all times that the premises is open for business this Licensing Authority recognises that some applications may have to be refused or hours may have to be restricted in order for the licensing objectives to be promoted.

13.7 Each case will be decided on its own merits based on whether the licensing objectives can be promoted. Stricter conditions including limiting licensed hours are likely to apply where the premises are situated in mainly residential areas to minimise disturbance to local residents.

14. OPENING HOURS

It is a requirement that applicants put down on their application form for new premises licences/Club Premise certificates the times that the premises are to be open on any day. Subject to there being no representations, the opening times requested will be placed on the Licence/Certificate and will become a licence condition.

It is possible for applicants to apply for longer opening times than those required for the licensable activities (e.g. supply of alcohol).

In the event of relevant representations the Licensing Authority may consider taking steps in restricting the opening times, such as:

• Set the opening times (and especially the closing times) to the same times as the licensable activities, or
• Reduce the amount of time that the premises is allowed to remain open after the cessation of licensable activities (e.g. reduce the closing time to 30 minutes after the time that the supply of alcohol has to stop).

Such measures may be considered necessary, for example to prevent persons stacking up bottles, cans etc for drinking on the premises during the remainder of the premises opening times and creating crime and disorder or public nuisance issues.

15. PERSONAL LICENSES

15.1 Personal licences allow a person to sell alcohol and authorise another person to sell alcohol on their behalf. The place where the sale takes place must have a premises licence and a Designated Premises Supervisor.

15.2 The Licensing Authority has to automatically grant a personal licence whenever the application meets the statutory requirements. The only exemption to this is when an applicant has an unspent conviction for any relevant offence, or foreign offence as defined in Schedule 4 the Act.

15.3 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 stipulated in schedule 4 of the Act.

15.4 The Licensing Authority 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 object to the grant of the licence.
15.5 If an objection is made by the Police to an application the matter will be referred to the Licensing Committee for a decision. The refusal of the application will be the normal course unless there are in the opinion of the Licensing Authority, exceptional and compelling circumstances that justify granting the application.

16. TEMPORARY EVENT NOTICES

16.1 A Temporary Event Notice (TEN) must be submitted to the Licensing Authority when a person wishes to provide licensable activities at an event and;

- the premises does not have the benefit of a Premises Licence or Club Premises Certificate, or
- the premises does not have an appropriate Premises Licence or Club Premises Certificate for the event, or
- they do not wish to use any existing Premises Licence or Club Premises Certificate for the event.

16.2 The Police and/or the enforcing authority under section 18 of the Health and Safety at Work etc. Act 1974 (e.g. the Environmental Health Authority) may object to a TEN on any of the licensing objectives.

16.3 For Standard TEN’s, the Notice must be received by the Licensing Authority a minimum of 10 working days prior to the event. The 10 working days does not include the day the Licensing Authority receive the Notice or the day that the event starts. If an objection is made, the Licensing Committee will decide whether or not a Counter Notice be issued to cancel the TEN after hearing the representations and evidence of the objector(s) and the giver of the TEN.

16.4 Late Temporary Event Notices can be given in any circumstances subject to the limitations specified within the Licensing Act 2003. Late TEN’s can be can be given up to five working days but no earlier than nine working days before the event is due to take place. A late TEN given less than five days before the event will be void and will not be able to be used. If there is an objection to a late TEN by the Police or Environmental Health Authority, a Counter Notice will be issued by the Licensing Authority to cancel the TEN.

17. APPEALS

17.1 The Act sets out the rights of the different parties to an application to appeal to the Magistrates Court against certain decisions of the Licensing Authority. Such parties will be formally advised of their rights of appeal after the Licensing Authority reaches its decision.

18. REVIEWS AND COMPLAINTS ABOUT LICENSED PREMISES.

18.1 If a premises has an existing licence a responsible authority or any ‘other persons’ may apply to the Licensing Authority for a review of a Premises Licence or Club Premises Certificate. Once a review application has been lodged with the Licensing Authority any other responsible authority or ‘other persons’ may make representations (within the legal deadline) to the Licensing Authority in relation to the premises. The licence holder of the premises may make representations against the review application. Review applications and subsequent representations can only be made on the grounds of one or more of the licensing objectives.

18.2 Review applications will be heard by the Licensing Authority’s Licensing Committee or Licensing Sub-Committee, who will determine the outcome of the Licence/Certificate after hearing and considering the application and the representations for and against it. Each case will be decided on its own merits, and the Licensing Authority may take several courses of action (e.g. take no action, revoke the licence, reduce the licensed hours etc) in accordance with the Act.

18.3 It must be stressed that the licensing authority may reject applications from ‘other persons’ for a review or representations, if the Licensing Authority considers them to be frivolous, vexatious or repetitious. In the case of being repetitious this means that in the opinion of the Licensing Authority a reasonable period of time has not lapsed since an earlier Representation or review application.

18.4 Residents and ‘other persons’ 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 the complaint will be forwarded to the police).
19. ENFORCEMENT POLICY

19.1 The council has a long established enforcement policy, based around the principles of consistency, transparency and proportionality set out in the BRDO’s Regulators Code* 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.

19.2 It is essential that licensed premises operate in accordance with the Act and especially within their licensed hours and licence conditions. 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.

19.3 To protect young people, the council routinely undertake test purchasing to ensure the law is being adhered to. It should noted the Licensing Authority supports the use of the Challenge 25 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 for further details.


20. PREVENTION OF CRIME AND DISORDER

20.1 General

When applicants for premises licences or club premises certificates are preparing their application forms or when responsible authorities or ‘other persons’ are considering such applications the following matters may be considered as control measures towards the promotion of the prevention of crime and disorder. The licensing authorities when considering applications following the receipt of any relevant representations may also take such matters into account in reaching its decision on the application.

Whether 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.

