

STATEMENT OF LICENSING POLICY 2020- 25

COMING INTO EFFECT 3rd March 2020

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FOREWORD – CHAIR OF LICENSING (2003 ACT) COMMITTEE

This is the fifth revision of Newham Council's Licensing Policy to date, undertaken in order to comply with the requirements placed on us as the Licensing Authority by the Licensing Act 2003. This revision builds on previous statements and incorporates a number of changes introduced by legislation and government guidance and will be kept under review, being revised in light of future legislative changes.

This policy aims to set out how we, as the Licensing Authority, intend to exercise our functions under the Licensing Act 2003, including our approach to determining applications, how we will deal with licensed activities that fall short of required standards and how the four licensing objectives, which underpin everything we do, will be promoted.

The four main principles of the Licensing Act 2003 are known as the "licensing objectives" and must be considered throughout the licensing process:

- Prevention of crime and disorder
- Promotion of public safety
- Prevention of public nuisance
- Protection of children from harm

Applications for Premises Licences, Personal Licences and Temporary Event Notices must be made with regard to these four objectives.

The Policy highlights the need for those operating licensed premises to be aware of the effect their premises may have on local residents and to make every effort to minimise anything that adversely affects residents' quality of life.

Newham is a rapidly emerging centre of commerce and culture, with one of the most diverse and cosmopolitan populations of any borough in the United Kingdom.

As development and investment in the UK's capital moves steadily eastwards, Newham is becoming a new heart for London, with regeneration bringing an array of exciting new businesses, including those subject to licensing under the 2003 Act. We welcome this, and fully appreciate the important contribution our licensed premises make to the local economy by generating employment opportunities, providing entertainment for our residents and attracting new people to the area.

As the Licensing Authority we have responsibilities to ensure that we do what we can to prevent, and mitigate against potential problems caused by poorly run licensed premises. In order to do this we will continue to work closely with all statutory responsible authorities, including the Metropolitan Police, to make sure licensed premises operate in accordance with the four licensing objectives. Our intention is to make sure that we balance the desire to create a thriving night-time economy, with the need to ensure that we protect our young people from harm, prevent nuisance, keep the public safe and make our contribution towards the prevention of crime and disorder.

Almost 38 per cent of Newham's population are under the age of 25, and consequently the Licensing Authority understands the need to put safeguards in place to ensure that children and young people in particular are protected from harm that may arise from licensed activities. The Council's Children and Young People Service was consulted on this policy, and Licensing and Regulation will work closely with the service to make sure this is achieved.

Through the implementation of the Licensing Act, statutory Government Guidance and this Licensing Policy and by working closely with both regulatory and business partners we will continue to provide advice and guidance as well as enforce standards to ensure that licensed premises are well managed and have a positive impact on the cultural, community, leisure and entertainment facilities within Newham.

1. INTRODUCTION

- 1.1 The Council for the London Borough of Newham (in its role as Licensing Authority) is responsible for the licensing of regulated activities under the Licensing Act 2003. This document sets out the principles that the Licensing Authority will apply when exercising its functions under the Act.
- 1.2 The Licensing Authority's aim is for the licensing process to allow the retail sale/supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment in a way which ensures compliance with the objectives of the Act, which is not to the detriment of residents, nor gives rise to loss of amenity. It is the Licensing Authority's aim to facilitate this through the licensing process by well run and managed premises and by licence holders demonstrating and taking action to ensure that the use of their licences will not be to the detriment of any of the licensing objectives.
- 1.3 Whilst licensing may not be considered a mechanism for the general control of anti-social behaviour by individuals beyond the direct control of the Premises Licence holder or Club Premises Certificate holder, it is recognised that issues such as anti-social behaviour may be as the direct result of the operation of the premises. Apart from the licensing process, there are a number of other mechanisms which could be available for addressing issues of unruly behaviour. Such mechanisms may include:-
- planning controls
 - measures to create a safe and clean environment by means of partnership between local businesses and the Council
 - powers of the Council to designate parts of Newham as places where alcohol may not be consumed publicly, and the confiscation of alcohol from adults and children in designated areas by the police, where anti-social behaviour exists
 - police enforcement of the general law concerning disorder and anti-social behaviour including issuing fixed penalty notices
 - powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises.

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

- 1.4 The Licensing Authority recognises that the licensed entertainment business sector and community licensed facilities in Newham contribute to the local economy and social infrastructure, but that this has to be balanced with the impact of such activities on the licensing objectives. The Licensing Authority wishes to encourage licensees to provide a wide range of entertainment activities throughout their opening hours and to promote live music, dance, theatre etc. for the wider cultural benefit. They are a factor in maintaining a thriving and sustainable community, which is one of the Council's aims.
- 1.5 Newham is a mixed commercial and residential area, whose amenity the Council has a duty to protect, and one of the Council's aims is to promote safer and stronger communities. These factors may be taken into account in relation to applications that may have a material impact on a particular vicinity.
- 1.6 This policy will set out the general approach the Licensing Authority will take when it considers opposed applications. It will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits. Nor will it override the right of any 'responsible authority' or 'other persons' to make relevant representations on an application or seek a review of a licence where provision has been made for them to do so in the Act.

- 1.7 This Policy has been prepared to assist the Licensing Authority in reaching a decision on applications, setting out those matters that will normally be taken into account. It also seeks to provide information for applicants, residents, businesses in the Borough and the responsible authorities on the Licensing Authority's expectations.
- 1.8 Every opposed application will be determined on its own merits and the Licensing Authority reserves the right to deviate from this Policy whenever it considers it correct and appropriate to do so.
- 1.9 It is not the purpose of this Policy to re-iterate the specific provisions of the Act or the Regulations made thereunder or the legal complexities of the legislation, unless it is considered appropriate to do so

2 SCOPE OF THIS POLICY

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

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of a member of a club
- Regulated entertainment
- The provision of late night refreshment being the supply of hot food or drink from a premises (other than a premise with a Club Premise Certificate or other lawfully exempt premises) between 11.00pm and 05.00am.

2.2 Regulated entertainment requires a licence or authorisation (unless exempted by the Act) when it is performed in front of an audience and includes the following:

- Performance of a play
- Exhibition of a film
- Indoor sporting event
- Boxing or wrestling entertainment (indoors and outdoors)
- Performance of live music
- Playing of recorded music
- Performance of dance
- Entertainment of a similar description to the performance of live music and/or the playing of recorded music and/or the performance of dance.

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

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

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

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

- Premises Licences

- Club Premises Certificates
- Provisional Statements

And where appropriate:-

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

3 POLICY CONSULTATION AND REVIEW

3.1 This Policy will take effect from 3rd March 2020 and will be subject to periodic review and consultation

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

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

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

In addition the Licensing Authority has consulted:

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

Comments were invited and all comments received via this consultation process were considered by the Licensing Authority.

