

APPENDIX 4

SECRETARY OF STATE GUIDANCE

11. Reviews

THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.
- 11.2 At any stage, following the grant of a premises licence, a responsible authority, or an interested party, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 In addition, a review of the licence will normally follow any action by the police to close down the premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a notice of magistrates' court's determination sent to the licensing authority.
- 11.4 Licensing authorities may not initiate their own reviews of premises licences. Officers of the local authority who are specified as responsible authorities under the 2003 Act, such as environmental health officers, may however request reviews on any matter which relates to the promotion of one or more of the licensing objectives.
- 11.5 Representations made by a department of the local authority which is a responsible authority should be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual.
- 11.6 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.7 Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.
- 11.8 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. It is good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review.
- 11.9 Where the request originates with an interested party – e.g. a local resident, residents' association, local business or trade association – the licensing authority must first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.

11.10 Further information for interested parties about the review process is available in "Guidance for interested parties; applying for a review" which can be found on the DCMS website.

REPETITIOUS REPRESENTATIONS

11.11 Relevance, vexation and frivolousness were dealt with in paragraphs 9.8 – 9.13 above. A repetitious representation is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence which has already been determined; or
- representations considered by the licensing authority when the premises licence was first granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement;

and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of the licence.

11.12 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a second bite of the cherry following the failure of representations to persuade the licensing authority on earlier occasions. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, the Secretary of State recommends that more than one review originating from an interested party should not be permitted within a period of twelve months on similar grounds save in compelling circumstances or where it arises following a closure order.

11.13 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one request for a review of a premises within a 12 month period.

11.14 When a licensing authority receives a request for a review from a responsible authority or an interested party or in accordance with the closure procedures described in Part 8 of the 2003 Act, it must arrange a hearing. The arrangements for the hearing must follow the provisions set out by the Secretary of State in regulations. The details may be viewed on the DCMS website. The Secretary of State considers it particularly important that the premises licence holder is fully aware of the representations made in respect of the premises, any evidence supporting the representations and that they or their legal representatives have therefore been able to prepare a response.

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

11.15 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

11.16 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing

objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

11.17 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

11.18 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

11.19 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.20 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

11.21 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

APPENDIX 5

STATEMENT OF LICENSING POLICY

certificates are required for works under the Building Regulations to avoid contravention of those regulations.

Health and Safety

- 10.2 The Health & Safety Team within the Enforcement Service is responsible for ensuring that businesses provide a safe working environment for employees, members of the public and other persons at the premises. The enforcement of Health & Safety is shared with the Health & Safety Executive with local authorities responsible for retail premises, warehouses, hotels, leisure type premises and certain service type industries. This enforcement covers all of the premises applicable to the licensing provisions of the 2003 Licensing Act.
- 10.3 Health & Safety Officers will work closely with other services such as Building Control and agencies such as the London Fire and Emergency Planning Authority. Their primary input will be to the Public Safety objective in licensing control.

Environmental Health Noise Team

- 10.4 The Noise Team has powers under the EPA 1990 to investigate reports of noise nuisance in any licensed premises.

10.5 Trading Standards

Trading Standards as Responsible Authorities will carry out test purchasing for underage sales in licensed premises and will be able to invoke any action required to ensure compliance with the mandatory code in relation to persistently selling alcohol to underage.

10.6 Environmental Health – Food Team

The Food Team will inspect all food premises and are able to take action in relation to any contraventions found under the Food Safety Act 1990.

11.0 Operating Schedule and Risk Assessments

- 11.1 The Act itself does not state that a risk assessment is mandatory, but this Licensing Authority encourages applicants to complete a risk assessment. Applicants should remember that any risk assessment must be followed by implementation of operating procedures and staff trained in these procedures to minimise and mitigate the risks identified. These procedures should be detailed through the operating schedule accompanying the application. This will be specific to the premises, the proposed licensable activities and hours of trading, the risk assessment will have regard to:

- The location of the premises, e.g. the nature of nearby premises, the times they area used, what they are used for, whether that use could affect the proposed activities at the licensed premises.
- If you had a pub which finished earlier than the adjacent nightclub, is there the risk of large numbers of people trying to gain access to the nightclub to continue their nights dinking?
- Are the surrounding properties residential, what steps can be taken to reduce the risk of nuisance to local residents.
- Is the premises adapted for purpose, does it have double glazing to minimise noise break out? Is there adequate means of ventilation without the need for windows and doors to be propped open?
- Are the means of escape in case of a fire adequate? Has the fire risk assessment been carried?
- If customers are required to queue to gain entry are they able to do so without causing an obstruction or putting themselves in harms way.
- The proposed licensable activities and use,
- The proposed hours of operation
- The capacity of the venue, the customer profile, the kind of people the operation of the premises is likely to attract.
- Consider the likely behaviour of the people while on the premises and the if this is likely to change at different times of the day or on specific days dependant on what is taking place on the premises.
- Consider the potential for public nuisance arising from customers smoking, eating and drinking in outdoor areas and on the public highway outside the premises