20.2 Risk Assessment for the Police

The Police may, on the grounds of the prevention of crime and disorder, make representations against certain applications for the provision of music requesting that licence conditions be imposed requiring:

• the licence holder to complete and submit to the Police when appropriate a ‘promotional Event Risk Assessment Form 696’ 14 days prior to the event. This form has been designed to allow licence holders, the managers of premises, promoters of music events, event security and the Police to work in partnership to identify and minimise any risk of serious violent crime happening at a proposed event, and.
• for a debrief form 696A to be submitted to them 3 days after the event has taken place.

This Licensing Authority will consider the recommendations of the Police and any representations from the applicant concerning the nature of the premises, the music entertainment and its clientele in deciding whether such conditions should be imposed.

20.3 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. 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.

20.4 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; maintaining orderly queuing outside of venues prone to such queuing,
- ensuring public safety

Conditions may also be needed to deal with the number of such supervisors, where and at what times they should be on duty 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).

Licensees may also be required to 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, and shall be available for inspection

Any persons employed at licensed premises to carry out any security activity must (unless exempted by law) be licensed with the Security Industry Authority.

20.5 Incident Report Book
Where necessary the Licensing Authority will require an 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.

20.6 The use of glass in licensed premises
Glassware and 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 at particular 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.

20.7 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).

Applicants are recommended to seek the advice of the Police with regard to the installation of CCTV systems for crime prevention purposes.

20.8 Open containers not to be taken from the premises

A condition preventing the taking of alcoholic drinks from the premises in open containers (e.g. glasses and opened bottles) may be imposed on particular premises. This condition may be necessary to prevent the potential for crime and disorder or for public nuisance.

20.9 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.

20.10 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 for a of “proof of age” scheme to be in place at a premises. Please see the section ‘The prevention of harm to children’ concerning the ‘Challenge 25’ proof of age scheme.

20.11 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. For example, in certain areas, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism.

20.12 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.

20.13 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.

20.14 Premises in the Vicinity of West Ham United FC and other major sporting venues

It is recommended by the Police that applications for the supply of alcohol within a one mile radius of West Ham United Football Club or in any other area which Police intelligence shows that football supporters congregate should include in their application form that on match days the following will apply on match days :-

A. For premises licensed for the supply of alcohol for consumption on the premises:

- Drinks shall only be supplied in polypropylene or toughened glass vessels and all bottled drinks shall be poured into such drinking vessels before being handed to the customer.
- Registered door staff shall be employed to control the entry and exits to the premises and to prevent the taking of alcohol off the premises (e.g. for consumption on the adjoining foot-way)
- If so instructed by the Police Matchday Commander the premises shall be closed if it is considered that violence and/or disorder may take place.

B. For premises licensed for the supply of alcohol for consumption off the premises:

...
• Registered door staff shall be employed to control the entry and exits to the premises
• If so instructed by the Police Matchday Commander the premises shall be closed if it is considered that violence and/or disorder may take place.

Failure to include the above matters in an application from may result in representations being made by the Police on the grounds of crime and disorder.

It is also recommended that applicants for licences in the vicinity of other major sporting venues (whether for football or other sports) also consider including similar steps in their application form for the days that the venue is being used for large scale sporting or other events.

21. PUBLIC SAFETY

21.1 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 other persons, the following options should be considered as measures that, if necessary, would promote public safety. 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.

The Licensing Authority will expect all relevant premises to meet the requirements of the Council’s Technical Standards for Places of Public Entertainment (available from the Licensing Team).

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.

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.

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

21.2 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, car, 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 stair treads.
21.3 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.

21.4 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.

21.5 Emergency action notices
Consideration might also be given to conditions that ensure that notices detailing the actions to be taken in the event of emergencies, including how the emergency services should be summoned, are prominently displayed and protected from damage and deterioration.

21.6 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.

21.7 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; and
- 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.

21.8 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 of guests shall be fully in operation when they are present;
- emergency lighting is not altered;
- emergency lighting and signage are in working order 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.

21.9 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 appropriate standards;
- 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.

21.10 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).

21.11 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 Licensing Team as to the correct licensing procedure. Alterations may mean that an application for a new licence or a variation of the licence is required.

21.12 Special effects
The use of special effects in venues of all kinds 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;
• 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 appropriate authority.

21.13 Theatres, cinemas, concert halls and similar places
There are particular matters in the context of public 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 below are for consideration and do not represent a mandatory list.

• Attendants: must be sufficient numbers taking into consideration the other safety measures, the design of the premises and the profile of the persons attending (e.g. performances attracting primarily children). 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.

• Standing and sitting in gangways etc: persons should not be allowed to:
sit in a gangway;
stand in a gangway, except for access to and fro their seat.
stand or sit in front of any exit;
stand or sit on any staircase including any landings; or
Stand to view the performance except in areas designated in the premises licence or club premises certificate
• Drinks: No drinks (alcohol or other drinks) shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.
• Flammable films: No flammable films should be allowed on the premises without the prior approval of the Fire Brigade.

22. PREVENTION OF PUBLIC NUISANCE

22.1 General
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, litter and the obstruction of public highway. The area where such problems could occur may extend beyond the immediate vicinity of 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.

### 22.2 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.

### 22.3 Hours

The hours during which the licensable activities are permitted at premises by the conditions of a premises licence or a club premises certificate are set 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 are 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.

### 22.4 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.

### 22.5 Litter

Premises that provide food and/or drink for consumption off the premises could create public nuisance in the form of their patrons causing litter (i.e. food wrappings/containers and drink containers) in the vicinity of the premises and the wider area. Applicants for licences allowing the provision of late night refreshment and the sale of alcohol for consumption of the premises are recommended to consider the problems that litter caused by their operation will cause and the steps that they will take to prevent such nuisance in the vicinity of their premises. The steps that they could take (and include in their application form) include:

1. the provision of waste receptacles outside the premises,
2. notices asking customers to dispose of their rubbish responsibility and not to create litter problems, and
3. the licence holder arranging for the picking up and disposal of litter from their premises in the vicinity of the premises.