3.3 The Licensing Authority has also taken into account the guidance issued by the Home Office under section 182 of the Act with regard to licensing policies.

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

4 DETERMINATIONS OF APPLICATIONS

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

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

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

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

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

5 ADMINISTRATION, EXERCISE AND DELEGATION

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

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

5.3 Many of the decisions and functions are largely administrative in nature such as the grant of non-contentious applications, including for example those licences and certificates where no representations have been made. These will be delegated to Council officers. All such matters dealt with by officers will be reported for information to the Licensing Committee.

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

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

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

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

5.6 The following table outlines the delegation of functions

Matters to be dealt with	Sub Committee	Officers
Application for personal licence	If Police objection is made owing to unspent relevant convictions.	In all cases unless a Police objection is made owing to unspent relevant convictions.
Application for premises licence/club premises certificate	If a relevant representation is made	If no relevant representation is made
Application for provisional statement	If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club premises certificate under sections 34 and 84 of the Act	If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club premises certificate under sections 41A and 86A of the Act - minor variations 1. To consider and determine applications for minor variations, whether representations have been made or not, when such applications relate to: i) Changes to the layout and arrangements at premises ii) Reductions in the hours of licensable activities; iii) The removal of licensable activities from a licence. iv) The removal or alteration of defunct or unenforceable conditions on licences; v) Alterations to existing conditions and/or the imposition of new volunteered conditions when such an action has been recommended to the licence holder by a responsible authority. 2. All other minor variation applications	Officers in all cases	
Application to vary designated premises supervisor	If a police objection is made	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection is made	All other cases
Applications for interim authorities	If a police objection is made	All other cases
Decision on whether a complaint is irrelevant, frivolous or vexatious etc		All cases
Determination of an objection to a temporary event notice	All cases	
Application to disapply the mandatory condition for a Designated Premises Supervisor at community premises	If a police objection is made	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
To serve a counter notice for a 'late' Temporary Event Notice		All cases

Matters to be dealt with	Sub Committee	Officers
Application to review premises licence/club premises certificate	In all cases	
Decision to object when local authority is a consultee and not the relevant authority considering the application	In all cases	

6. RESPONSIBLE AUTHORITIES, OTHER PERSONS AND REPRESENTATIONS

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

- The Metropolitan Police
- The London Fire and Emergency Planning Authority (LFEPA) – normally called the Fire Brigade
- The Council's Development Control Service
- The Council's Commercial Environmental Health Team
- The Council's Children and Young People's Services
- The Council's Trading Standards Service
- The Council's Health & Safety Team*
- The Council's Director of Public Health
- The Licensing Authority
- In relation to a vessel, a navigation authority, the Environment Agency, Maritime and Coastguard Agency or the British Waterways Board.
- Home Office Immigration Enforcement
- And any other body or person that may be prescribed by Regulations at a later date

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

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

6.2 Representations can be made by 'other persons' about certain applications made to the Licensing Authority. Those 'other persons' may also apply for a review of a Premises Licence or a Club Premises Certificate. The term 'other persons' means any individual, body or business entitled to make representations to the Licensing Authority in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, and applications for provisional statements, regardless of their geographic proximity to the premises.. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives.

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

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

- 6.4 All representations must be 'relevant', for example they must be about the likely effect of the grant of an application on the promotion of one or more of the licensing objectives of:
- Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm

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

- 6.5 It is important for responsible authorities and other persons to note that they can make representations on any of the 4 licensing objectives.

- 6.6 Only the Police and Environmental Health Officers can object to Temporary Event Notices, but they may object on any of the four licensing objectives.

- 6.7 Applications for the review of an existing Premises Licence or Club Premises Certificate can be made by responsible authorities and by 'other persons'. When a review application has been made, representations can also be made by 'other persons' and the responsible authorities about that licence or certificate. Applications for the review of an existing licence or certificate can only be made in relation to one or more of the four licensing objectives.

- 6.8 Only the Police can make representations about applications for:

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

In above cases, the representations from the Police have to be restricted to the licensing objective of the Prevention of Crime and Disorder

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

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

7. THE ROLE OF WARD COUNCILLORS

- 7.1 Ward councillors play an important role in the local community. They can make representations in writing and speak at the hearing on behalf of an interested party such as a local resident or local business if specifically requested to do so. They can also make representations in their own right. For example, ward councillors may apply for a review of a licence if problems at a specific premises which justify intervention are brought to their attention.

- 7.2 Ward councillors are informed of all new applications and any application to vary a licence in their ward. Individual councillors may choose to consult with residents locally in addition to the statutory publication carried out by the applicant.
- 7.3 Local residents and businesses may wish to contact their local ward councillors in respect of a licence application. Details on how to contact ward councillors may be obtained from the Council's website or by telephoning 020 8430 2000.
- 7.4 If a local resident or business makes a representation about an application it is often helpful to send a copy to the local Councillors. This helps them to gain an understanding of local feelings.
- 7.5 Ward councillors may attend hearings of licensing Sub Committees considering applications and speak on behalf of local residents and businesses, but only if
- They have made a personal representation or
 - They have made a representation on behalf of local residents or businesses as 'community advocates' or
 - They have been nominated by (an objector) who cannot attend the hearing or prefers to be represented by them at the hearing.

8 APPLICATION CONSULTATION

- 8.1 The aim of consultation is to provide the opportunity for other persons to be involved in the licensing process. The consultation procedure required for each type of application is prescribed within the Act and Regulations made thereunder.
- 8.2 Applicants are required to advertise an application for the grant or variation of a Premises Licence or Club Premises Certificate and for an application for a Provisional Statement. For such applications the consultation required is:-
- Copies of the application must be received by the Responsible Authorities on the same day as the original application is received by the Local Authority.
 - A blue coloured notice(s) must be displayed at the premises for the full 28 day consultation period. It must be clearly visible 24hrs a day and legible to passers by. The notice must give a brief outline the application including the regulated activities and the hours applied for.
 - An advertisement must be placed in a local borough wide publication, within 10 working days of the application being received by the Licensing Authority. It is the responsibility of the applicant to forward evidence of the newspaper notice, its wording and its date of publication to the Licensing Authority.
 - For 'minor' variations, there is no requirement for the applicant to send copies to the responsible authorities or for a newspaper notice and the premises notice need only be made on white paper and be displayed for 10 days, The Licensing Authority will advise the appropriate responsible authorities of the application.
- 8.3 Applications for review of Premises Licence or Club Premises Certificate will be advertised by the Licensing Authority in accordance with Regulations.. For ordinary review applications this will take the form of notices being displayed near to the premises for 28 days, and for 'summary' reviews notices being displayed for 7 working days.
- 8.4 The Licensing Authority will make copies of applications available for inspection by the public.

