

Report Title: **Consultation on the new Statement of Licensing Policy for Licensing Act 2003**

Forward Plan reference number (if applicable): Not applicable

Report of: **Director for Urban Environment, Niall Bolger**

Wards(s) affected: **All**

Report for: Discussion

### 1. Purpose

To notify Members and consult on the draft statement of licensing policy.

### 2. Recommendations

2.1 To approve the draft statement of licensing policy and to recommend it to the next meeting of full Council for adoption.

2.2 As consultation will complete after this report is put before General Purposes, it is requested that General Purposes Committee agree to delegate to The Assistant Director Enforcement or Director of Urban Environment in consultation with the Cabinet Member the power to make any amendments to the draft Statement of Licensing Policy, having regard to the responses from the consultation, prior to the policy being reported to Council for adoption. These amendments would be agreed in consultation with the Chairs of Licensing and General Purposes.

Report Authorised by: **Robin Payne , Assistant Director**



Contact Officer: Keith Betts , Commercial Services, Enforcement Service , x5525

### 3. Director of Finance Comments

3.1 There are no significant financial implications arising from the recommendation in this report. Any costs associated with the consultation process will need be met from the currently approved cash limit for Enforcement Services.

### 4. Head of Legal Services Comments

The legal implications are fully set out in the body of the Report. Under the Councils' Constitution, the General Purposes Committee has the responsibility for recommending the Statement of Licensing Policy for adoption to full Council. This does not prevent informal consultation with the Licensing Committee and CAB.

## **5. Local Government (Access to Information) Act 1985**

5.1 S182 Guidance to Local Authorities under The Licensing Act 2003 issued by the Department of Culture Media and Sports

5.2 The Licensing Act 2003.

## **6. Background**

6.1 The Licensing Act 2003 (the '2003 Act') introduced new regime under which the responsibility for the licensing of the sale of alcohol, regulated entertainment and late night refreshment transferred from the Magistrates Court to the licensing authority, i.e. the local authority.

6.2 One of the key requirements under the 2003 Act was to prepare and publish a Statement of Licensing policy which sets out the basis on which the authority will make its license application decisions. This was first published on 7<sup>th</sup> January 2005 after widespread consultation. The legislation requires that the Statement of Licensing Policy be reviewed at least every three years. The Licensing Authority is required under the Act to consult on their policy (and any subsequent revisions) and the requirements of this consultation are also detailed in statute.

6.3 Guidance provided by the Local Authorities Coordinators of Regulatory Services (LACORS) is that in addition to the planned review of policy, a republished policy should be available within 3 years of the original publication. This has created the need to bring forward arrangements for consultation and formal adoption.

## **7. Description**

7.1 The Act contains four licensing objectives which underpin the functions that both the Commission and Licensing Authorities will perform. These are

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

The Licensing Authority's Statement of Licensing Policy must show how these licensing objectives will be achieved and must have regard to the S182 guidance published by the Department of Culture Media and Sports.

7.2 The areas of the policy which have been revised reflect the revision of the S182 Guidance, the changes brought in by various legislation and the demands being made on the Service. The additions made to the Policy are as follows:

- I. All reference to the transitional stage has been removed  
This section is no longer required as the Transitional stage ended in August 2005
- II. Clarification on the application of gaming machines in alcohol licensed premises, up to 2 machines is an automatic entitlement. This Authority has delegated to officer level the ability to authorise up to 4 machines at any one premise. Applications for more than 4 will be required to show reasons for the higher number and how it will be managed; such applications will be put before the licensing sub Committee.
- III. Adult entertainment – guidance on what the Licensing Authority will require to be clarified in any such application. Entertainment comprising of nudity, striptease, table and pole dancing falls within the remit of the Licensing Act 2003. The Licensing Service is receiving an increasing amount of calls enquiring about what rules the Authority applies to establishing seeking to provide such entertainment. It is proposed that the Licensing policy will now contain criteria that will be considered for any such application. This includes proximity to sensitive locations, protection of children, management arrangements to avoid crime and disorder, and a code of conduct for dancers.
- IV. Risk assessments to be carried out by applicants in relation to fire safety, crowd control, audience and artists profiling. The Assembly of London Councils in association with the Association of Chief Police Officers (ACPO) have asked all authorities to ensure that systems are in place to gather information from club promoters/DJs (disc jockeys) and the like to enable officers to adequately assess the type of event and likelihood for crime and disorder.
- V. Fuller guidance to applicants  
Further guidance is given to applicants on possible conditions that they should consider when addressing the four licensing objectives in their Operating Schedule.
- VI. Planning and Licensing Interface.  
Clarity is given that Licensing law and Planning law are separate regimes.
- VII. Tables and Chairs Policy  
With the introduction of the Health Act 2006 and the smoking ban taking effect there has been an increase in applications for tables and chairs outside premises. It is advantageous that all applications are consulted on and permitted hours of use are stated on the licences issued.
- VIII. An overview of the new powers available to the Police to apply for accelerated reviews of a Premises License, and extra powers available to Environmental Health officers to enable them to serve penalty notices on Licensees allowing or cause noise nuisance to emanate from within their premises.

7.3 The revised policy has been produced and it is now necessary to track this through to final publication in line with the timetable as detailed below :

- 15<sup>th</sup> November 2007 Cabinet Advisory Board asked to approve consultation
- 16<sup>th</sup> November Full Consultation begins (6 weeks)
- 3<sup>rd</sup> December – report goes to GPC
- 17<sup>th</sup> December 2007 report goes to Licensing Committee
- 28<sup>th</sup> December 2007 consultation ends – all responses analysed
- 21<sup>st</sup> January 2008 – policy recommended for adoption by full Council

## **8. Equalities Implications**

8.1 Consultation in respect of this policy will include those organisations and bodies who have responsibilities to protect the young, the elderly, and other groups within our authority. As such we will amongst other consultees include faith groups, voluntary and community organisations.

## **9. Consultation**

9.1 The 2003 Act requires the Licensing Authority to consult the following on the licensing policy statement or any subsequent revision:

- The chief officer of police for the authority's area;
- The fire authority for the area
- Such persons the authority considers to be representative of holders of premises licences issued by the authority.
- Such premises as the licensing authority considers to be representative of holder of club premises certificates issued by that authority.
- Such persons as the licensing authority considers to be representative of holders of personal licences issued by this authority and
- Such persons as the licensing authority considers to be representative of businesses and residents in its area.

9.2 In addition, the revised draft statement will be placed on the Council's website together with supporting explanation and guidance.