### 22.6 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 do not cause a nuisance to nearby properties and that premises are properly vented.

### 22.7 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.
23. THE PROTECTION OF CHILDREN FROM HARM

23.1 The Licensing Authority 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.

23.2 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 Licensing Authority 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.

23.3 The Licensing Authority 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

23.4 The Licensing Authority 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 2003 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.

23.5 The range of options available to limit the access of children to licensed premises that may be imposed by the Licensing Authority 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.

23.6 Licensees will have effective steps 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 Licensing Authority.

23.7 The Licensing Authority 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.

23.8 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.
23.9 The Licensing Authority will specifically require the Operating Schedule to address issues relating to children. Applicants are advised to contact Children’s Services directly to seek advice prior to submitting their application.

23.10 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.

23.11 Where there are restrictions (whether imposed by statute or by the Licensing Authority) 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

Premises that sell alcohol should have due regard to proof of age schemes, and this Licensing Authority recommends that the Challenge 25 Policy be used (further details contact Trading Standards). See section 23.18 below for recommended conditions relating to ‘Challenge 25’

It should also be noted that there are restrictions on Gambling Activities that children and vulnerable are allowed to access.

23.12 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 performances involving feigned violence or horrific incidents, feigned or actual sex acts or fetishism, or entertainment involving strong and offensive language. Entertainments and services that fall within the provisions of Schedule 3, Local Government (Miscellaneous Provisions) Act 1982 [as amended], such as striptease and sex entertainments provided by naked or semi-naked performers are not covered by this Policy, but are subject to that Act and any Policy adopted by this Council under that Act.

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 Licensing Authority 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.

23.13 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 other persons who have made representations but only where the licensing authority considers it appropriate 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.

23.14 Exhibition of Films

It is a mandatory condition on licences authorising the exhibition of films that no person under the age of 18 shall be allowed admission to the exhibition unless the film has been classified as being suitable for their age. The current film classifications are:

- 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.

Applicants for licences are expected to demonstrate in their application form the steps that they will take to ensure the age classifications are complied with and that no under age person is allowed to view a film contrary to its classification. Such steps should include an age identification scheme, whereby possible underage persons are required to prove their age.

Additional steps should include the steps that:

• 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;
• The age classification of the film shall be displayed both inside and outside the premises, and
• 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.

23.15 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 will normally be imposed. 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.

23.16 Performances especially for children

Entertainment may also be presented at cinemas and theatres specifically for children, and Licensing authorities are expected to consider whether a licence condition should be imposed that 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.

Where performances are presented especially for unaccompanied children in theatres and cinemas conditions will 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.

24.17 Children in performances

The 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) sets 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, then the licensing authority may 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.

23.18 ‘Challenge 25’

It is unlawful to sell or supply alcohol to persons under the age of 18, and applicants are recommended to adopt the ‘Challenge 25’ policy. The recommended conditions are:

1. The Licensee to adopt a “Challenge 25” policy where all customers who appear to be under the age of 25 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 25” 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.

24. OTHER REFERENCES & GUIDANCE
Applicants are recommended prior to making an application to have regard and to take into consideration in their application the following documents (as appropriate to their premises and the activities that will be provided):

• The Guidance and information on licensing provided on the Home Office website, including the amended Guidance issued under Section 182 of the Licensing Act 2003
• Technical Standards for Places of Entertainment – available from the Licensing Team.
• Home Office: Safer Clubbing Guide
• Metropolitan Police: Safe and Sound (‘helping you to manage the treat posed by drugs, weapons and other rime’)
• LACORS/TSI Code of Practice on Test Purchasing
• Guidance issued by the Security Industry Authority in connection with door supervisors etc.
• Managing Crowds Safely HSE 2000ISBN 07176-1834 X
• 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
25. OTHER POLICIES AND OBJECTIVES

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.

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.

The Licensing Authority 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 make representations in connection with a licensing application if an application has an adverse impact on any of the four objectives.

25.1 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.

25.2 Equality Act 2010

The Government has passed a new piece of legislation ‘The Equality Act 2010’ in October 2010 which brings together over 116 pieces of legislation into one single act. Together it is a simpler legal framework to protect the rights of individuals from unfair treatment and advance equality for all within employment and access to goods and services etc. As a public authority the Council must adhere to the Equality Act 2010. Discrimination is defined as treating someone less favourably than other people because of who they are. The Act defines groups of individuals who have a legal right not to be discriminated against and they are listed as follows:

- Age
- Pregnancy and Maternity
- Race
- Disability
- Gender
- Gender Identity
- Sexual Orientation
- Religion
- Marriage & Civil Partnerships

There are seven specific forms of discrimination which are Direct Discrimination, Indirect Discrimination, Associative Discrimination, Perceptive Discrimination, Harassment, Victimisation and Failure to Make Reasonable Adjustments. For example, under the Act reasonable adjustments must be made for disabled people to ensure they have the same or better access,
as far as reasonable to everything that is involved in e.g. accessing services or employment as non-disabled people. More details can be found within the Council’s ‘Equality and Diversity’ Policy.

London Borough of Newham has also published its ‘Equality and Cohesion Plan’ which sets out how the Council will meet their legal duties in line with the Equality Act 2010 and Human Rights 1998 to advance equality and defend human rights for its residents through access to services and activities.

25.3 The Government’s Alcohol Strategy
The Government has published an Alcohol Strategy in March 2012 or England which outlines how the authorities can address some of the Social Health and Crime & Disorder issues raised by the misuse of alcohol, particularly when the Licensing Authority is considering applications for any relevant licence made under the Licensing Act 2003. This strategy will be taken into account having regard to matters such as irresponsible drinking and reducing the availability of cheap alcohol etc.