9 PREMISES LICENCES

9.1 New Applications

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

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

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

- Relevant licensable activities to be conducted on the premises
- Times/days of the week including holiday periods or different times of the year, the activities are to take place.
- Any other times the premises is open to the public
- Where the licence is required for a limited period, that period
- If the activities include the supply of alcohol, the name and address of the designated premises supervisor
- If alcohol is to be supplied, if it is to be consumed on/off the premises or both
- If adult entertainment or services of any description (whether licensable or not) are to be provided at the premises, full details must be given
- The steps the applicant proposes to take to promote the Licensing Objectives.
- The applicant will be expected to undertake a thorough risk assessment with regard to each of the licensing objectives when preparing their applications and specify the steps that they will take to promote the licensing objectives.

Applicants are recommended to acquaint themselves with:

- The contents of this Policy dealing with the four Licensing Objectives
- The Guidance issued by the Home Office under section 182 of the Act and other applicable guidance available on the Government website.

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

- Safety arrangements e.g. premises must be constructed or adapted in such a way that they are safe and appropriate, have a safe capacity assessment etc.
- The steps that will be taken to prevent the under age sale of alcohol
- The steps the Applicant has taken or proposes to take to prevent public nuisance. Such steps may include the management of customers' behaviour, installation of sound proofing, air conditioning, acoustic lobbies, sound limitation devices, parking provision, notices at exits and in the car park.
- What measures will be taken to prevent disorder and nuisance and secure public safety e.g. the use of CCTV, the employment of registered door supervisors, means of access/exit, types of drinking utensils used such as glass, plastic, no bottles etc.
- The measures proposed to prevent the consumption or supply of illegal drugs, possession of offensive weapons including any search procedures and entry policies.
- The likelihood of any public disorder, violence or other alcohol related crime arising if a licence were to be granted.

9.2 Variations to existing Premises Licences

The holder of an existing Premises Licence may apply for a variation of the licence (e.g. to change the licensed hours or activities) under either section 34 of the Act ('full variations') or in

the case of 'minor' variations under section 41A of the Act. For a 'full' variation the applicant is expected to include in the application form with the steps they intend to take to promote the licensing objectives.

9.3 Designated Premises Supervisor

Where a premises sells alcohol, a Personal Licence Holder will be identified in the Premises Licence as the Designated Premises Supervisor for the premises. This is to ensure that there is always one specified individual who can be readily identified for the day to day running of the premises.

Where the Designated Premises Supervisor is not available for a significant period of time (e.g. on holiday) they should nominate in writing somebody who is authorised to act on behalf of the Designated Premises Supervisor, as a point of contact

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

9.4 Wholesale of Alcohol

The wholesale of alcohol to the public is a licensable activity under the 2003 Act, and a Premises Licence and a Designated Premises Supervisor will be needed where such transactions take place. Wholesalers of alcohol from business to business should register with the Alcohol Wholesaler Registration Scheme (AWRS).

9.5 Internet and mail order sales

A Premises Licence will be required for the warehouse/storage facility of the alcohol, when the alcohol is delivered or dispatched from that place to the public. However, the call centre where the order was placed would not necessarily be licensable. The Operating Schedule must include procedures for ensuring that sales of alcohol are not made to persons under the statutory age limit (currently 18 years of age).

9.6 Regulated Entertainment

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

- Performance of a play

- Exhibition of a film

- Indoor sporting event

- Boxing or wrestling entertainment (indoors and outdoors)

- Performance of live music

- Playing of recorded music

- Performance of dance

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

9.7 The Live Music Act 2012 and other Entertainment Licensing Deregulation

The Live Music Act 2012 came into force on 1st October 2012 and is designed to encourage more performances of 'live' music. The Act removes the licensing requirements for:

- amplified 'live' music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises
- amplified 'live' music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- unamplified 'live' music between 8am and 11pm in all venues
- the provision of entertainment facilities

Where licensable activities continue to take place on premises any licence conditions relating to 'live' music will be suspended, but it will be possible to impose new, or reinstate existing conditions following a review.

When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers are encouraged to check with the licensing authority if in doubt.

There was a further deregulation of entertainment licensing in June 2013 when the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 came into force on 27 June 2013.

The effect of the order is that no authorisation is required for the following activities to the extent that they take place between 08:00-23:00 on any day:

- a performance of a play in the presence of any audience of no more than 500 people
- an indoor sporting event in the presence of any audience of no more than 1000 people
- a performances of dance in the presence of any audience of no more than 500 people

Entertainment licensing requirements were further deregulated as a result of the Legislative Reform (Entertainment Licensing) Order 2014, which came into force on 6 April 2015.

The 2014 Order deregulated entertainment licensing in the following ways:

- The provision of regulated entertainment by or on behalf of local authorities, health care providers, or schools on their own defined premises became exempt from entertainment licensing between 08.00-23.00 on the same day, with no audience limit.
- The audience limit for a performance of live amplified music in relevant alcohol licensed premises or in a workplace between 08.00-23.00 on the same day was raised from 200 to 500.
- Local authorities, health care providers and schools are now exempt from entertainment licensing when making their own defined premises available to third parties for live and recorded music activities between 08:00-23:00 on the same day for audiences of up to 500.
- Community premises not licensed to supply alcohol are now exempt from entertainment licensing requirements for live and recorded music between 08:00-23:00 on the same day for audiences of up to 500.
- Travelling circuses are now exempt from entertainment licensing in respect of all descriptions of entertainment, except an exhibition of a film or a boxing or wrestling entertainment, where the entertainment or sport takes place between 08:00-23:00 on the same day, with no audience limit.
- Greco-Roman and freestyle wrestling are now deregulated between 08:00-23:00 for audiences of up to 1000 people.
- An exhibition of film that is incidental to another activity (where that other activity is not itself a description of entertainment set out in paragraph 2 of Schedule 1 to the 2003 Act) is exempt now from licensing.

The exhibition of films in community premises has also been deregulated as a result of section 76 of the Deregulation Act 2015.

No licence is required for an exhibition of film on community premises between 08:00 and 23:00 on any day provided that:

- the film entertainment is not provided with a view to profit;
- the film entertainment is in the presence of an audience of no more than 500 people;
- the admission of children is subject to such restrictions as are necessary to comply with the recommendation issued by the BBFC or relevant licensing authority regarding the admission of children; and
- a person concerned in the organisation or management of the exhibition of the film has obtained the prior written consent of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises.

9.8 Late Night Refreshment

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

Some premises are exempt from this licensing requirement:

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

9.9 Casinos and Bingo Clubs

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

9.10 Petrol Stations

There are restrictions of the sale of alcohol from petrol stations, however, where it is shown that the main activity of the premises is not that of a petrol station, alcohol may be sold and a licence will be required. Each case will be judged on the individual circumstances of the application.

9.11 Vehicles and Moveable Structures

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

9.12 Vessels and Ships

Vessels or ships that wish to conduct licensable activities are licensable by the Licensing Authority where they are usually moored.