The operating schedule forms part of the completed application form for a premises licence. It sets out the type of licensable activity to be provided, the times during which the activity will take place and the times the premises is proposed to be open. The schedule needs to contain the information necessary to enable the Licensing Authorities, Responsible Authority or Interested Parties to assess whether the steps to be taken to promote licensing objectives are satisfactory. Applicants should therefore make informed judgements as to the steps that may need to be undertaken to promote the licensing objectives. Applicants are advised to volunteer conditions they are willing and able to comply with.

- 11.2 The steps set out in the Operating Schedule will form the basis of the conditions that are then attached to any licence granted.

If no relevant representations are made, the application will be granted in accordance with the application and be subject to conditions consistent with the Operating Schedule and the relevant mandatory conditions. If representations are received the Licensing Authority will hold a hearing. The Licensing Authority in determining the application at the hearing will have regards for the steps put forward in the operating schedule, and considers whether the proposed conditions adequately suit the proposed activities. Conditions should be expressed clearly, meaningfully and without ambiguity. The Authority will reword meaningless unenforceable or ambiguous conditions in Operating Schedules where necessary in order to ensure the objectives are promoted. Contact with applicants will be made as early as possible to clarify any questionable conditions offered.

With regard the licensing of garages and or filling stations, Section 176 of the 2003 Act prohibits the sale or supply of alcohol from premises that are used primarily as a garage. However, the Licensing authority approach these based on intensity of use, to establish primary use. Where such applications are submitted, the licensing authority will expect relevant evidence to accompany the application form and where there is any doubt the Licensing sub Committee will decide whether or not any premises is used primarily as a garage.

12.0 The prevention of crime and disorder

12.1 The Home Office has identified that a large percentage of violent crimes, assaults and criminal damage are from offenders under the direct influence of alcohol. The Council is committed to reducing crime and disorder throughout the borough through its statutory duty under the Crime and Disorder Act and through the Haringey Safer Communities Strategy. It is acknowledged generally that alcohol related violence was found to be a problem in night-time entertainment areas and that almost a quarter of all arrests were drink related. Direct findings summarised that the misuse of drugs and alcohol had contributed to the increase of crime and disorder in the borough with young men being of particular concern. Alcohol has also been shown to be a factor in occurrences of domestic violence. The Council works with partners to reduce crime and the fear of crime for the communities we serve.

Crime and Disorder Risks

12.2 Good management, best practices and sound procedures in licensed premises do and can make an important difference to the level of alcohol related crime. When preparing the Operating Schedule there are various conditions that are considered best suited to promote the licensing objectives. Applicants for premises offering the sale of alcohol should pay close attention to this and fully consider the physical environment of the premises when proposing conditions,

Factors for consideration include, for example, what measures are necessary to prevent underage sales? what measures are necessary to prevent alcohol from being sold outside of permitted hours? will there be procedures in place to prevent sales of alcohol to intoxicated persons especially in areas with street drinking problems?.

13.0 Public safety

13.1 Members of the public visiting licensed premises have the right to expect that due consideration has been taken in relation to public safety. Licensees, as providers of the premises for the sale of alcohol and/or regulated entertainment, must be able to demonstrate that they have considered and put in effect measures to protect members of the public. Carrying out licensable activities may involve potential risks to the safety of performers and the public attending licensed premises. This does not refer to public health, which is covered by other legislation. Accordingly, where other legislation fails to make suitable provisions to ensure public safety, the Licensing Authority will exercise its licensing functions to secure the safety of members of the public and performers. Public safety varies according to the individual style and characteristics of the premises, the nature of the proposed licensable activities/ regulated entertainment to be provided at the premises and the anticipated number of persons attending the premises. In considering Public Safety the Licensing Authority may not consider issues covered by other legislation such as the Fire Safety Regulatory Reform Order, or the Health and Safety at Work Act. Where other legislation does not address specific risks they may be addressed by the licensing regime.