25.4 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.

25.5 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

25.6 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 appraised 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.

25.7 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.

25.8 Planning Permissions
All applicants for Premises Licences, Club Premises Certificates and Provisional Statements 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 cumulative impact policy is to minimise the cumulative impact of licensed premises where it can be shown that the density of licensed premises 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 Licensing Authority 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.

The Newham Core Strategy 2013 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.

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.
ANNEX 1
SPECIAL CUMULATIVE IMPACT POLICY

The Council recognises that the cumulative effect of licensed premises may result in adverse effects on the licensing objectives and 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 and 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 Cumulative Impact Policy for an area if this proves necessary.

The Guidance to the Act states that the cumulative impact of licensed premises on the promotion of their licensing objectives is a proper matter for a licensing authority to consider in developing its Statement of Licensing Policy.

In accordance with the Guidance the Council has consulted on the proposals for Cumulative Impact Zones in the areas identified as part of the wider consultation on the council’s revision of its Statement of Licensing Policy during 2014. Consultation was therefore specifically undertaken with:

- The Responsible Authorities
- Licensees and those representing licensees
- Local Residents and Businesses
- Those representing local residents and businesses.

In considering whether to adopt such a Policy for the areas, the council took the following steps as recommended by the Guidance:

- Gather crime and disorder statistics, ambulance service statistics and such other statistics that may be appropriate
- Identify serious and chronic concern from a responsible authority or from residents or local businesses (or their representatives) concerning nuisance and/or disorder;
- Identify the area in which problems are arising and the boundaries of that area.

As a result the Council has designated the following areas within Newham as being subject to a special Cumulative Impact Policy:

- Stratford, being the area shown on the attached Plan No. 1
- Forest, Gate and Manor Park, being the areas shown on the attached Plan No. 2
- East Ham and Green Street, being the areas shown on the attached Plan No. 3
- Plaistow, being the area shown on the attached Plan No. 4
- Pier Road area, being the area shown on the attached Plan No. 5
- Western Gateway area, being the area shown on the attached Plan No 6

A summary of the evidence of the problems being experienced in these areas was attached to the consultation document mentioned above. The Licensing Authority is of the opinion based on the evidence that a number of licensed premises in the above areas adversely affect the promotion of the licensing objectives of:

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

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The effect of this special Cumulative Impact Policy for each of the above areas is: -

1. Where relevant representations are received against any:
   - New applications for the grant of a Premises Licences, Club Premises Certificates or Provisional Statement, or
   - Variation applications for an existing Premises Licences or Club Premises Certificates,

Which indicates the application is likely to add to the existing cumulative impact there will be a rebuttable presumption under the special Policy that the application will be refused or subject to certain limitations.

2. The special Policy will not prevent applications in the above areas. Each case will be decided on its own merits, but applicants will have to demonstrate in their application that it will not add to existing problems in the area and there will be no negative cumulative impact on one or more of the licensing objectives.

3. The special policy will apply to all the licensable activities of:
   - 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,
   - Regulated entertainment, and
   - The provision of late night refreshment
PLAN 2 FOREST GATE AND MANOR PARK AREA
PLAN 6 ROYAL VICTORIA DOCK AREA
ANNEX 2
POOL OF MODEL CONDITIONS

If an application is made for the grant or variation of a premises licence under the Licensing Act 2003 the authority can do so subject to conditions consistent with the operating schedule and mandatory conditions. However further conditions can be imposed if they are considered appropriate for the promotion of one or more of the four licensing objectives.

The authority must have regard to the Guidance issued under s182 of the Licensing Act 2003 by the Secretary of State which states licensing conditions should be tailored to the size, type, location, characteristics and activities taking place at the individual premises and standardised conditions should be avoided in all circumstances.

These model conditions have been produced to assist prospective licence holders, responsible authorities and other individuals where they consider they would promote the licensing objectives within individual applications. Following an application, all parties are encouraged to work together and where appropriate, utilise the attached list of model conditions to promote a consistent approach when proposing conditions on a premises licence.

Please note the attached model conditions are not an exhaustive list which can be added on a premises licence and there may be instances where alternative conditions are deemed appropriate for the promotion of the licensing objectives. For example specific conditions may be added to a premises licence for an open air event to meet the specific requirements of the Licensing Authority or the Responsible Authorities dependant on the site, the type of entertainment to be held and the anticipated audience.

(NB: Within the list of model conditions, where a condition contains an instruction to insert any fact, that information must be supplied).
A CAPACITY, CONTROL AND MANAGEMENT OF CUSTOMERS

A01 There shall be no entry or re-entry to the premises after (Insert terminal hour for entry) hours. Appropriate signage shall be clearly displayed at each exit from the premises advising patrons that re-entry to the premises after (Insert terminal re-entry time) hours is prohibited and that this prohibition also applies to people wishing to leave the premises to smoke.

A02 There shall be no entry or re-entry to the premises after (Insert terminal hour for entry) hours. Appropriate signage shall be clearly displayed at each exit from the premises advising patrons that re-entry to the premises after (Insert terminal re-entry time) hours on any morning is prohibited. Persons wishing to leave the building to smoke, may do so, provided that they go to an allocated and supervised outdoor area and they are issued passes which they return upon wishing to re-enter the premises that this prohibition also applies to people wishing to leave the premises to smoke.

A03 The occupancy shall be restricted to (Insert number) persons in the premises. (Limits may be also be appropriate for different rooms or floors of premises) The occupancy figure includes staff, performers and public. The Premises Licence Holder shall ensure that there are appropriate management controls to ensure that the occupancy figure is not exceeded at any time. Appropriate controls shall be put in place to ensure that the occupancy of the premises / specified areas are not exceeded at any time.