9.13 Ports and Airports

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

9.14 Sports Grounds

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

9.15 Hotel Mini Bars

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

9.16 Outdoor Events

The general terminal hour for all licensable activities shall be 23:00 at outdoor events;

Organisers/applicants shall demonstrate that they have the required permissions in place to use the land (whether private land or on Council owned land);

Organisers/applicants shall demonstrate that they have arrangements in place to ensure the site is properly checked and certified (for example, if water supplies or electrics need to be safety checked); and

Organisers / applicants using Council owned land will demonstrate that they have notified and where necessary sought authorisation / advice from the relevant Council departments (for example, Parks and Open Spaces, Highways etc.).

9.17 Sexual Entertainment Venues

The Council has adopted a policy in relation to sex establishments, including sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. This policy includes standard conditions attached to such licences. Where there are similar conditions attached to licences under both regulatory regimes, the more onerous will apply.

There is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that allows premises to provide sexual entertainment no more than 11 times per year and no more frequently than monthly. Any concerns related to the provision of occasional sexual entertainment may still lead to a review of the relevant premises licence or club premises certificate and the imposition of conditions.

Any premises that wishes to provide sexual entertainment under the exemption must still be authorised under the Licensing Act 2003 for the performance of dance and the playing or recorded music.

10 CLUB PREMISES CERTIFICATES

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

- 10.2 In order for qualifying clubs to supply alcohol and provide other licensable activities on club premises, a Club Premises Certificate is required, and there is no requirement to specify a Designated Premises Supervisor as there are technically no retail sales of alcohol.
- 10.3 The Licensing Authority will require the Club Secretary's current contact details to be readily available.
- 10.4 The procedures, guidance and this Licensing Authorities Policy in relation to Club Premises Certificate applications are identical to that for Premises Licences.

11. PROVISIONAL STATEMENTS

- 11.1 Applicants may need to apply for a Provisional Statement where premises are being constructed, extended or substantially changed structurally for the purpose of licensable activities.
- 11.2 This Licensing Authority's Policy in relation to Provisional Statements is identical to that for Premises Licences. Before premises with a Provisional Statement may be used for licensable activities an application must be made and granted for a Premises Licence or Club Premises Certificate.
- 11.3 If representations are received in respect of an application for a Provisional Statement, conditions may be imposed on the Provisional Statement in the same manner as if it was a Premises Licence or the application may be refused by the Licensing Authority.

12 CONDITIONS ON PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

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

The additional conditions that may be attached to licences and certificates upon consideration of relevant representations will be tailored to the individual circumstances and characteristics of the premises concerned to meet the Licensing Objectives. For example conditions may be imposed to prevent unnecessary noise and disturbance to local residents by way of limited hours and/or restrictions on sound levels.

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

13 FILM CLASSIFICATION

- 13.1 The admission of children to any film exhibition shall be restricted in accordance with the classification given to that film by the British Board of Film Classification (or the Licensing Authority). No person under the age of 18 shall be admitted to any film that has not been classified by the British Board of Film Classification (or the Licensing Authority).
- 13.2 The Licensing Authority agrees with the recommendation of the Secretary of State that Licensing Authorities should not ordinarily duplicate the role of the British Board of Film Classification by choosing to re-classify films themselves. The classification recommended by the British Board of Film Classification for any film will be applied by this Licensing Authority unless there are exceptional reasons for this Licensing Authority to adopt the role of film classifier and classify or re-classify any particular film. The decision as to whether to classify or re-classify any particular film will be at the absolute discretion of this Licensing Authority.
- 13.3 If the Licensing Authority is concerned about the classification given by the British Board of Film Classification to a particular film, it may give notice to the holders of premises licences that the film may not be exhibited until it has been viewed and classified by the Licensing Authority. In such circumstances the Licensing Authority will view and classify the film as a matter of urgency.
- 13.4 Licence conditions may specify that immediately before each exhibition at the premises of a film (other than a current newsreel) passed by the British Board of Film Classification, there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of a certificate of the Board, or, as regards a trailer advertising a film, of the statement approved by the Board indicating the category of the film. Conditions may also require notices to be displayed both inside and outside the premises so that persons entering can readily read them and be aware of a category attached to any film or trailer.
- 13.5 Where any video works are shown on premises with a licence (e.g. in pubs) they should be suitable for the age group of those persons present, having regard to the official age classification of the work given by the British Board of Film Classification.

14 HOURS OF LICENSED ACTIVITIES

- 14.1 Applicants are advised, prior to making an application, to carefully consider the licensed hours that they require and the impact those hours may have on any of the licensing objectives. They should include details in the application form of the steps that they propose to take to ensure the proposed licensed hours do not cause problems in relation to the licensing objectives.
- 14.2 In making decisions that relate to the hours for which a premises is licensed or any conditions as to delivery times etc. the Licensing Authority will give consideration to how the applicant will promote the Licensing Objectives and the representations made against such hours.
- 14.3 Each case will be decided on its own merits based on whether the Licensing Objectives can be promoted. Stricter conditions, including limiting licensed hours, are likely to apply to premises when the applicant is unable to demonstrate that the hours required would not be detrimental to the promotion of one or more of the Licensing Objectives.
- 14.4 Limitations on operating hours may be imposed as appropriate upon consideration of representations for example, in the case of premises known to be a focus of disorder, nuisance, disturbance or people engaging in anti-social behaviour.
- 14.5 One of the aims of the Licensing Act 2003 was that varied licensing hours would minimise concentrations of customers leaving licensed premises simultaneously and thus help reduce the potential for disorder. However this Licensing Authority recognises that in relation to any of the Licensing Objectives that an individual premises could cause as many if not more

problems, than a concentration of premises in an area.

- 14.6 In relation to shops and other retail outlets supplying alcohol for consumption off the premises, whilst the general policy will be to facilitate sales of alcohol at all times that the premises are open for business, the Licensing Authority recognises that some applications may have to be refused or hours may have to be restricted in order for the Licensing Objectives to be adequately promoted.
- 14.7 Each case will be decided on its own merits based on whether the Licensing Objectives can be adequately promoted. Stricter conditions including limiting licensed hours are likely to apply where the premises are situated in mainly residential areas in order to minimise disturbance to local residents.

15 OPENING HOURS

- 15.1 It is a requirement that applicants specify on their application form for new Premises Licences/Club Premises certificates the hours that the premises are to be open on any day. Subject to there being no representations, the opening hours requested will be placed on the Licence/Certificate and will become a licence condition.
- 15.2 It is possible for applicants to apply for longer opening times than those required for the licensable activities (e.g. supply of alcohol).
- 15.3 In the event of relevant representations the Licensing Authority may consider restricting the opening times, such as:
- Set the opening times (and especially the closing times) to the same times as the licensable activities, or
 - Reduce the amount of time that the premises is allowed to remain open after the cessation of licensable activities (e.g. reduce the closing time to 30 minutes after the time that the supply of alcohol has to stop).