The Licensing Authority will expect applicants to consider the following matters, this is not an exhaustive list:

The blocking of public areas – this will apply both inside and outside areas. Applicants should consider the impact of patrons congregating in areas in close proximity to the premises and the possible safety issues arising from patrons or others being forced to walk in the road as a result.

Emergencies – means of escape in case of fire, bomb threats, emergency management, contingency planning and evacuation.

Environment – premises should be adequately ventilated. If premises are in residential areas keeping doors and windows open is not recommended as a means of ventilation due to public nuisance considerations on the Premises Licence.

Safe Capacity – not all premises have “safe capacities” set by the Licensing authority. For many applicants, the question of how many people to accommodate at the venue is determined solely by a the

venue risk assessment. This risk assessment should consider factors such as floor space, number of toilets, potential queuing time and available fire exits. Consideration should be given to the level of staff necessary to deal with the needs of persons attending the premises. If the venue does have a capacity limit there should be systems in place to ensure it is not exceeded. This could be achieved by door supervisors using clicker devices to count customers in and out.

Special effects – the Licensing Authority must be informed if special effects such as flames, lasers, pyrotechnics, smoke, fog, foam or firearms are to be used on the premises. A risk assessment must be carried out in respect of each activity detailing the steps to be taken to prevent and control risk to patrons and staff.

- 13.2 In order to promote public safety responsible authorities may make representations on the grounds of public safety. The Licensing Authority will encourage those applying for a premises licence to undertake the necessary fire safety risk assessment and to be compliant with all relevant building control rules and regulations.
- 13.3 The Council recommends that the Metropolitan Police Promotion/ Event Risk Assessment and the After Promotion/ Event Debrief Risk assessment be used as an effective tool in this process.

Adult Entertainment

- 13.4 Nudity, striptease and other adult entertainment of a sexual nature no longer falls within the remit of the Licensing Act 2003. These premises are now regulated under the Local Government (Miscellaneous Provisions) Act 1982, which classify them as Sexual Entertainment Venues (subject to the Council's adoption of the amendment to Schedule 3 by the Policing and Crime Act 2009). Such adult entertainment is known as "relevant entertainment". In summary, this will cover lap dancing / pole dancing and similar venues.
- 13.5 However, we must be aware that the Act allows for premises to offer adult entertainment up to 11 times in a calendar year without the need for a licence under the LGMP Act 82. In such circumstances the Licensing authority will pay attention to the conduct of the premises and the activities being offered and will enforce the law diligently. This Authority will seek to ensure that applicants applying for 'the performance of a dance' on their licence are able to make clear that it will not involve any adult entertainment as a condition on their licence..
- 13.6 This Authority recognises that the Indecent Displays (Control) Act 1981 prohibits the public display of indecent matter and the Licensing Authority shall not therefore seek to impose conditions concerning such displays inside or outside the premises. The Licensing Authority shall, however, consider imposing conditions if it considers it

necessary, in certain premises following a hearing. This could be requiring conditions for the exclusion of minors from the premises.

Tables and Chairs Policy

13.7 Under s115 of the Highways Act 1980 permission is required to place amenities such as tables and chairs on the public highway but permission is not required to place tables and chairs on private frontages. The Licensing Authority should ensure that where an Operating Schedule indicates that tables and chairs are to be included within the licensed area that an application is made to cover those areas. The Licensing Authority will liaise with the Enviro Crime/ Street Enforcement Teams about the grant of permission under Part 7A of the Highways Act 1980. However, when determining the permit the following matters will be considered:

- Whether the grant of the permit is likely to have an adverse impact on the safety and amenity of local residents.
- The history of the permit holder/premises, particularly in relation to past enforcement issues or complaints received.
- Whether the application receives any objections and the nature of those objections.
- Whether the grant of the permit is likely to conflict with conditions on any Premises Licence granted under the Licensing Act 2003 or meets the relevant planning requirements.
- Whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts that may arise as a result of being granted the permit.
- That the use of the tables and chairs will cease by 21.00 to minimise any late night noise that may arise.

Door Supervisors

13.8 Whenever security operatives are employed at licensed premises to carry out a security function, they must be licensed by the Security Industry Authority (SIA).

- Competent and professional door supervisors are key to public safety at licensed premises and the provision of door supervisors is an action point for the leisure industry to consider in the Home Office Alcohol Harm Reduction Strategy.
- If a licensee directly employs security operatives, he/she will need to be licensed by the SIA as a supervisor/manager.
- This licensing authority will be looking to ensure that licensees recruit SIA licensed door supervision staff from reputable companies with SIA Approved Contractor Status.
- Licensees will need to have measures or procedures in place to check the SIA register of door supervisors to ensure their

premises and customers are only protected by door supervisors with an SIA licence.