A04 There shall be no security passes for admission other than those issued to bona fide staff and to statutory authorities.

A05 Admission shall be by ticket only. When presented for admission, the ticket shall be retained by the organisers.

A06 Admission to the event shall be through the approved entrances (or specify entrances). The entrances shall be manned by stewards who shall allow only persons with tickets or security passes into the concert area.

A07 Adequate procedures must be implemented to ensure overcrowding (such as that which may cause injury through crushing) does not occur in any part of the premises.

A08 The licence holder shall determine the occupant capacity of the premises on the basis of documented risk assessment(s).

(i) The risk assessment(s) must take into account all relevant factors including space, audience density, means of access and egress, toilet provision, load-bearing capacity of floors, ventilation, etc and must be reviewed regularly, and if circumstances change.

(ii) Where necessary separate occupancy levels must be set for different parts of the premises, and when necessary for different premises layouts and different types of events.

(iii) Measures must be put in place and documented to ensure that the capacity is not exceeded at any time.

(iv) All documentation pertaining to the proposed figure must be kept on the premises and must be available immediately on request to any authorised officer of the Licensing Authority or a constable.

(v) The premises licence holder shall regularly review, update and amend any risk assessments particularly following any changes to the layout or operation of the venue. Such reviews etc shall be fully documented and form an integral part of the risk assessment.

A09 Manual (and/or automatic) electronic number control systems shall be installed, used and maintained at the premises at all times the premises is open to the public.

A10 An attendant shall be on duty in the cloakroom during the whole time that it is in use.

A11 Admission to the specified function room shall be through the premises lobby area only.

A12 There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.

A13 In relation to the specified function room there shall be no admission after (midnight) other than to

(i) residents of the hotel and their bona fide guests, or

(ii) persons attending the pre-booked function

A14 No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar
promotional material is also prohibited within the specified area. For the purpose of this section;
‘Directly’ means:- employ, have control of or instruct.
‘Indirectly’ means allowing / permitting the service of or through, a third party.
‘Specified’ Area’ means the area encompassed within (insert name of boundary roads.)

A15 The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.

A16 Queuing outside the premises shall be restricted to a designated area located at (specify location)

B CCTV

B01 A CCTV system shall be installed at the premises. The CCTV system shall be maintained in working condition and record the premises 24 hours every day. Recordings to be retained for a minimum of 28 days and be made available to the Police or officers of the Council upon request and be of evidential quality.

The equipment MUST have a suitable export method i.e. CD/DVD/USB facility so that the Police and officers of the Council can make an evidential copy of the data they require. This data should be in the native file format to ensure that no image quality is lost when making the copy. If this format is non standard (i.e. manufacturers proprietary), then the licence holder shall within 14 days of being requested supply the replay software to ensure that the video on the CD can be replayed by the Police and officers of the Council on a standard computer. Copies MUST be made available to the police and officers of the Council upon request.

Staff working at the premises will be trained in the use of the equipment and a log will be kept to verify this.

Cameras on the entrances must capture full frame shots of the heads and shoulders of ALL people entering the premises, i.e. capable of identification.

There shall be signs displayed in the customer area to advise that CCTV is in operation.

Should the CCTV become non-functional this will be reported immediately to the Licensing Authority.

B02 CCTV cameras shall monitor all areas used by premises patrons including any external area to monitor numbers and prevent crime and disorder.

B03 At the commencement of work security personnel should ensure that they are recorded on the CCTV system and that a clear head and shoulders image showing their face clear of any hat, glasses or other obstruction is recorded.

C CINEMATOGRAPHIC/FILM EXHIBITIONS (these conditions may not be appropriate for film exhibitions that are ancillary to the main purpose of an event)

C01 There shall be prominently exhibited at each public entrance whenever the premises are open to the public a notice indicating in tabular form and in clear bold letters and figures-

(i) the title of each film to be shown on that day, other than trailers and films of less than five minutes duration:
(ii) the approximate times of commencement of each such film;
(iii) whether each such film has received a ‘U’, ‘PG’, ‘12A’, ‘15’ or ‘18’ certificate from the British Board of Film Classification, and
(iv) the effect of such ‘U’, ‘PG’, ‘12A’, ‘15’ or ‘18’ certificates in relation to the admission of persons under the age of eighteen years.

C02 The nature of any certificate received in respect of a film from the British Board of Film Classification shall be clearly indicated by the figure ‘U’, ‘PG’, ‘12A’, ‘15’ or ‘18’ in any advertisement of the film displayed at the premises.

C03 No category ‘R18’ film shall be exhibited at the premises.

D CHILDREN

D01 “Challenge 25”:
1. The Licensee to adopt a “Challenge 25” policy where all customers who appear to be under the age of 25 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 25” 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.

D02 All children under the age of (insert age) shall vacate the premises by (Insert time) hours.

D03 Children under the age of (insert age) must be accompanied by an adult.

D04 There shall be no events for persons under 18 years of age.

D05 A till prompt system shall be installed to assist staff by reminding them to challenge for ID when a sale is made.

D06 If the recipient of a delivery of alcohol or the collection or delivery of a takeaway meal which includes alcohol, appears under 25 years of age, recognised photographic identification will be requested before any intoxicating liquor is handed over. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.

E CONTROLS FOR SALE OF ALCOHOL

E01 There shall be no supply of alcohol for consumption off the premises.

E02 There shall be no supply of alcohol for consumption off the premises except in sealed containers.

E03 All containers of alcohol sold from the premises under the licence shall be clearly and permanently marked with the name and post code of the premises.

E04 Alcohol may only be supplied to customers who are engaging in a sit down table meal, as an ancillary to that meal.

E05 Beers, lagers, stout and ciders sold at the premises should not exceed (insert e.g. 5.0 or 5.5 or 6%) alcohol volume.