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

16 SUSPENSION OF LICENCES AND CERTIFICATES FOR NON-PAYMENT OF ANNUAL FEES

- 16.1 As a result of powers introduced under the Police Reform and Social Responsibility Act 2011, the Licensing Authority must suspend Premises Licences and Club Premises Certificates if the holder of the relevant authorisation fails to pay their annual fee.
- 16.2 However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee. In either of these cases, there is a grace period of 21 days. This period will be used by the Licensing Authority to contact the licence or certificate holder in attempt to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence or certificate will be suspended.
- 16.3 When suspending a licence or certificate a notice of suspension will be given in writing to the licence or certificate holder. The police and any other relevant responsible authorities will also be notified of the suspension at the same time.
- 16.4 A premises licence or certificate that has been suspended does not have effect. However, it can for example be subject to a hearing or, in the case of a premises licence, an application for transfer. The licence will nevertheless only be reinstated when the outstanding fee has been paid. Formally, the debt is owed by the holder who held the licence at the time it was

suspended. However, it may be more likely in practice that the new holder will actually make the payment.

- 16.5 Once payment has been received a written acknowledgement will be given to the licence/certificate holder and the suspension will be lifted. The police and any other relevant responsible authorities will be notified that the suspension has been lifted at the same time.

17 PERSONAL LICENCES – NEW APPLICATIONS

- 17.1 A personal licence is a licence issued to an individual authorising them to make or authorise the sale of alcohol in accordance with a Premises Licence. Every Premises Licence that authorises the sale of alcohol must specify an individual who acts as the Designated Premises Supervisor (DPS). The DPS must hold a Personal Licence.
- 17.2 Applications for Personal Licences should be made to the Licensing Authority for the area where the applicant is ordinarily resident at the time they make their application.
- 17.3 The Licensing Authority must reject an application if the applicant fails to meet one or more of the requirements set out in (a) to (d) below.
- (a) Applicants must be aged 18 or over
 - (b) Applicants must be entitled to work in the United Kingdom
 - (c) Applicants must possess a licensing qualification or is a person of a prescribed description
 - (d) Applicants must not have forfeited a personal licence in the five year period prior to their application being made
 - (e) Applicants must not have been convicted of any relevant offence or any foreign offence or required to pay an immigration penalty
- 17.4 Where the applicant meets the requirements in (a) to (d) but does not meet the requirements of (e), the Licensing Authority must give the chief officer of police for its area a notice to this effect. Having received such a notice, if the chief officer of police is satisfied that the granting of the application would undermine the crime prevention objective, he must within 14 days, give the Licensing Authority a notice to that effect.
- 17.5 Where the applicant fails to meet the requirements of (e) as a result of a conviction for an immigration offence or because they have been required to pay an immigration penalty, the licensing authority must give a notice to the Secretary of State for the Home Department to that effect. The Home Office may object to an application on grounds that granting the personal licence would be prejudicial to the prevention of illegal working in licensed premises.
- 17.6 Where an objection to the grant of a personal licence is received from either the chief officer of police or the Home Office, the applicant is entitled to a hearing before the licensing authority. If no objections are received, the Licensing Authority must grant the application.
- 17.7 At a hearing to determine a personal licence application to which the chief officer of police or Home Office have objected, the licensing authority will have regard to all of the circumstances including the following:
- The need to assess each case on its merits
 - The duty to promote the crime prevention objective
 - The objection notice given by the Police or Home Office
 - The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
 - The seriousness of the relevant offence
 - The sentence or penalty imposed on the applicant for the relevant offence
 - Any representations made by the applicant
 - Any other evidence as to the previous character of the applicant

- 17.8 If, having considered all of the circumstances, the Licensing Authority considers that it is appropriate for either the promotion of the crime prevention objective or for the prevention of illegal working in licensed premises to reject the application, it must do so. In all other cases the application must be granted.
- 17.9 If an application is refused, the applicant will be entitled to appeal against the decision they make. Similarly, if the application is granted despite a police objection notice or an objection from the Home Office, the chief officer of police or Home Office are entitled to appeal against the licensing authority's determination. The licensing authority will therefore record in full the reasons for any decision that it makes.

18 PERSONAL LICENCES – SUSPENSION AND REVOCATION

- 18.1 Section 138 of the Policing and Crime Act 2017 amended the Licensing Act 2003 and gave the power to a Licensing Authority to suspend or revoke personal licences that it has issued with effect from 6 April 2017.
- 18.2 When a Licensing Authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017. Prior to 6 April 2017 only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions.
- 18.3 The process which must be undertaken by the Licensing Authority to suspend or revoke a personal licence is set out at section 132A of the 2003 Act. The decision to revoke or suspend a personal licence must be made by the licensing committee or sub-committee.
- 18.4 The Licensing Authority may not take action if the licence holder has appealed against the conviction or the sentence imposed in relation to the offence, until the appeal is disposed of. Where an appeal is not lodged, the Licensing Authority may not take action until the time limit for making an appeal has expired.
- 18.5 If a Licensing Authority is considering revoking or suspending a personal licence, the authority must give notice to the licence holder. This notice must invite the holder to make representations about the conviction, any decision of a court in relation to the licence, or any decision by an appellate court if the licence holder has appealed such a decision. The licence holder may also decide to include any other information, for example, about their personal circumstances.
- 18.6 The licence holder must be given 28 days to make their representation, beginning on the day the notice was issued. Before deciding whether to revoke or suspend the licence the licensing authority must consider any representations made by the licence holder, any decisions made by the court or appellate court in respect of the personal licence of which the licensing authority is aware, and any other information which the licensing authority considers relevant.
- 18.7 The Licensing Authority may not be aware of whether the court considered whether to revoke or suspend the licence, and there is no obligation on the Licensing Authority to find this out before making a decision themselves. Where the court has considered the personal licence and decided not to take action, this does not prevent the Licensing Authority from deciding to take action itself. Licensing Authorities have different aims to courts in that they must fulfil their statutory duty to promote the licensing objectives, and therefore it is appropriate for the licensing authority to come to its own decision regarding the licence.