14.0 The prevention of public nuisance

- 14.1 Licensed premises, especially those operating late at night and in the early hours of the morning can cause a wide range of nuisances that can impact on the people living, working or sleeping in the vicinity of the licensed premises. The Council is committed to protecting the residents and businesses in the vicinity of these licensed premises.
- 14.2 In particular, late night activities cause much of this nuisance. Late night cafés, clubs, pubs and restaurants can have a number of adverse effects on the residents in the vicinity of these premises. Nuisance such as noise, litter, anti-social behaviour, lights and odour all contribute to the loss of amenity to the general public.
- 14.3 Noise nuisance is of particular concern; music, people talking, ventilation equipment and traffic can all be disturbing especially at night when ambient noise is low.
- 14.4 The conduct of customers leaving premises or spilling out into public and open spaces is often a source of disturbance and anti-social behaviour. Problems can include littering, the breaking of glasses and bottles, vomiting and urination.
- 14.5 Fly posting or any other illegal methods of displaying advertisements relating to a licensed premises or events is considered to be a public nuisance and will not be tolerated by the Council. The Council will take action (including prosecuting) those that fly post and will support action by other Councils against those that fly post.
- 14.6 The Council is aware of the importance of the licensing trade to the local economy and its culture and leisure aspirations. Accordingly, it will try and work together with individuals and bodies who are able to make objection to licence applications, the statutory agencies and licensed businesses to ensure that licensed premises can provide a service in a responsible way and co-exist with the wider community.
- 14.7 In considering all licensed applications, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application. The Licensing Authority will expect applicants to address these issues under prevention of public nuisance when preparing the Operating Schedule:
 - Amplified music – noise from music played on the premises

- Customer noise – this may take many forms but of particular concern:
 - Customers queuing to enter or leave the premises
 - Customers loitering outside the premises waiting for transport
 - Alcohol related drunken behaviour and shouting
 - Customers eating, drinking, smoking in open air areas
 - Car horns/ car radios/slamming of car doors late at night in the vicinity of licensed premises.
- Deliveries – early morning deliveries and late night clearing up, e.g. the emptying of bottle bins
- Lighting – excessive artificial lighting in the vicinity of licensed premises
- Litter/waste – litter and waste generated by the carrying out of licensable activities, e.g. wrappers and cigarette butts. Where licensable activities give rise to the risk of customers dropping litter in the vicinity of the premises, whether adequate arrangements are in place to prevent littering and clearing it up
- Obstructions – the blocking of footpaths by customers eating, drinking and smoking in the vicinity of licensed premises. Is there an effective door and queuing policy to encourage good behaviour outside the premises.
- Plant and machinery – noise from plant and machinery, including air conditioning units, refrigeration units and kitchen extractors. This may include smell nuisance from ventilation ducting and kitchen extracts.

15.0 The protection of children from harm

- 15.1 The main concern of regulatory authorities involves the exposure of children to under age drinking, drug use and the necessary level of supervision and care that needs to be exercised to ensure a safe environment. Premises must ensure that children are protected from physical, moral or psychological harm.

Applicants in their Operating schedule should set the appropriate steps they will take to ensure proper protection of children from harm while licensable activities are taking place. When addressing the protection of children the applicant should initially identify any particular issues having regard to their particular type of premises and or activities that are likely to cause concern in relation to children.

These may include following:

A proof of age scheme and refusal book. Licensees may consider adopting a challenge 21 Policy. Displaying the Challenge 21 posters

throughout the premises. It is recommended that applicants, particularly supermarkets small retailers and off licences obtain best practice advice on 'No Proof No Sale' from Trading Standards Officers to ensure alcohol is not being sold to under 18's. Retailers who use price/code scanning devices may wish to consider the use of a till prompting mechanism on the tills and regular staff training on the laws relating to children and alcohol. The operating schedule should also state how the Licensee will discourage the sale of alcohol to customers on behalf of children in the vicinity.

Where appropriate and particularly with regard to late public events, the Licensing Authority advises licensees to include in the Operating Schedule s procedures for lost and found children.