E06 Sprits should not be sold in bottles of less than 35cl/70cl.

E07 Beers, lagers, stout, ciders and alcholpops shall be sold in packs of no less than four.

or

No single cans or bottles beers, lagers stout, ciders and alcholpops shall be sold.
E09 A Personal Licence Holder is to be present at the premises at all times during licensing hours.

E10 A Personal Licence Holder, Premises Licence Holder, or the DPS to be present at the premises at all times during licensing hours.

E11 Documented delegation of authorisations to sell alcohol shall be maintained at the premises and shall be available on request by an authorised officer of the Licensing Authority or the Police.

E12 Spirits shall be located (insert location). All other alcohol (e.g. beer, lager, cider) for sale are to be displayed in a position that is not obscured from the constant view of the cashier / staff by fixtures.

E13 ‘Off’ licences, when the premises has longer opening hours than the times authorised for the sale of alcohol

All alcohol shall be made inaccessible to the public within (insert) minutes of the terminal hour for the sale of alcohol. The alcohol shall remain inaccessible until the next commencement time authorised for the sale of alcohol.

E14 There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises

E15 There shall be no self service of spirits on the premises.

E16 Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.

E17 The supply of alcohol shall be by waiter or waitress service only.

E18 With the exception of residents and their bona fide guests, no alcohol shall be consumed more than (XX) minutes after the permitted hour for the supply of alcohol.

F DRUG ACTION

F01 Where there is reasonable suspicion that drugs, defined as Class A, B or C controlled substances under the Misuse of Drugs Act, or weapons are being carried, the premises licence holder shall ensure that the outer clothing, pockets and bags of those entering the premises are searched by door security personnel. In any event where controlled substances or weapons are found, the premises licence holder shall ensure that the designated premises supervisor or nominated person shall immediately inform the Police.

F02 The premises licence holder shall ensure that a clearly visible notice will be placed on the premises advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons.

F03 The premises licence holder shall ensure that documented security arrangements are implemented at the premises to discourage the sale and consumption of controlled substances. Security arrangements shall include having a member of staff regularly check toilet areas, the date and times of all checks to be recorded in a bound book kept for that purpose and to be produced upon request to an authorised officer of the Licensing Authority or a constable. Signage shall also be placed in the toilet areas advising patrons that checks are conducted regularly.

F04 The premises licence holder shall ensure that, with regard to controlled substances, harm reduction information is displayed within the venue and that there are suitably experienced members of staff, or outreach workers from a local drugs agency, dedicated to providing harm reduction information and to dealing with drug related incidents or emergencies appropriately.

F05 The premises licence holder shall ensure that adequate rest facilities are provided, which are cooler, quieter and preferably separate from the main dance area(s). These ‘chill out’ areas should offer adequate seating.

G DOOR CONTROL / STEWARDING/ SEARCHES & SECURITY

G01 Door supervisors, shall be used to vet customers and maintain public order. The vetting process must include implementation of the premises’ proof of age policy.

G02 There shall be a minimum of (insert number) door supervisors on duty from (Insert hours) hours on each trading day and who shall remain on duty until the premises closes and is empty of patrons.

G03 [A] The premises licence holder shall ensure that the following details for each door supervisor, are contemporaneously entered into a bound register kept for that purpose:
(i) Full name,
(ii) SIA Certificate number and or badge number, or registration number of any accreditation scheme approved by the SIA.
(iii) The time they began their duty
(iv) The time they completed their duty.

This register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer of the Licensing Authority or a constable to establish the particulars of all door stewards engaged at the premises during the period of not less than 28 days prior to the request and shall be open to inspection by authorised officers of the Licensing Authority or the Police upon request.

G04 The premises licence holder shall ensure that all door supervisors on duty at the premises wear a current identification badge, issued by the Security Industry Authority or under any accreditation scheme recognised by the Security Industry Authority, in a conspicuous position to the front of their upper body.

G05 The Premises Licence Holder shall ensure that an "Incident report register" in is keep in a bound book, in which full details of all incidents are recorded. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The register is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or the Police upon request.

G06 Where queuing is allowed outside of a premises door supervisors shall maintain an orderly queue of patrons.

G07 Door supervisors shall be provided at the premises to a ratio of (*insert ratio e.g. 1:2, 1:3 etc) patrons. Where the premises incorporates a dedicated smoking area within its curtilage a minimum of (*insert number) door supervisors shall permanently monitor the smoking area during (Insert appropriate hours).

G08 A minimum of (*insert number) door supervisors shall be permanently stationed at each entrance/exit to the premise, excluding those exits used solely for the emergency evacuation of the premises.

G09 Door Supervisors shall be on duty at the premises on each trading day from (Insert commencement hours) until (Insert terminal hours).

G10 All door supervisors shall be capable of communicating instantly with one another by way of radio or other simultaneous system of communication.

G11 All door supervisors shall wear distinctive clothing or insignia to clearly identify them as door supervisors. Door supervisors on duty at the front door shall wear some form of ‘high visibility’ clothing (such as a jacket or waistcoat).

G12 The premises licence holder shall ensure that a documented search policy is implemented at the premises. Any searches shall only be conducted by same sex. Staff training is to be given in the correct procedures and records are to be kept in a bound book. All documentation shall be produced to an authorised officer of the Licensing Authority or the Police upon request.

G13 Drugs and weapons seized will be placed in a locked receptacle set aside for this purpose. The means for securing or unlocking the receptacle will be retained by the premises licence holder or the designated premises supervisor or in their absence any other responsible person. A record shall be made of the seizure, the time, date and by whom, and to whom the items were handed on to in a bound book specifically kept for that purpose. Such a book to be produced to an authorised officer of the Licensing Authority or the Police upon request. The premises licence holder shall make suitable arrangements with the Police for the collection of any seized items.