- 18.8 If the Licensing Authority, having considered a suspension and revocation and subsequently considered all the information made available to it, proposes not to revoke the licence it must give notice to the chief officer of police in the Licensing Authority's area, and invite the chief officer to make representations about whether the licence should be suspended or revoked, having regard to the prevention of crime. The chief officer may make representations within the period of 14 days from the day they receive the notice from the licensing authority.
- 18.9 Any representations made by the chief officer of police must be taken into account by the Licensing Authority in deciding whether to suspend or revoke the licence.
- 18.10 Convictions may come to light via police in another area, for example if the personal licence holder no longer lives in the area of the Licensing Authority which issued the licence, or if the offence took place in another police force area. In this instance it would be good practice for the police providing the information to notify the police force in the Licensing Authority area, because it is the local chief officer who must provide representations if the Licensing Authority proposes not to revoke the licence.
- 18.11 Where the licence holder is convicted of immigration offences or has been required to pay a civil penalty for immigration matters, the Licensing Authority should notify Home Office Immigration Enforcement and allow representations to be made in the same way.
- 18.12 In deciding whether to suspend or revoke a personal licence, the Licensing Authority will have regard to all of the circumstances including the following:
- The need to assess each case on its merits
 - The duty to promote the licensing objectives
 - The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
 - The seriousness of the relevant offence
 - The sentence or penalty imposed on the licence holder for the relevant offence
 - Any representations made by the Police or Home Office Immigration Enforcement
 - Any representations made by the holder of the licence
 - Any evidence as to the previous character of the holder of the licence
- 18.13 The Licensing Authority must notify the licence holder and the chief officer of police of the decision made (even if the police did not make representations). The licence holder may appeal the Licensing Authority's decision to revoke or suspend their personal licence. A decision to revoke or suspend the licence does not take effect until the end of the period allowed for appealing the decision (21 days); or if the decision is appealed against, until the appeal is disposed of.
- 18.14 If the personal licence holder is a DPS, the licensing authority may notify the premises licence holder once the decision to revoke or suspend the licence has been made if it becomes necessary to do so in order for the Licensing Authority to be able to carry out their functions.
- 18.15 The Licensing Authority may also notify any person who has declared an interest in the premises under section 178 of the 2003 Act if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions.

19 IMMIGRATION ACT 2016

- 19.1 Section 36 of and Schedule 4 to the Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.
- 19.2 The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed

premises. The Council will work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.

19.3 Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amended the 2003 Act to provide that in England and Wales:

- Premises licences to sell alcohol or provide late night refreshment and personal licences cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity;
- Licences issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity comes to an end;
- Immigration offences, including civil penalties, are 'relevant offences' as defined by the 2003 Act;
- The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences) and applications to transfer premises licences, and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and
- Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.

19.4 The Licensing Authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.

19.5 The Licensing Authority will also work in partnership with the Home Office (Immigration Enforcement) and Metropolitan Police with a view to preventing illegal working in premises licensed for the sale of alcohol or late night refreshment.

20 TEMPORARY EVENT NOTICES

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

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

20.2 The Police and/or Environmental Health may object to a TEN on any of the four licensing objectives

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

20.3 Late Temporary Event Notices can be given in any circumstances subject to the limitations specified within the Licensing Act 2003 (as amended). Late TEN's can be given up to five working days but no earlier than nine working days before the event is due to take place.

A late TEN given less than five days before the event will be void and will not be able to be used if there is an objection to a late TEN by the Police or Environmental Health Authority. A Counter Notice will be issued by the Licensing Authority to cancel the TEN.

21 APPEALS

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

22 REVIEWS AND COMPLAINTS ABOUT LICENSED PREMISES.

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

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

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

22.4 Residents and 'other persons' may also make a complaint against a premises regardless of whether they have previously made representations or called for a review of an existing licence. The complaints may in the first instance be made to the Licensing Team who will deal with the complaint and/or forward it to the relevant responsible authority (e.g. In the case of crime the complaint will be forwarded to the police).

23 ENFORCEMENT POLICY

23.1 The council has an established Enforcement Policy, based around the principles of consistency, transparency and proportionality set out in the BRDO's Regulators Code* and which also takes into account the Attorney-General's Guidelines to Crown Prosecutors for bringing prosecutions. The enforcement policy allows a proportionate response to be made where offences against licensing legislation are found or where licence conditions have been contravened. * The code can be found here https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/262915/13-1016-regulators-code.pdf

23.2 It is essential that licensed premises operate in accordance with the Act and especially within their licensed hours and licence conditions. Part of the Licensing Authority's role is to monitor premises and take appropriate action. This may be independently, alongside the police and/or other Responsible Authorities to ensure the licensing objectives are promoted.

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

- 23.3 To protect young people, the council routinely undertake test purchasing to ensure the law is being adhered to. It should be noted the Licensing Authority supports the use of the Challenge 25 Policy and recommends this should be included as part of an applicant's operating schedule in any Premises Licence or Club Premises Certificate application. Please contact Trading Standards for further details.

24 PREVENTION OF CRIME AND DISORDER

24.1 General

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

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

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

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

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

24.2 Behaviour of Customers Outside Licensed Premises

One of the main sources of complaint regarding licensed premises relates to the activities and behaviour of customers outside the boundaries of licensed premises. Licensees must take reasonable steps to prevent such behaviour having a negative impact on the vicinity of the premises. In addition licensees should consider identifying and refusing to admit problem customers. Particular regard should be given to premises where customers congregate outside for example; to smoke or in periods of fine weather or where customers do not disperse quickly when leaving the premises, particularly late at night in residential areas.

24.4 Door Supervisors

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

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder);

- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; maintaining orderly queuing outside of venues prone to such queuing,
- ensuring public safety

Conditions may also be needed to deal with the number of such supervisors, where and at what times they should be on duty on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches).

Licensees may also be required to keep a record of all door supervisors/security personnel employed at the premises. These records should include name, address, date of birth and SIA registration number, dates/times person was on duty, and shall be available for inspection

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

24.5 Incident Report Book

Where necessary the Licensing Authority will require that an incident report book be kept at the premises, this should include any decision to refuse access, any attempt to make an underage purchase, any incident of crime and disorder in or about the premises, incidents of fire and fire alarm activations etc. This book shall be available for inspection by an authorised officer of the Council or a Police Officer.

24.6 The use of glass in licensed premises

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

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

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

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

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

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

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

24.7 CCTV

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

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

24.8 Open containers not to be taken from the premises

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

24.9 Capacity limits

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

24.10 Proof of age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary for a of "proof of age" scheme to be in place at a premises. Please see the section 'The prevention of harm to children' concerning the 'Challenge 25' proof of age scheme.

24.11 Crime prevention notices

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them for example, in certain areas, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism.

24.12 Signage

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

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

24.13 High Volume Vertical Drinking

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

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

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

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

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

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

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

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

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

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

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

25 PUBLIC SAFETY

25.1 General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, the following options should be considered as measures that, if necessary, would promote public safety. It should also be recognised that special issues may arise in connection with outdoor and large scale events.

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

The Licensing Authority will expect all relevant premises to have due regard to the requirements of the Technical Standards for Places of Public Entertainment (available from the Licensing Team).

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

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

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

25.2 Escape routes

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

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

25.3 Safety Checks

Consideration might also be given to conditions that ensure that:

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

25.4 Capacity limits

Consideration should also be given to conditions that ensure that:

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

25.5 Emergency action notices

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

25.6 Access for emergency vehicles

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

25.7 First Aid

Consideration might also be given to conditions that ensure that:

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

25.8 Lighting

Consideration might also be given to conditions that ensure that:

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

25.9 Temporary electrical installations

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

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

25.10 Indoor sporting events

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

- an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo karate or other sports entertainment of a similar nature;
- where a ring is involved, it is constructed and supported by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame-retardant;
- at any wrestling or other entertainment of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring; and

- at water sports entertainment, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

25.11 Alterations to the premises

Premises should not be altered in such a way as to make it impossible to comply with any licensing condition. Licence holders wishing to carry out alterations to their premises should seek the advice of the Licensing Team as to the correct application procedure. Alterations may mean that an application for a new licence or a full or minor variation of the existing licence is required.