9.3 The timescale for the consultation is as detailed in 8.3 above.

## **10. Summary and Conclusions**

10.1 Haringey in their role as a Licensing Authority are required to publish a policy statement to guide them in their responsibilities and decision making of applications under the 2003 Act. The policy must support the four licensing objectives as detailed at para 8.2 above and must be consulted upon widely as detailed at para 9.1.

10.2 In following the details given in section 8 of this report and the timetable stated, the Licensing Authority will be able to publish its policy statement in compliance with both the Licensing Act 2003. This will enable the authority to be compliant with the law.

## **11. Use of Appendices / Tables / Photographs**

11.1 Appendix 1 – Revised Draft Statement of Licensing Policy

## APPENDIX 1

### COPY OF THE NEW STATEMENT OF LICENSING POLICY



# **The London Borough of Haringey**

## **Statement of Licensing Policy**

**January 2008**

## Contents

<b>1</b>	<b>Introduction</b>	<b>3</b>
<b>2</b>	<b>Licensing Objectives</b>	<b>4</b>
<b>3</b>	<b>The London Borough of Haringey</b>	<b>5</b>
<b>4</b>	<b>Consultation</b>	<b>5</b>
<b>5</b>	<b>Partnership Approach</b>	<b>6</b>
<b>6</b>	<b>Reviewing the Policy</b>	<b>6</b>
<b>7</b>	<b>Integration of Policies</b>	<b>7</b>
<b>8</b>	<b>Relevant Legislation</b>	<b>9</b>
<b>9</b>	<b>Planning</b>	<b>12</b>
<b>10</b>	<b>Regulatory Services</b>	<b>12</b>
<b>11</b>	<b>Operating Schedule</b>	<b>13</b>
<b>12</b>	<b>Prevention of Crime and Disorder</b>	<b>13</b>
<b>13</b>	<b>Public Safety</b>	<b>14</b>
<b>14</b>	<b>Prevention of Public Nuisance</b>	<b>16</b>
<b>15</b>	<b>Protection of Children from Harm</b>	<b>17</b>
<b>16</b>	<b>Transport</b>	<b>18</b>
<b>17</b>	<b>Live Music, Dancing and Theatre</b>	<b>18</b>
<b>18</b>	<b>Cumulative Impact &amp; Saturation Policy</b>	<b>19</b>
<b>19</b>	<b>Licensing Hours</b>	<b>20</b>
<b>20</b>	<b>Timetable Implementation</b>	<b>20</b>
<b>21</b>	<b>Types of Licences</b>	<b>20</b>
<b>22</b>	<b>Variation of Premises and Club Premises licences</b>	<b>23</b>
<b>23</b>	<b>Provisional Statement</b>	<b>23</b>
<b>24</b>	<b>Conditions</b>	<b>24</b>
<b>25</b>	<b>Enforcement</b>	<b>24</b>
<b>26</b>	<b>Administration, Exercise and Delegation of Functions</b>	<b>26</b>
<b>27</b>	<b>Fee Structure</b>	<b>28</b>

## The London Borough of Haringey

### Statement of Licensing Policy

#### 1.0 Introduction

- 1.1 The introduction of the Licensing Act 2003 brought about significant changes to the way licensed premises would be regulated.
- 1.2 Haringey, like all licensing authorities published its Statement of Licensing Policy in January 2005. The law prescribes that a new Statement of Policy must be produced by a licensing authority every three years. This Statement of Licensing Policy will come into effect in January 2008 and will replace Haringey's Statement of Licensing Policy dated January 2005.
- 1.3 Haringey Council will be responsible for granting Premises Licenses, Club Premise Certificates, Temporary Event Notices and Personal License in respect of the retail sale and supply of alcohol and the provision of Regulated Entertainment and Late Night Refreshment.
- 1.4 The law prescribes that all policies must be designed to promote the four main licensing objectives. This document sets out the policies that will be applied when determining applications.
- 1.5 The licensing activities covered in the policy include:
- Retail sale of alcohol;
  - The supply of alcohol by or on behalf of a club;
  - The provision of late night refreshment i.e. the supply of hot food or drink from premises between 2300 to 0500hrs;
  - The provision of regulated entertainment. This includes:
    - A performance of a play;
    - Exhibition of a film;
    - Indoor sporting events;
    - Boxing and wrestling matches;
    - Performance of live music and/or dance and playing of recorded music;
    - Provision of facilities to dance;
    - Provision of facilities for making music.



- 1.6 The licensing policy will not undermine the applicant's right to apply under the Licensing Act 2003 for a variety of permissions; nor does it override the right of any person to make representations on an application, or seek a review of a licence or certificate.
- 1.7 The licensing process deals with a range of leisure activities in which the Government want to see greater flexibility, but with greater and proper responsibility. The Statement of Licensing Policy seeks to encourage responsible licensees with restrictions only relating directly to the four objectives given in the Licensing Act 2003.
- 1.7 In drawing up this Statement of Licensing Policy the Council has had regard to the nature of the Borough and the needs and wishes of the communities it serves and has consulted with all the statutory consultees and other appropriate bodies.

## **2.0 Licensing Objectives**

- 2.1 The Council's Statement of Policy has been developed to promote the following four objectives:
- prevention of crime and disorder;
  - public safety;
  - prevention of public nuisance
  - protection of children from harm
- 2.2 Each of the licensing objectives is considered to be of equal importance for the purpose of this policy. It is for applicants to decide on the matters relevant to their application and to show within their Operating Schedule the measures they propose to take to promote these objectives. The Licensing Authority will consider each case on its own merits. When considering issues under each of the licensing objectives, applicants may wish to use the examples of possible considerations set out in the Appendix.
- 2.3 **Other Means of Control**  
Licensing is only one of the ways the Council is working to improve community safety. We will continue to work in partnership with neighbouring authorities, the police, local businesses and people to secure these objectives.
- 2.7 The Council acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. The licensing controls do however play a key role in preventing crime and disorder in and around licensed premises, and support this objective on the streets generally. Apart

from the licensing function, there are a number of other measures available for addressing issues of unruly behaviour that can occur away from licensed premises; these include:

- Planning controls;
- Working in partnership with local businesses and transport operators on a number of measures to create a safe and clean environment in these areas, including:
  - provision of extensive CCTV and radio communication systems
  - provision of appropriate street lighting, rubbish collection and street cleaning
  - provision of better late night bus, rail and taxi/minicab services
  - provision of Police Community Support Officers/street and litter wardens
- Police enforcement of the law with regard to disorder and anti-social behaviour;
- Prosecution of those selling alcohol to people who are already drunk
- Powers to designate parts of the borough as places where alcohol may not be consumed publicly, and powers to confiscate alcohol from persons in those areas.
- Acknowledging the powers of the police or other responsible authority, or a local resident or business under the Licensing Act 2003, to seek a review of the licence or certificate

However, the Council nonetheless considers that licensing law plays a key role in both preventing and controlling alcohol related crime and anti-social behaviour by ensuring that the licensing objectives are promoted through well-managed premises and where appropriate by regulating and applying conditions to affect the number, location and hours of premises.