G14 Hand held metal detecting scanners shall be in use at the premises during all trading hours, other metal detecting scanners may be used such as fixed metal detectors at all entrances. Detectors shall be operated by door supervisors or by suitably trained staff when no door supervisors are on duty, and such detectors shall be operative when any licensable activity is taking place. Fixed detectors shall be installed to the satisfaction of the Licensing Authority and the Police.

G15 The premises shall install and maintain a computer based identification entry system. The details of all persons, including staff are to be passed through the system prior to being permitted entry to the premises. The provision and maintenance of such equipment shall be to the reasonable satisfaction of Metropolitan Police Service. The details of persons recorded by the system to be made available to police upon reasonable request for the provision of preventing and detecting crime.
H EXTERNAL AREAS/SMOKING AREAS

H01 The premises licence holder shall take appropriate measures to ensure that patrons using any outside areas (such as terraces and beer gardens) do so in a quiet and orderly fashion.

H02 The (insert name of area i.e. beer garden, upper patio, etc) shall only be open to customers (Insert days) from (insert commencement time) until (*insert time). Adequate notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons.

H03 All outside areas must be closed and cleared of customers by (*insert time). Adequate notices shall be displayed to inform patrons of this requirement.

H04 A risk assessment shall be conducted and regularly reviewed to assess the numbers of persons that the outside area can safely accommodate. The premises licence holder shall ensure that there are measures in place to monitor the external area to ensure that a safe occupancy figure is not exceeded.

H05 Smoking Area: If patrons are to be allowed to use an outside area for smoking then:

(i) The area must be adequately monitored by door staff and CCTV to ensure that patrons do not cause a nuisance, patrons do not obstruct access to adjoining premises and risk of crime and disorder in this area is adequately controlled.

(ii) If there is a risk that patrons may acquire illegal items such as drugs or weapons whilst in this area then they must be searched before being allowed to re-enter the premises.

(iii) Patrons must not be allowed to take drinks to the smoking area.

(iv) The area must be provided with suitable ashtrays/ bins, the use of which is monitored by door staff.

(v) The area must be regularly swept to remove cigarette ends

(vi) Adequate arrangements must be made to prevent overcrowding or disorder in the area

H06 All tables and chairs shall be removed from the outside area by (XX.00) each day.

H07 There shall be no sales of hot food or hot drink for consumption off the premises (after XX.00).

I GENERAL SAFETY AND EVACUATION

I01 No person shall be permitted to sit or stand in any gangway, unless by express permission of the Licensing Authority who shall stipulate the space allowed for standing and the number of persons permitted to stand.

I02 All gangways, passages, staircases and exit ways must at all times be kept entirely free from chairs or any other obstructions and from any article or substance which may cause a person to slip, trip or fall.

I03 The premises licence holder shall provide training for all staff to ensure that they are familiar with all means of ingress and egress and the appropriate procedures in case of any emergencies that require an immediate evacuation of the premises. A record of the training shall be maintained and shall be available upon request by an authorised officer of the Licensing Authority or the Police.

I04 Predetermined arrangements shall be made for alerting staff in the event of any emergency. These arrangements shall be of such a nature as to not alarm the public.

I05 All employees or persons involved in the organisation and control of events shall have allotted to them specified duties to be performed in the event of emergencies. Such duties shall aim at the avoidance of panic and the safe evacuation of the premises where necessary.

I06 Arrangements must be in place to ensure that all parts of the premises that members of the public may use, whether this be regularly or only in case of emergency are suitably illuminated (this includes internal and external areas, for example such as corridors, lobbies, emergency exits, car parks, etc).

I07 Where the premises is part of a shared property and members of the public may require access through areas not under the direct control of the premises licence holder (such as escape routes), the premises licence holder must ensure that he has liaised with the appropriate persons and has in place such arrangements as are necessary to ensure that the safety of members of the public is not compromised by the use of these shared areas and that none of the other licensing conditions may be breached.

I08 Barriers for checking or controlling admission shall not be used save in accordance with a documented policy that includes the following

(i) Risk assessments,
(ii) Details of type to include design, construction materials, size – e.g. height

(iii) Precise location of all elements of the barrier

The said document shall kept at the premises and shall be made available to an officer of the Licensing Authority or the Police upon request.

I09 Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on XX days prior notice being given to the Licensing Authority where consent has not previously been given.

- dry ice and cryogenic fog
- smoke machines and fog generators
- pyrotechnics including fire works
- firearms
- lasers
- explosives and highly flammable substances.
- real flame.
- strobe lighting.

I10 A currently qualified first aider must be employed on the premises at all times that the premises are open to the public. The venue will also provide first aid facilities commensurate with the type of event and customers expected.

### J GLASS / BOTTLES

J01 The License Holder shall ensure that any glass bottles or glass drink containers are removed from persons leaving the premises.

J02 All beverages (including alcoholic and non-alcoholic drinks) shall only be dispensed in polycarbonate, plastic, non-glass containers, or toughened or safety glass to the appropriate safety standard (in that they shall not produce sharp shards when broken). All glass bottles are to be retained behind the bar for safe disposal.

J03 Items of glass-wear (such as glasses, bottles, etc) shall not be permitted in the [*specify area].

J04 Glass bottles containing wine may only be sold in connection with a table meal to customers who are seated in an area for the consumption of food that is away from the main bar.

### K NOISE PRECAUTIONS

K01 Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.

K02 Unless contrary to fire precautions/procedures, all access and egress doors and windows shall be kept closed whilst the licence is in use (*or specify time).

K03 No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.

K04 Alarms shall be fitted to (*Specify location of external windows/fire doors) to alert staff when (they are)(it is) opened without authorisation.

K05 No music or speech shall be relayed via external speakers other than for events where the prior approval of the licensing authority has been obtained.