25.12 Special effects

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

Special effects which should be considered include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers
- explosives and highly flammable substances.

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

25.13 Theatres, cinemas, concert halls and similar places

There are particular matters in the context of public safety which should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and proportionate and should be established through risk assessment and standardised conditions should be avoided. The points below are for consideration and do not represent a mandatory list.

- Attendants: must be sufficient numbers taking into consideration the other safety measures, the design of the premises and the profile of the persons attending (e.g. performances attracting primarily children). Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
- Standing and sitting in gangways etc: persons should not be allowed to:
 - sit in a gangway;
 - stand in a gangway, except for access to and from their seat.
 - stand or sit in front of any exit;
 - stand or sit on any staircase including any landings; or
 - stand to view the performance except in areas designated in the premises licence or club premises certificate

- Drinks: No drinks (alcohol or other drinks) shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.
- Flammable films: No flammable films should be allowed on the premises without the prior approval of the Fire Brigade.

26 PREVENTION OF PUBLIC NUISANCE

26.1 General

Public nuisance includes any noise generated as a result of the activities at the premises including the behaviour of customers whilst arriving, leaving or at the venue. This may include noise from customers' cars arriving, car stereo systems, car horns, vocal noise from customers or those that transport customers to and from the venue, revving engines, litter and the obstruction of public highway. The area where such problems could occur may extend beyond the immediate vicinity of the premises.

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

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

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

26.2 Management and control of customers

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

26.3 Hours

The hours during which the licensable activities are permitted at premises by a premises licence or a club premises certificate are primarily set for the prevention of public nuisance. For example where the premises are in a predominately residential area the potential for public nuisance is greater.

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

26.4 Noise and vibration

In certain premises for the prevention of public nuisance, consideration might be given to conditions that ensure that:

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

26.5 Litter

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

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

26.6 Noxious smells

In certain premises for the prevention of public nuisance, consideration might be given to conditions that ensure that noxious smells do not cause a nuisance to nearby properties and that premises are properly vented.

26.7 Light pollution

In certain premises for the prevention of public nuisance, consideration might be given to conditions that ensure that flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties.

27 THE PROTECTION OF CHILDREN FROM HARM

27.1 The Licensing Authority will have specific regard to the licensing objective to protect children from harm. This objective includes the protection of children from moral, psychological and physical harm.

27.2 It is anticipated that Licences will be sought in respect of a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night takeaways, pubs, bars and nightclubs. It is not possible within this licensing policy to anticipate every situation where children may be at risk. The Licensing Authority will not therefore impose general conditions that apply to all premises, but will expect applicants to offer their own measures within the operating schedule to meet all of the licensing objectives.

27.3 The Licensing Authority will not seek to limit the access of children to licensed premises unless it appears necessary to protect them from harm. The Licensing Committee will judge the

merits of each separate application before deciding whether to impose conditions limiting access to children. The following are some examples of premises that will raise concerns;

- where there have been convictions for serving alcohol to minors or where there is evidence that underage drinking is permitted
- a known association with drug taking or dealing
- where there is a strong element of gambling on the premises
- where entertainment or services of an adult or sexual nature are provided

27.4 The Licensing Authority will not ordinarily impose a right of access for children; this will remain a matter for the discretion of the licence holder. It is anticipated that the issue of access to children will be addressed in the operating schedule. Applicants should note it is an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on the premises. Applicants should note it is also an offence for unaccompanied children under the age of 16 to be on premises after midnight.

27.5 The range of options available to limit the access of children to licensed premises that may be imposed by the Licensing Authority include:

- Limitations on the hours where children may be present;
- Age limitations
- Exclusions when certain activities are taking place;
- In exceptional cases, exclusion of people under 18 from the premises or parts thereof when any licensable activities are taking place.

27.6 Where there are restrictions (whether imposed by statute or by the Licensing Authority) on the sale or supply of goods or the provision of services or the showing of films or other entertainment to children below a certain age then the licensee will be required to demonstrate that they have in place a system for verifying the age of the children intended to be supplied with such goods, services or entertainment. Training must be given to all persons who might be in a position to refuse such children. Such training must include

- recognition of age,
- seeking proof of age,
- verifying the authenticity of proof of age cards, and
- handling refusals

Licensees will be expected to have effective steps to prevent children from viewing films or videos that are unsuitable due to the age classification of the film that has been imposed by the British Board of Film Classification or the Licensing Authority.

27.7 The Licensing Authority will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licensee will ensure that an adequate number of adult staff are present to control the access, egress and safety in and around the premises. The number of staff required should be assessed by the licensee, taking into account the number of children to be present, the type of entertainment, the characteristics of the premises and any other relevant factor.

27.8 Anyone intending to provide staff for the supervision of activities to under 18's will be expected to carry out enhanced criminal record checks on all persons involved servicing such activities. These checks should be entered into a register which should be kept on the premises at all times and made available to the Police or Authorised Council Officer on request. Staff shall only be appointed who have been subject to a check and are found to be suitable, if in doubt the applicant should liaise directly with the Police.

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

27.10 Premises that sell cigarettes or other age restricted goods, particularly via vending machines, should have an effective method of ensuring that under 18's should not purchase or be supplied with cigarettes or other age restricted goods. It is suggested that the vending machines are kept away from self service and unsupervised areas.

27.11

Premises that sell alcohol should have due regard to proof of age schemes, and this Licensing Authority recommends that the Challenge 25 Policy be used (further details contact Trading Standards). See section 27.18 below for recommended conditions relating to 'Challenge 25'

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

27.12 **Adult Entertainment Services:**

Applicants for licensees should take into account whether entertainment or services of an adult or sexual nature are to be provided at the premises. Whilst it is not possible to give an exhaustive list of such entertainment or services, it would include performances involving feigned violence or horrific incidents, feigned or actual sex acts or fetishism, or entertainment involving strong and offensive language. Entertainments and services that fall within the provisions of Schedule 3, Local Government (Miscellaneous Provisions) Act 1982 (as amended), such as striptease and sex entertainments provided by naked or semi-naked performers are not covered by this Policy, but are subject to that Act and any Policy adopted by this Council under that Act.