In cases of under 18 events the Licensing Authority strongly recommends that applicants adopt a Code of Conduct/policy for these events to ensure the four Licensing Objectives are complied with. This could include;

- Searches on entry to prevent alcohol being brought onto the premises
- Policy to prevent under aged persons leaving and returning to the premises in order to consume alcohol outside
- Where there is normally a bar, ensuring that alcohol is not on display and is locked away
- Ticketed events to monitor capacity
- No adult entertainment
- CRB check staff assisting at the event and at the end of the event
- Sufficient stewards monitoring the event
- Ensure an efficient dispersal at the end of the event and the young people are not left hanging around outside the premises

Children & Alcohol

- 15.2 Young people aged 16 and 17 will only be permitted to consume beer, wine or cider on licensed premises if accompanied by an adult 18 years and over and are eating a table meal.
- 15.3 Children aged under 16 are not allowed into premises that are predominantly used for the supply and consumption of alcohol on the premises unless they are accompanied by an adult.
- 15.4 The Council however recognises the wide variety of premises for which licences may be sought. These include premises which are not predominantly used for the supply and consumption of alcohol including theatres, cinemas, restaurants, cafes, takeaways, community halls and schools. Access by children to these types of premises will not be limited unless specified in the Licensing Act 2003 or considered necessary to do so in order to protect them from harm.

The Licensing Authority encourages licensees to demonstrate in the Operating Schedule that they have considered guidance from the Portman Group Code of Practice on the naming, packaging and promotion of alcohol drinks to prevent children from being enticed into purchasing these products.

Children and Cinemas

- 15.5 Films cover a vast range of subjects some of which deal with adult themes and/or contain scenes that are considered unsuitable for children within certain age groups.
- 15.6 The Council shall impose a condition in all premises licences and all club premises certificates to prevent the viewing of films by children below the age restriction for that film as classified according to the recommendations of the British Board of Film Classification (BBFC) (or any other body designated under section 4 of the Video Recordings Act 1984) or the council, as the case may be.
- 15.7 The Council must be satisfied that where age restriction films are shown, the premises are suitable in terms of the access and the film cannot be viewed by under-age children through any aperture. Access control shall be via the employment of suitably stationed adult staff.

Children and Public Entertainment

- 15.8 Conditions may be imposed on licences for premises where children will be present at places of public entertainment to the effect that adult staff must be present to control the access and egress of children and to ensure their safety. In appropriate cases and where relevant the Licensing Authority will expect the licence to show how they intend to provide for the supervision of children as customers or as performers providing regulated entertainment. Licensees will have to demonstrate that consideration has been given to the welfare of children as performers or customers
- 15.9 Where a large number of children are likely to be present on any licensed premises, the Licensing Authority will impose conditions requiring an adequate ratio of adults to children in order to ensure the prevention of harm to children and to also ensure public safety.
- 15.10 The Council will expect the premises to provide adequate numbers of attendants in accordance with model conditions shown at appendix F of the guidance issued under section 182 of the Licensing Act 2003.

- 15.11 Details of requirements for operating schedules in respect of protection of children from harm are contained in the Appendix to this policy.

(For the purpose of this policy a "child" means an individual aged under 16 or who is unaccompanied if he is not in the company of an individual aged 18 or over as defined in the Licensing Act 2003)

- 15.12 Measures will need to be in place to ensure the exclusion of persons under 18 from the premises when entertainment of an adult or sexual nature is taking place.

16.0 Transport

- 16.1 In meeting the licensing objectives the Council would expect the applicants to take into consideration the transport arrangements for dispersing people from their premises so to avoid concentrations outside their premises and in town centres. This could include directing people to public transport routes or making suitable arrangements with licensed cabs or mini-cabs.

- 16.2 The Council supports the Safer Travel at Night initiatives in conjunction with Transport for London, the Greater London Authority and the Metropolitan Police.

17.0 Live music, dancing and theatre

- 17.1 The Council recognises the value of cultural activities including live music, dancing, street art, circus and theatre, and will take proper account of these needs to encourage and promote them for the wider cultural benefit of the community. It will not seek to place unreasonable restrictions on these activities where the licensing objectives are not put at risk.

- 17.2 The Council will seek to obtain a balance between the potential for limited neighbourhood disturbances and the benefits of cultural activities to the whole community. It will take care not to deter such activities when the risk to the licensing objectives does not justify it. Only conditions strictly necessary for the promotion of the licensing objectives will be attached to licences. The Council is aware of the need to avoid measures as far as possible that deter live music, dancing and theatre by imposing direct costs of a substantial nature.

18.0 Cumulative Impact & Saturation Policy

- 18.1 The Council will not take 'commercial demand' into account when considering an application as this is a matter for the planning committees and for the market.