K06 Noise from music and associated sources shall not be audible in noise sensitive premises (between the hours of xxxx and xxxx)(insert times or ‘at any time’).

K07 A noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the premises licence.

K08 The noise limiting device shall be properly secured so that it can not be tampered with.

K09 Monitoring

The manager, licence holder or other competent person shall carry out observations in the vicinity of the properties at (insert location), on at least (insert time period e.g. hourly) intervals between (insert start time) and (insert finish time) whilst the Premises Licence is in use in order to establish whether there is a noise breakout from the premises. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance. A record of such observations shall be kept in a book for that purpose, such a book shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout. Such book to be made available at all times upon request to an authorised officer of the Licensing Authority or the Police.

K10 (i) A report shall be submitted to the Council detailing
the potential for noise from (insert - amplified music, refrigeration, heating, ventilation and air conditioning plant etc) at the premises from affecting neighbouring noise sensitive properties at (insert).

(ii) If the assessment indicates that noise from the premises is likely to affect neighbouring noise sensitive properties then it shall include a detailed scheme of noise mitigation measures to show that nuisance will not be caused to the occupiers of neighbouring noise sensitive properties by noise from the licensed premises.

(iii) All recommended works shall be completed prior to the commencement of the premises licence and the Licensing Authority is to be notified at least 5 days in advance of the works being completed and the premises being used.

K11 A clear notice shall be displayed at every exit from the premises to instruct customers to respect the needs of local residents and leave the premises and the area quietly.

K12 Noise from plant & equipment
Noise from any ventilation, refrigeration or air conditioning plant or equipment shall not cause nuisance to the occupants of any properties in the vicinity.

K13 Deliveries relating to the licensed activities shall only take place between (insert hours and days as necessary).

K14 A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

L SANITARY FACILITIES

L01 Adequate sanitary accommodation shall be provided at the premises in accordance with the BS6465 standard for sanitary provisions or any British Standard replacing or amending the same.

M PROMOTED EVENTS, SPECIAL EFFECTS, NOVEL AND ONE OFF PROMOTIONS

M01 Where the premises, or parts of the premises are hired out to third parties or used by events promoters, the premises licence holder must ensure that the licence conditions and licensing objectives are not compromised.

M02 In respect of promoted events, that is, any events involving the conduct of licensable activities at the premises that are organised by persons other than the premises licence holder or those under his direct control, the premises licence holder shall ensure that a register is maintained in a bound book kept for that purpose. The register shall be kept at the premises and shall be produced by the designated premises supervisor (or his nominated deputy in his absence) to an authorised officer of the Licensing Authority or the Police upon request. The register shall record the following:

(i) Date and time of event and brief description of it;

(ii) Name of the promoter(s), that is, the person(s) responsible for organising the event;

(iii) Where the promoter is a company, its registered number.

(iv) The proper address of the promoter

(v) Contact telephone number for promoter

M03 A documented risk assessment of promotional or one-off ‘entertainment’ events shall be conducted by the licence holder of the premises and such risk assessment shall be available upon request by an authorised officer of the Council or the Police. Promotional or one-off events shall be notified to the Licensing Authority and the Police at least one month prior to the proposed event.

M04 Prior to any “designated sporting event” (as defined in the Sporting Events Control of Alcohol Act 1985) the premises licence holder shall ensure that;

(i) Alcohol sales in respect of cans of beer or cider are limited to no more than 4 cans per person for a minimum of four hours before the commencement of the relevant designated sporting event;

(ii) No sales of alcohol in bottles or glass containers are made in the period four hours before the commencement of the designated sporting event;

(iii) Alcohol sales cease for a period of one hour immediately before the commencement of the relevant designated sporting event;

(iv) On any day where there is a relevant designated sporting event taking place, the premises will not externally advertise as a result of a local store promotion the availability of beer or cider in such a way as to be likely to be the sole inducement to attract persons to the premises who are either attending the designated sporting event or in the vicinity of the premises as a result of the designated sporting event;
(v) All members of staff working at the premises are informed of this condition prior to taking up employment;
(vi) On the day of the relevant designated sporting event, upon the direction of a police officer, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed by the police or until the relevant designated sporting event has finished.

M05 On any occasion in the premises, where a DJ or MC performs to recorded background music, at any time between 10pm and 6am, which is promoted in some form by either the venue or an outside promoter, where entry is either free, by invitation, pay on the door or by ticket, the premises shall be required to provide to police a completed form 696 promoted event assessment form not less than 14 days prior to the event.

M06 Any person promoting a music event at the premises will be required to hold the BIIAB award for Music Promoters (or equivalent).

N WASTE MANAGEMENT / ODOURS

N01 No accumulation of combustible rubbish, dirt, surplus material or stored goods shall be permitted to remain in any part of the premises except in an appropriate place and of such quantities so as not to cause a nuisance, obstruction or other safety hazard.

N02 The premises licence holder shall ensure that adequate measures are in place to prevent the escape of odours from the premises. This includes odour from food preparation and refuse storage.

N03 The licence holder shall ensure that adequate measures are in place to remove litter or waste arising from their customers and to prevent such litter from accumulating in the immediate vicinity of their premises. In particular, where necessary the premises licence holder shall ensure that adequate measures are in place to provide customers with sufficient receptacles for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc.

N04 The premises licence holder shall ensure that a sufficient number of suitable receptacles are located in appropriate locations for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc. by customers.

N05 Activities relating to the on site disposal (including placing into external receptacles) and collection of refuse, bottles and recyclable materials shall only take place between (insert hours and days as necessary).

N06 Deliveries relating to the licensed activities shall only take place between (insert hours and days as necessary).

N07 The premises licence holder shall ensure that all packaging provided with takeaway food is marked in some way as to show its point of origin.

O Miscellaneous

O01 As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
NOTES