### **3.0 The London Borough of Haringey**

- 3.1 Haringey is located in the north of the capital and is more than 11 square miles in area. The borough is the home of Alexandra Palace, where public television was born and of Tottenham Hotspur Football Club based at White Hart Lane. It is one of the most culturally diverse areas in the country with over half of its 226, 000 people from ethnic majority backgrounds. The food, tobacco and drinks sector makes the second highest contribution to the local economy behind manufacturing.

### **4.0 Consultation on the Licensing Policy**

- 4.1 The development of this licensing policy has been made in consultation with the following:
- the chief officer of the Metropolitan Police for Haringey;
  - the fire authority;

- representatives of those that hold existing licences in Haringey; representatives of clubs registered in Haringey;
  - bodies and individuals that represent businesses and residents in Haringey.
  - Haringey Teaching Primary Care Trust
  - relevant Council Departments
- 4.2 We will further consult these stakeholders prior to determination of successive Statements of Licensing Policy.

## **5.0 Partnership Approach.**

- 5.1 The council is aware of the importance of partners in the development and running of the policy and is committed to work in partnership with those highlighted in 4.1.
- 5.2 In working in partnership with these groups the council will:
- consult and communicate on licensing issues with all licensees;
  - consult with the community and their representatives on licensing issues;
  - work with licensees and others in the community to achieve the licensing objectives;
  - undertake pro-active enforcement operations in line with the council's enforcement policy and protocols. The enforcement process will also be linked to the potential risk at the premise of contravening the four licensing objectives.
  - actively seek ways to reduce any crime culture that may exist in the close vicinity of licensed premises;
  - develop a media strategy to promote our partnership and ensure it is in a position to react effectively to public issues.

## **6.0 Reviewing the Policy**

- 6.1 The Policy will come into effect on 22nd January 2008. It will remain in force for not more than three years, during which time it will be subject to periodic review and further consultation. It is considered that as the new provisions are used, matters will arise that will lead to the consideration of a review of this Statement of Licensing Policy well within the three year term.

## **7.0 Integration of Policies**

- 7.1 The Council has adopted a number of plans, strategies and policies that will interact with its approach to, and statement of licensing policy. The Council recognises the need to avoid as far as possible duplication with other regulatory regimes and will not seek to impose conditions where it can be demonstrated that the licensing objectives can be met by existing legislation.
- 7.2 By consulting widely prior to this policy statement being published, the Council will endeavour to secure proper integration with local crime prevention and reduction, child and youth protection, drug and alcohol abuse/prevention, together with planning, transport, tourism and cultural strategies.

### **Sustainable Community Strategy 2008 - 2016**

- 7.3 The Haringey Community Strategic Partnership brings together the Council, Police, Primary Care Trust (NHS), local businesses, educational organisations community and voluntary organisations, faith communities and other partners. The aim of the Haringey Sustainable Communities Strategy is to make the borough a better place by working together to improve local services.
- 7.4 The Sustainable Communities Strategy 2008-2016 is the shared vision for Haringey and sets out the priorities for the borough over the next ten years. Our overall vision is to measurably improve the quality of life for the people of Haringey by tackling some of our biggest problems and making it a borough we can all be proud of. The Sustainable Communities Strategy identifies six key priorities-that people are at the heart of change, for Haringey to have an environmentally sustainable future, economic vitality and prosperity shared by all, be safer for all, have healthier people with a better quality of life and to be people and customer focused.

### **Better Haringey**

- 7.5 The Council is investing £5 million to help achieve its ambition of being a top performing London borough. Better Haringey is delivering cleaner and safer streets and enforcement is seen as important in maintaining this. This licensing policy statement is seen as one of the key policies that will support tougher enforcement.

### **Cultural Strategy 2003 - 2007**

- 7.6 The arts are increasingly important to the economy of Haringey, and are a key driver for economic development and growth. Among the Council's

priorities is to ensure that it supports the economic growth, creativity and culture of the borough by providing new workspaces, cultural venues and support.

- 7.7 The Council recognises the value of cultural activities including live music, dancing and theatre, and will take proper account of these needs to encourage and promote them, for the wider cultural benefit of the community.

### **The Safer Communities Strategy 2005-2008**

- 7.8 Haringey has developed the Safer Communities Strategy to improve the quality of life for its residents, businesses and visitors. Haringey will link with other major plans and funding opportunities in order to make the best use of resources.
- 7.9 The strategy sets out how crime and disorder priorities will be tackled over a three-year period. The key feature of the policy is to concentrate the partnership working on known high crime areas and neighbourhoods. This will include improving services to victims and witnesses of crime, target youth crime, violent crime, street crime together with drug and alcohol related crime.
- 7.10 The strategy is to encourage a local problem solving approach to the causes of crime and reduction of crime and disorder. Involvement of local communities is essential for successful crime and disorder reduction and will be a high priority for those implementing both the Safer Communities Strategy and Crime Reduction Strategy.

### **Neighbourhood Renewal Strategy 2002-2012**

- 7.11 Haringey's Neighbourhood Renewal Strategy provides the framework for the renewal of the most deprived parts of the borough. Five priority neighbourhoods have been identified – Wood Green, White Hart Lane, South Tottenham, Mid Tottenham and Northumberland Park.

### **Antisocial Behaviour Strategy**

- 7.12 The council has published its Antisocial Behaviour Strategy. This strategy outlines the council's intention to tackle the causes and effects of antisocial behaviour. This licensing policy statement is intended to support this strategy by reducing the impact of drink related antisocial behaviour and the environmental crimes and nuisance that can be associated with licensed premises.

### **Alcohol Strategy**

- 7.13 The council is in the process of producing an Alcohol Strategy in collaboration with its partners in the Primary Care Trust and others. Whilst this Statement of Licensing Policy will need to be published prior to the completion of this work, the aim will be supportive consistency between the two policies.

**Comment [BC2]:** I have not found this strategy on the website- do you know if it has been published as yet?

### **Alcohol Harm Reduction Strategy**

- 7.14 The Government published in 2004 its Alcohol Harm Reduction Strategy for England. This outlines how the Licensing Act 2003 can be used to address some of the social health and crime and disorder issues raised by the misuse of alcohol, when considering applications for premises and personal licences.
- 7.15 The Council has developed a local Alcohol Strategy, which will have regard to the sale of alcohol to under 18's, the safe consumption of alcohol and the impact of effective steps in combating anti-social behaviour.
- 7.16 The council will ensure that all operating schedules agreed with licensees are suitable and sufficient to address these issues.

### **Safer Clubbing**

- 7.17 This initiative was introduced to improve safety for all club goers and particularly in relation to drug use and clubbing , where licensing regimes can impact on factors which increase the risk to safety of those taking drugs. Safety in such premises will also need to consider the threat of carrying weapons. The Council will adopt a leading role in addressing these matters through partnership arrangements with the police, club owners and local drug agencies.

## **8.0 Relevant Legislation**

### **Disability Discrimination Act 1995**

- 8.1 The Disability Discrimination Act 1995 introduces measures to tackle discrimination encountered by disabled people in areas of employment, access to goods, facilities and services, and the management, buying or renting of land or property.
- 8.2 The council will have particular interest in the likely impact of licensing on disability discrimination when considering the operation and management of premises for licence applications, renewals and variations of conditions. Of particular concern will be the public safety objective in respect of persons

with disabilities during the operation of the premises and during emergency situations.

### **Race Relations Act 1996**

- 8.3 The Race Relations Act 1996 as amended by the Race Relations (Amendment Act) 2000 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. Local Authorities are also required under the 1976 Act, as amended, to produce a racial equality scheme, assess and consult on the likely impact of proposed policies on race equality, monitor policies for adverse impact on the promotion of race equality and publish the results of such consultation, assessments and monitoring.
- 8.4 Haringey has published its Race Equality Strategy in which it sets out how it aims to address race equality issues in the borough.

### **Crime and Disorder Act 1998**

- 8.5 Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effects of exercising their functions, and do all they can to prevent crime and disorder in their area.
- 8.6 The Council will have special regard to the local impact of licensing on related crime and disorder in the borough particularly when considering the location, impact, operation and management of all proposed licences/certificates, applications, renewals and variations of conditions.

### **Human Rights Act 1998**

- 8.7 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.
- 8.8 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 in law;
  - Article 8 - that everyone has the right to respect their own 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 licence.

### **Anti Social Behaviour Act 2003**

- 8.9 The Anti Social Behaviour Act 2003 is designed to ensure appropriate powers to deal with serious anti social behaviour. Section 40 of the Act provides powers for local authorities and those working with them to tackle antisocial behaviour in local communities by enabling the chief executive officer of the relevant authority to make a closure order in relation to a licensed premises or temporary event if he reasonably believes that a public nuisance is being caused by noise coming from the premises and that the closure of the premises is necessary to prevent that nuisance.

### **The Gambling Act 2005**

- 8.10 It should be noted that the function of granting permits for category C or D machines in alcohol licensed premises do not fall under the Gambling Act 2005. The holder of a premises license need only notify the Licensing Authority of their intention to have up to 2 machines on the premises and pay the relevant fee. Any amount of machines over 2 must be made by application with the relevant fee. This Authority has delegated authority to consider up to 4 machines, above that amount will require the applicant to show reasons why they need more than 4 machines. An application must be accompanied by a plan to show where the machines will be sited and also needs to demonstrate how the machines will be monitored to ensure compliance. There is a code of practice issued by the Gambling Commission which must be complied with and enforced by the Licensing Authority.

### **The Violent Crime Reduction Act 2006**

- 8.11 The Act represents the latest legislative move by the government on anti social behaviour, with measures to address alcohol-fuelled violence, the sale, possession and use of weapons, and mobile phone piracy. The Act includes provisions to issue persistent drunken offenders with drinking banning orders, and closure notices to premises selling alcohol to children. Through the introduction of 'alcohol disorder zones', the Act aims to pass on some of the increased costs of policing city centres and violence "hot spots", with licensees paying additional charges in such areas. In addition the Act inserts a new procedure into the Licensing Act 2003, which allows for an accelerated review of licensed premises, by a licensing authority with the attaching of temporary conditions to the licence pending a full review of the licence.

### **Health Act 2006**

- 8.12 The Health Act 2006 has been introduced to protect employees and the public from the harmful effects of second hand smoke. As of 1st July 2007 it is against the law to smoke in virtually all enclosed public places, workplaces and public and work vehicles in England. The law requires no smoking signs to be displayed in all smokefree premises and vehicles. The law applies to anything that can be smoked, and this includes cigarettes, pipes, cigars and herbal cigarettes. Failure to comply with this law is a criminal offence.



## **9.0 Planning**

- 9.1 Planning permission is usually required for the establishment of new premises and change of use of premises. Uses that are relevant to licensed premises are set out in the Town and Country Planning (Use Class) Order 1987 (as amended) and include:
- a retail shop, licensed for the sale of liquor for example (A1);
  - food and drink sold and consumed on the premises (A3);
  - public house, wine bar or other drinking establishment (A4)
  - hot food sold for consumption off the premises (A5)
  - assembly and leisure uses, including cinemas, concert halls, dance halls and indoor/outdoor sports and recreation (D2); and
  - various “sui generis” uses which do not fall within a use class such as theatres.
- 9.2.1 Planning and Licensing are separate regimes and will be dealt with separately to avoid duplication and inefficiency. Licensing applications should not be a re-run of the planning application and licensing decisions will not cut across decisions taken by the Planning Committee or permission granted on appeal. It should be noted however that there is no legal basis for the licensing authority to refuse a license application because it does not have planning permission.
- 9.3 All premises that apply for a licence will be encouraged to obtain planning permission for the intended use and hours of operation if not already deemed "lawful" for the purposes of planning control. The Licensing Authority will give appropriate weight to relevant Planning decisions and to the views of the Planning Authority on the compliance of the application with the licensing objectives.

## **10.0 Regulatory Services**

### **Building Control**

- 10.1 Building regulations govern a variety of issues, which will directly contribute to the licensing objectives, including the means of escape, structural integrity, accessibility and public safety. Applicants are reminded that Building Regulation approval and completion 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.

## **11.0 Operating Schedule**

- 11.1 The operating schedule will form part of the completed application form for a premises licence. The schedule should contain the information necessary to enable any responsible authority or interested party to assess whether the steps to be taken to promote licensing objectives are satisfactory. In respect of applications for provisional statements, applications will need to contain information as prescribed in Regulation.
- 11.2 Further guidance in this policy on the Operating Schedule is contained in the Appendix.

## **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 Haringey Crime Audit 2001 acknowledged 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 has contributed to the increase of crime and disorder in the borough with young men being of particular concern. In comparison to similar boroughs, Haringey compared well and had fewer violent crimes per 1000 residents than the surrounding boroughs of Islington and Hackney.
- 12.2 The Council is committed to reducing crime and disorder throughout the borough through it's statutory duty under the Crime and Disorder Act and through the Haringey Safer Communities Strategy.
- 12.3 Good management, best practices and sound procedures in licensed premises do and can make an important difference to the level of alcohol related crime.

### **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.
- 13.2 In order to promote public safety, the council will expect to see that those applying for a premises licence have undertaken the necessary fire safety risk assessment and to be compliant with all relevant building control rules and regulations.
- 13.3 The Council will also expect to see that where relevant there is a documented health and safety policy statement, and comprehensive risk assessment.
- 13.4 The Council recommends that the Metropolitan Police Promotion/Event Risk Assessment Form 696 and the After Promotion /Event Debrief Risk assessment Form 696A be used as an effective tool in this process.

#### **Adult Entertainment**

- 13.5 Nudity, striptease and other adult entertainment of a sexual nature fall within the remit of the Licensing Act 2003. This section details the approach the Licensing Authority will take when considering applications for this type of activity on its own merits.
- 13.6 Applicants to whom this applies are required to set out expressly in their Operating Schedule that they propose to offer entertainment involving nudity, striptease or other adult entertainment of an adult nature. Any reference to music or dancing without express reference to adult entertainment will be interpreted as not including adult entertainment.
- 13.7 The Licensing Authority and the Police will have concerns about crime and disorder and public nuisance issues which may arise from the operation of the premises where these activities take place. The carrying on of these activities can provide the opportunity for prostitution, pimping, and other offences of a sexual nature. For these reasons there must be proper regulation of premises where these activities are offered.
- 13.8 When considering applications the Licensing Authority will have regard to whether the premises are in close proximity to the following:
- Schools
  - Places of worship
  - Residential accommodation
  - Venues of a similar nature

- Community centre
- Youth clubs

Where appropriate the Authority will also take into account the cumulative effect of a number of such premises on the character of the area in question.

- 13.9 Where such applications are made the Licensing Authority will expect the Operating Schedule to address and promote the licensing objectives by including number of measures within it to regulate the adult entertainment examples of such measures are set out in the Appendix. A code of conduct for dancers and customers and appropriate disciplinary procedures should be developed in consultation with the Police and the Council.
- 13.10 The Operating Schedule should also set out procedures to ensure that all staff employed in the premises have pre-employment checks including suitable proof of identity, age and where required permission to work and measures to ensure the exclusion of persons under 18 from the premises when such activities are taking place.

### **Tables and Chairs Policy**

- 13.11 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 appropriate application is made to cover those hours. The Licensing Authority will liaise with the Highways Authority about the grant of permission under Part 7A of the Highways Act 1980. However, these are separate jurisdictions and any decision should still be taken on licensing objectives.

### **Door Supervisors**

- 13.12 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 Council 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

council will expect applicants to address the issues under prevention of public nuisance detailed in the Appendix :

### **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.

#### **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 it is in the Licensing Act or considered necessary to do so in order to protect them from harm.

#### **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.
- 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)*

#### **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.
- 18.2 However, the Council recognises that the cumulative impact of the number, type and density of licensed premises concentrated in a particular area may lead to problems of nuisance and disorder in the vicinity of the premises. The Council recognises the availability of a special policy, referred to as a Saturation Policy, to assist in such cases. The Licensing Authority on being satisfied that it is appropriate can make such a policy based on the available evidence and may declare such a policy within their overall statement of Licensing Policy.
- 18.3 The Council will take the following steps when considering whether to adopt a special saturation policy in a specified area:
- identification of concern about related crime and disorder or nuisance;
  - consideration of whether it can be demonstrated that crime and disorder and nuisance are arising as a result of customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area, or that the risk factors are such that the area is reaching a point where a cumulative impact is imminent;
  - consultation with those specified in 4.1 above;
  - subject to that consultation, inclusion of a special policy regarding future applications for premises licences or club premises certificates from that area within the terms of the statutory guidance in the Statement of Licensing Policy.
- 18.4 The Council will review any special saturation policies regularly and at least every three years at the time of considering its Licensing Policy, to see whether they have had the effect intended, and whether they are still needed or whether they need expanding.
- 18.5 Saturation policies will never be absolute. They will still allow for each application to be considered individually on its own merits and for licences and/or certificates that are unlikely to add to the cumulative impact on the licensing objectives, being granted.
- 18.6 The Council in discussion with the police has decided not to adopt a Special Saturation Policy at the present time. However the Council will keep potential problem areas under constant review.



## **19.0 Licensing Hours**

- 19.1 The Council recognises that variable licensing hours for the sale of alcohol may be desirable to ensure that concentrations of customers leaving premises simultaneously are avoided. However, the potential for additional crime and disorder and/or public nuisance is increased with longer hours. Appropriately licensed shops, stores and supermarkets will normally be permitted to sell alcohol during the normal trading hours, for consumption off the premises, where consistent with the council's licensing objectives.
- 19.2 It is anticipated that varied licensing hours will minimise concentrations of customers leaving licensed premises simultaneously, which will help reduce the potential disorder and nuisance outside premises.
- 19.3 The Council will deal with the issue of licensing hours on the individual merits of each application. When issuing a licence, stricter conditions with regard to noise control and/or limitations to opening hours may be imposed in the case of premises where relevant representations are made and that are situated in largely residential areas. Operating hours between 23.00 and 07.00 are considered to give greater potential for noise nuisance.
- 19.4 Fixed trading hours (zoning) within designated areas will not be set as this could lead to significant movements of people across boundaries at particular times seeking premises opening later.
- 19.5 The principle of flexible hours is key to these reforms and the objectives of Government. Conditions to be imposed on a licence affecting this will be given thorough consideration and will not be imposed without good reason or in an arbitrary fashion.
- 19.6 It should be noted that the consumption of alcohol is not a licensable activity, only it's sale or supply. It is therefore permissible for premises to allow the consumption of alcohol, previously purchased within the licensing authorisation , outside the hours authorised for sale or supply.

## **20.0 Timetable of Implementation**

- 20.1 The Licensing Policy will come into effect on 22nd January 2008.

## **21.0 The Types of Licences**

Under the new provisions, licences are granted unless there are relevant representations (objections) made to them. The Government have advised that " *where the responsible authorities and interested parties do not raise any representations about the application made to the Licensing Authority, it is a duty of the Authority to grant the licence or certificate subject only to conditions that are*

*consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the 2003 Act itself."*

The Licensing Authority would encourage applicants and clubs to discuss operating schedules with responsible authorities to improve the efficiency of the applications process.

### **Personal Licences**

- 21.1 Personal licences authorise individuals to sell or supply alcohol or authorise the sale or supply of alcohol for consumption on or off premises. Applicants applying for a personal licence must:
- be aged 18 years or over;
  - have not forfeited a personal licence in the previous five years;
  - possess an approved licence qualification;
  - not have any relevant criminal conviction as specified in the Act;
  - have paid the appropriate fee to the licensing authority.
- 21.2 Personal licences are valid for 10 years and will be 'portable' between premises across the country. Applicants need to apply to the local authority where they live for the licence, but renewals are to be made to the original issuing authority. It should be noted that whilst 'portable', personal licences are not transferable.
- 21.3 Personal licence holders have responsibilities under licensing provisions. Failure to uphold these responsibilities will be enforced by the Licensing Authority and powers to revoke licences are available.

### **Premises Licences**

- 21.4 A premises licence authorises the use of any premises, which includes any place and includes part of a premises, for licensable activities such as:
- the sale of alcohol by retail;
  - the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
  - the provisions of regulated entertainment;
  - the provisions of late night refreshment.
- 21.5 A premises licence will be valid for the life of the premises, subject to any review.

- 21.6 Applications are required to be advertised at the premises for a period during which representations can be made. It is also expected that Licensing Authorities will include the details on their websites.
- 21.7 For one off events with more than 500 people a premise licence must be gained. The council believes that greater notice of an application than that given in the Act will enable both applicant and council to consider the matter fully. The council feels the following should be sufficient.

<b>Event Numbers</b>	<b>Application time</b>
500 – 1999	6 weeks
2000+	3 months

### **Club Premises Certificate**

- 21.8 A Club Premises Certificate is required when qualifying clubs want to supply alcohol and provide other activities on club premises.
- 21.9 Club Premises Certificates will be issued to Qualifying Clubs formally Registered Members Clubs. To be eligible for a Club Premises Certificate the club organisation members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation for supply to their members and their guests.
- 21.10 Any member of a club over 18 years may apply for a Club Premises Certificate. All applications must be accompanied by:
- completed application form;
  - required fee;
  - operating Schedule;
  - a scale plan of the premises to which the application relates in the prescribe form;
  - a copy of club rules;
  - a copy of the notice to be advertised in the prescribed form.

### **Temporary Licences**

- 21.11 The Licensing Act provides for certain occasions when small scale events do not need a licence provided that advance notice is given to the Metropolitan Police and the Licensing Authority. The Metropolitan Police can only object to a Temporary Event Notice if the event is likely to undermine the licensing objectives.

21.12 Temporary events involving activities may be undertaken with a Temporary Events Notice subject only to:

- Less than 500 persons at the event at any one time;
- No longer than 72 hours duration;
- With 24 hours between events.

21.13 Whilst the minimum statutory time is 10 days the council believes that more time will enable both applicants and council to consider the matters more fully. The council feels that four weeks would be sufficient.

## **22.0 Variations of Premises & Club Premises Licences**

22.1 Applications to vary a Premises Licence will be dealt with in a similar manner to applications for a new Premises Licence. If relevant representations are not received the application for variation will be granted.

22.2 If relevant representations are made and not withdrawn the Licensing Authority will hold a hearing and at that hearing the Licensing Authority may approve the application, modify the conditions of the licence or reject the application in whole or part

22.3 The licence will not be varied so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates.

22.4 The Authority may vary a premise licence so that it has effect subject to different conditions in respect of different parts of the premises concerned and/or in respect of different licensable activities.

22.5 Local residents and businesses are able to raise representations (objections) to applications for, and variation to premises licences. These must relate to the four licensing objectives and the proposals made in the application. Representations will normally be made in writing to the Licensing Team Leader within the Enforcement Service.

22.6 Details of applications and variations to premise licences will be required to be displayed on or outside the premise concerned. Further requirements as to the advertising of applications are due to be made in new Government proposals.

## **23.0 Provisional Statement**

23.1 Applicants may apply for a premises licence before new premises are constructed, extended or changed. This would be possible where:

- copies of planning permission are provided or a lawful planning use can otherwise be demonstrated;
- clear plans of the proposed structure exist;
- an operating schedule is capable of being completed in regard to activities to take place there ;
- the time at which such activities will take place is given;
- the proposed hours of opening are given;
- the appropriate steps have been taken to promote the licensing objectives.

23.2 The benefit of this procedure is that it allows investment to be committed to a project at an early stage, in the knowledge that a premises licence will be granted subsequently by the Authority, if all matters in the statement are met.

## **24.0 Conditions**

24.1 The Council recognises that the only conditions that should be imposed on a licence are those that are necessary and proportionate to meeting the licensing objectives. There may be circumstances where existing legislation and regulations already effectively promote the licensing objectives.

24.2 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned. Standardised conditions will not be imposed, but where appropriate the council will draw upon the model pool of conditions issued by the Department for Culture Media and Sport in annex D - H of the guidance issued by the Secretary of State under s182 of the Act. The Council may also impose conditions other than those set out in the annexes in circumstances where this is necessary to properly promote the four licensing objectives and to address problems referred to elsewhere in this Licensing Policy.

## **25.0 Enforcement**

25.1 The Licensing Authority will undertake inspections, including joint inspections of premises and enter into other working arrangements with the Metropolitan Police, Fire Authority and other agencies to support the 'licensing objectives'.

25.2 Protocols will provide for targeting of agreed problem and high-risk premises, but with a 'lighter touch' to those premises which are shown to be well managed and maintained.

25.3 The Council has adopted an enforcement policy in accordance with the Government's 'enforcement concordat'. The key principles of consistency, transparency and proportionality are maintained throughout this policy.

- 25.4 Enforcement action will be taken in accordance within the principles of the enforcement concordat and the licensing enforcement policy. In particular enforcement action will be:
- targeted - i.e. focused on premises and activities that give rise to the most serious risk of the licensing objectives being undermined;
  - consistent - i.e. similar approaches will be taken in similar circumstances to achieve similar ends;
  - transparent - i.e. help applicants, designated premises' managers and anyone else with a duty to comply with licensing requirement understand what is expected and distinguishing between statutory requirements and guidance;
  - proportionate - i.e. action taken will be proportional to the risk of the licensing objectives being undermined.
- 25.5 The Licensing Authority will take appropriate enforcement action when there is a breach of licensing conditions causing significant risk to the licensing objectives. The selection of the most appropriate enforcement action from the options available will be in accordance with the licensing enforcement policy.
- 25.6 The Licensing Authority Enforcement Policy will detail the various options available in relation to enforcement measures. These measures will include the review of a licence at the request of an authorised person. The Licensing Sub-Committees will have a range of powers at review in order to secure the licensing objectives. These include the withdrawal of an activity from the premises licence, reductions in operating hours and additional conditions being attached to the licence.
- 25.7 The Council's licensing officers will monitor ongoing compliance with licence conditions. Where necessary for this purpose they will carry out inspections. Such inspections may be carried out without prior notice to the occupier or licensee if the licensing officer considers it appropriate in accordance with the law.
- 25.8 The Licensing Authority will produce an joint enforcement protocol in collaboration with the Police and London Fire & Emergency Planning Authority . This will detail the role of these bodies in the monitoring and enforcement role and will cover the new powers available , for example ;
- Police powers to require the temporary closure of any licensed premises or temporary event on the grounds of disorder , likely disorder or noise constituting a nuisance.
- 25.9 In order to monitor and review the operation and enforcement of the new provisions , reports will be produced at least on an annual basis summarising the issues and actions taken during the preceding period . These will be joint reports with the Police and Fire Authority.

## **Appeals against the Licensing Authority decision**

25.10 Appeals against the decision of the Licensing Authority are made to the Magistrates Court for the petty sessions area in which the premises concerned are situated. For Haringey premises, this will be the court presently situated in Highgate. Appeals against personal licences are made to the court in the Licensing area where the decision was made.

Haringey Magistrates will have a bench specifically detailed for the purpose of appeals.

25.11 The Court on hearing the appeal may;

- Dismiss the appeal
- Substitute any other decision that the Licensing Authority could have made
- Remit the case back to the Licensing Authority to deal with as directed by the court.
- Award costs as the court thinks fit.

25.11 It is important that the Licensing Authority give comprehensive reasons for its decisions, lack of which in itself could give rise to grounds of appeal.

## **26.0 Administration, Exercise and Delegation of Functions**

26.1 The council is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. The powers under the Act also allow for delegation of powers/functions to a Licensing Sub-Committee or to one or more officers.

26.2 Appreciating the need to provide a speedy, efficient and cost effective service to all parties involved in the licensing process, the Council has taken advantage of these powers and has established five Licensing Sub-committees to undertake the day to day work of hearings.

26.3 Many of these 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 decisions will be delegated to council officers. All such matters dealt with by officers will be reported for information to the next Licensing Committee.

26.4 Applications where there are relevant representations will be dealt with by the Sub-committee, unless such representations are considered irrelevant, frivolous or vexatious or unless the council, the applicant and everyone who has made representation agrees that a hearing is not necessary and representations are withdrawn.

- 26.5 The table given below sets out the agreed delegation of decisions and functions of the Licensing Committee, Sub-Committee and officers. The various delegations include delegation to impose appropriate conditions.
- 26.6 The scheme of delegations is without prejudice to the right of relevant parties to refer an application to a Licensing Sub-Committee or a full Licensing Committee if considered appropriate in the circumstance of any particular case.
- 26.7 Unless there are compelling reasons to the contrary, the council will require the Licensing Committee or any of its Sub-Committees to meet in public; although councillors can retire into private session to consider their decision and any conditions.
- 26.8 The operation of licensing hearings are detailed in Government Regulation and in the Council's Local Licensing Procedure Rules.
- 26.8 The delegations of functions in relation to licensing matters are as follows: -

<b>Matter to be dealt with</b>	<b>Full Licensing Committee</b>	<b>Sub-Committee</b>	<b>Officers</b>
Application to grant or renew personal licence		If a police objection made	If no police objection made
Decisions on revocation of a personal licence where a conviction comes to light after grant		If a police objection made	If no police objection made
Application for premises licence/club premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a			All cases



complaint is irrelevant, frivolous, vexatious, etc.			
Decision to object when local authority is a consultee and not the relevant authority considering the application			All cases
Determination of a police objection to a temporary event notice		All cases	

**27.0 Fees – statement on setting and process**

Please see *Fees Guidance Notes*.

## Appendix - Guidance on the Operating Schedule

### Operating Schedule

The operating schedule is part of the application for a premises licence and should contain information so that others can assess whether the steps a business intends to take will satisfy the licensing objectives. As such it is asking the applicant how their business will be run. This is an 'assessment of the risks' by the applicant and what control measures or actions are proposed to stop this risk. This must be specific to the premises and activities detailed in the application and not general in nature.

The operating schedule must include and consider:

- what activities are planned at the premises;
- the times during which the applicant proposes that the activities are to take place;
- any other times during which the applicant proposes that the premises are to be open to the public;
- where the applicant wishes the licence to have effect for a limited period, that period must be detailed;
- details of the Designated Premises Supervisor and a copy of the personal licence;
- if the activities include sale of alcohol, whether such sales are proposed to be for the consumption on the premises or off the premises, or both;
- the steps which the applicant proposes to take to promote each of the licensing objectives - See guidance below

(further items may be required from time to time if the Government so directs)

### The Operating Schedule and the Licensing Objectives

Operating Schedules must clearly satisfy the four licensing objectives. This is considered in more detail below with each of the objectives in turn.

#### 1. The prevention of crime and disorder

Licensees have the responsibility to take steps to prevent crime and disorder. The Council will expect applicants to consider various steps and provisions in their Operating Schedule to help in achieving this objective. Such considerations should not only look at issues within the premises, but also matters related to the vicinity of the premises. Listed below are provisions that may be used if applicable.

The record of compliance with respect to the items contained in this section will be considered by the Licensing Sub Committee.

Applicants are expected to demonstrate how these will assist in their premises:

- Registered door supervisors – How will they be used in the premises, what will they be asked to do and what are they seeking to achieve. (NB Door Supervisors must be licensed by the Security Industry Authority) ;
- Use of CCTV - How CCTV will be used and monitored to help prevent crime and disorder;
- The use of responsible drinking promotions - what will and will not be used by the premises to promote custom ;
- Stopping the sale of alcohol to those under 18 years of age- how will the business achieve this. (Of equal concern for both on licences and off licences)
- Promoting of safer drinking (including the use of drink when driving) - what will the business specifically do, policy, practices, how may they assist customers to achieve this;
- Have effective protocols in place to deal with intoxicated patrons and/or persons under the influence of illegal drugs and the supply of illegal drugs. The issue of spiking drinks should also be considered. (This may include for example, co-ordination and participation in a local pubwatch scheme);
- Adequate search facilities - how this will operate;
- Methods to discourage drinking of alcohol ( supplied for consumption on the premises ) in a public place in the vicinity of the premises;
- Procedures to deal with violence and/or anti-social behaviour including any crime which discriminates against any sectors of the community;
- Methods to discourage the handling and distribution of stolen, counterfeit or other illegal goods;
- Addressing prostitution or indecency at the premises;
- Ensuring adequate training given to staff in crime prevention measures
- Procedures for risk assessing promotions and events where the event is likely to attract customers that may heighten the possibility of violence and/or disorder and include plans to minimise such risks.
- Utilising good practices outlined in the British Beer & Pub Association publication- Drugs and Pubs: A Guide for Licensees.

## 2. Public safety

Licensees have the responsibility to take steps towards protecting public safety. The council will expect applicants to consider various steps and provisions in their Operating Schedule to help in achieving this objective. Listed below are provisions that may be used if applicable. Applicants are expected to demonstrate how these will assist in their premises:

- Use of CCTV and panic buttons - how will these provisions be operated to protect safety ;
- Use of shatter proof drinking vessels or bottles , requiring use of toughened glass or plastic ;
- Use of security personnel both within and at the access points to premises. How many are proposed, what will be the duties and how will their activities protect safety. (Security staff must be licensed by the Security Industry Authority who will also advise on minimum numbers);
- Compliance with Health & Safety legislation including if required a documented health and safety policy statement, and comprehensive risk assessment ;
- Capacity limits where necessary to prevent overcrowding or prevent nuisance on entering or exit;
- Implementation of crowd management measures
- Undertaking the necessary fire safety risk assessment and to be compliant with all relevant building control rules and regulations;
- Adequate lighting (including any Emergency Lighting to BS 5266) - what areas of the premises are considered , particularly external areas.;
- Arrangements for emergency situations including any necessary evacuation ( to include people with disabilities );
- The safe use of special effects equipment e.g. lasers and smoke machines - this will include details from suppliers and contractors ;
- Installation of fire alarms and fire safety measures- service contracts in place (Fire Alarm to BS 5839 PT1);
- Clear signage throughout the premises e.g. emergency exits, fire extinguishers etc .

- For venues providing music and dancing in a 'nightclub' premises, what specific aspects of Safer Clubbing have been incorporated .
- Arrangements for the management, supervision and training of staff to ensure that the measures incorporated above are implemented.

### **3. The prevention of public nuisance**

In considering all licence applications, the Council 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. Listed below are provisions that may be used if applicable. Applicants are expected to demonstrate how these will assist in their premises:

#### **Noise and other nuisance**

- The steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices . This is particularly important in residential areas ;
- The steps taken or proposed to be taken by the applicant to prevent disturbances by customers arriving at or leaving the premises. There will be greater responsibilities placed on premises operating between 23:00 - 0700 hours than at other times of the day ;
- The provision to properly extract and disperse odours and smells from cooking by properly installed and maintained ventilation equipment.
- The actions necessary to prevent disturbance from deliveries or collections at early or late hours, or from staff clearing up after closing time.

#### **Leaving and outside the premises**

- The steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrians or cars ). If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction. Such considerations must

also be considered in respect of people loitering at takeaways and off licences.;

- The steps taken or proposed to be taken to prevent littering and fouling of public and open spaces - what specific measures are proposed by the business.
- The steps taken or proposed to be taken by the applicant to ensure customers leave the premises in a quiet and orderly fashion ;

### **Parking and Public Transport**

- The arrangements made or proposed for parking by customers , and the effect of parking by them on local residents ;
- Whether there is sufficient provision for public transport (including taxis and private hire vehicles) for customers ;
- Whether licensed taxis or private hire vehicles are likely to disturb local residents and if so what the business proposes to prevent this;
- The arrangement for advising customers of the details for public transport and taxis in the area.

### **Sensitive Areas**

- The installation of any special measures where licensed premises are or are proposed to be located near sensitive premises such as nursing homes, schools, nurseries, hospitals, hospices or places of worship;
- The use of gardens and other open-air areas at the premises;

### **Refuse and cleansing**

- The arrangements for storage and disposal of trade refuse - trade refuse contracts will be required for all premises;
- Whether the premises would lead to increased refuse storage or disposal problem - does your contract detail sufficient collections ;

- The arrangements for cleansing or otherwise keeping clean the vicinity of the premises. This will include litter, refuse and other items originating from the premises;
- The arrangements for cleansing open and public areas in the vicinity of the premises of fouling caused by clients.

#### **Record of compliance**

- The history of noise and other nuisance complaints proved against the premises will be considered, particularly where statutory notices or warning letters have been served on the present licensees;

#### **Lighting**

- The position of external lighting, including security lighting that is installed inappropriately.

### **4. The protection of children from harm**

When considering whether to limit access to children at licensed premises the council will consider each application on its own merits. However the council will expect applicants to consider and address the following in their operating schedule if applicable. Applicants are expected to provide the detail necessary to demonstrate how the provisions will assist in achieving this objective at their premises:

- There will be a strong presumption against access by persons under 18 to premises where any of the following apply:
  - a history of convictions for serving alcohol to minors or premises with a reputation for, or inadequate arrangements to deter, under-age drinking;
  - a known association with, or inadequate arrangements to deter, drug taking or dealing;
  - a strong element of gambling taking place on the premises;
  - where entertainment of an adult or sexual nature is commonly provided;
  - where there are inadequate arrangements to protect children from supply and use of other products which it is illegal to supply to children eg cigarettes .
  - where there are inadequate arrangements to protect against the harmful effects of passive smoking. There is clear risk to health caused by passive smoking, and the council will expect, where necessary, a 'no smoking' area to be set aside for use by children where access is permitted;

- The council will expect cigarette vending machines to be in sight and under the supervision of bar staff in accordance with the appropriate code of practice.
- where in the opinion of the Licensing Committee, there are inadequate controls on the times during which children may be present on the premises.
- 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.
- Where limiting access to children is considered necessary, the Council will consider the following after relevant representations:
  - limitations on the hours when children may be present;
  - an age limitation ;
  - limitations or exclusions when certain activities are taking place;
  - access limited to parts of the premises;
  - the requirement for accompanying adults;
  - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- The Licensing Authority considers the age restraints on alcohol provision and providing adult entertainment and gambling to be of utmost importance. Applicants must provide clear details in their operating schedule as to what methods or measures they will be using to verify age. The Licensing Authority recommends that the only way to verify a person's proof of age is with reference to:
  - a valid passport;
  - a photo driving licence issued in a European Union country;
  - a proof of age standard card system;
  - a citizen card, supported by the Home Office.