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

Measures that can be contained in applicants operating schedules include:

- Limitations on the hours when children may be present
- The prohibition of children under certain ages from the premises when adult entertainment and services are being provided, or when any licensable activity is taking place.
- Limitations on the parts of the premises to which children have access
- Age limitations (below 18),
- Requirements for accompanying adults (including for example a requirement that children under a particular age must be accompanied by an adult).
- No display or advertising of the adult entertainment or services outside the premises or in the vicinity of the premises, and
- That it will be impossible to see or hear the adult entertainments or services from outside of the premises, or from outside of the defined area within the premises where the activities are taking place.

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

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

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

27.13 Access for children to licensed premises – in general:

Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and other persons who have made representations but only where the licensing authority considers it appropriate to protect children from harm.

Whilst applications in relation to premises licences and club premises certificates must be judged by licensing authorities on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that:

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

27.14 Exhibition of Films

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

- U – Universal. Suitable for audiences aged four years and over.
- PG – Parental Guidance. Some scenes may be unsuitable for young children.
- 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
- 15 – Passed only for viewing by persons aged 15 years and over.
- 18 – Passed only for viewing by persons aged 18 years and over.

Applicants for licences are expected to demonstrate in their application form the steps that they will take to ensure the age classifications are complied with and that no under age

person is allowed to view a film contrary to its classification. Such steps should include an age identification scheme, whereby possible underage persons are required to prove their age.

Additional steps should include the steps that:

- before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising film, of the statement approved by the Board indicating the classification of the film;
 - The age classification of the film shall be displayed both inside and outside the premises, and
- a condition that when a licensing authority has made a recommendation of the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer.

27.15 Theatres

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

27.16 Performances especially for children

Entertainment may also be presented at cinemas and theatres specifically for children, and licensing authorities are expected to consider whether a licence condition should be imposed that requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency .

Where performances are presented especially for unaccompanied children in theatres and cinemas conditions will require an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

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

27.17 Children in performances

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

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

27.18 ‘Challenge 25’

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

1. The Licensee to adopt a “Challenge 25” policy where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age-restricted products are asked for proof of their age.

The Licensee to prominently display notices advising customers of the “Challenge 25” policy.

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

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

2. Staff Competence and Training:

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

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

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

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

3. Refusals Book:

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

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

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

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

27.19 Safeguarding Policy

If you are providing services to children/families and your staff may come in to contact with children in the course of their working day, there is an expectation that you will provide a safeguarding policy in line with Newham Safeguarding Children Partnership guidelines. Details can be found here: https://www.londoncp.co.uk/chapters/sq_licensed.html

28. OTHER REFERENCES & GUIDANCE

Applicants are advised, prior to making an application, to have regard to the following documents (as appropriate to their premises and the activities that will be provided):-

- The current guidance provided on the Home Office, including the amended Guidance issued under Section 182 of the Licensing Act 2003
- Technical Standards for Places of Entertainment – available from the Licensing Team.
- Home Office: Safer Clubbing Guide
- Metropolitan Police: Safe and Sound ('helping you to manage the threat posed by drugs, weapons and other crime'),
- LACORS/TSI Code of Practice on Test Purchasing
- Guidance issued by the Security Industry Authority in connection with door supervisors etc.
- The Event Safety Guide: A Guide to Health, Safety and Welfare at Music and Similar Events' - HSG195
- Managing Crowds Safely HSE 2000 ISBN 07176-1834-X
- '5 Steps to Risk Assessment: Case Studies' HSE 1998 ISBN 0-7176-15804
- 'The Guide to Safety at Sports Grounds' SGSA ("The Green Guide")
- 'Safety Guidance for Street Arts, Carnivals, Processions and Large-Scale Outdoor Performances' Independent Street Arts Network (ISAN) available from:
<http://www.streetartsnetwork.org.uk/pages/publications.htm>
- The Guidance issued by the Department of Communities and Local Government under the Regulatory Reform (Fire Safety) Order 2005. Website: www.communities.gov.uk

29 OTHER POLICIES AND OBJECTIVES

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

Many of the specific licensing requirements relate to matters potentially affecting public safety. In addition to these licensing requirements there are wider duties on all business (whatever their legal status and regardless of whether a licence is needed) to protect the health and safety of employees (and the self employed) as well as the public. Some of these duties are deliberately wide, generalised and all encompassing e.g. main duties under Section 2, 3, & 4 of the Health & Safety at Work etc. Act 1974, others are very specific e.g. requirements under the Control of Substances Hazardous to Health Regulations 2002, and do not apply in all circumstances. Some of these duties are absolute under law and have to be complied with,

without exception e.g. hoists and lifting equipment must be examined by a competent person at prescribed intervals. Thus these Health & Safety duties tend to include all specific safety requirements under licensing requirements for the public on the premises and extend them to cover the safety of others e.g. staff, contractors, passers by etc. Thus there is considerable overlap between the licensing regime and the wider health & safety regimes.

The Licensing Authority will seek to achieve integration with relevant strategies and their aims in determining applications and will do so through relevant consultation of this policy and individual applications. Development Control may make representations in connection with a licensing application if an application has an adverse impact on any the four objectives.

29.1 The Human Rights Act 1988

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

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

29.2 Equality Act 2010

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

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

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

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

29.3 The Government's Alcohol Strategy

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

29.4 Newham's Crime & Disorder Strategy

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

29.5 Government & Police Guidance for Clubs and other licensed premises

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

29.6 Tourism & Employment

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

29.7 Fire Protocol

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

29.8 Planning Permissions

All applicants for Premises Licences, Club Premises Certificates and Provisional Statements are reminded that planning permission will normally be required for such uses. Such planning consents may carry conditions with which applicants are expected to comply otherwise action may be taken under the relevant planning legislation. In general, planning consents authorise a broad type of use of a premises, whereas licences are granted for a particular type of

activity. A planning permission for an entertainment use, for example may cover a number of activities that can have a wide range of different impacts in the locality.

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

The Newham Local Plan 2018 is the statutory land use document containing the principles of development for Newham. Some of the use classes that are considered under Leisure, Shopping and Retail policies of the UDP are Entertainment, Food and Drink.

The potential impact of hot food takeaways, restaurants, pubs and clubs on the local environment and the amenity of the surrounding areas, particularly if proposed on a site that is adjacent to residential properties has to be carefully considered. Consideration also has to be given to the important role that leisure and entertainment uses can play in the regeneration of the economy for Newham.

30 EARLY MORNING ALCOHOL RESTRICTION ORDERS (EMARO)

- 30.1 The power to introduce an EMARO enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 30.2 EMAROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 30.3 Before introducing an EMARO the licensing authority must be satisfied that it has sufficient evidence to demonstrate that its decision is appropriate for the promotion of the licensing objectives. This requirement will be considered in the same manner as other licensing decisions, such as the determination of applications for the grant of premises licences. The licensing authority will consider evidence from partners, including responsible authorities and local Community Safety Partnerships, alongside its own evidence, to determine whether an EMRO would be appropriate for the promotion of the licensing objectives.
- 30.4 The licensing authority will normally only consider the use of EMAROs as a last resort in dealing with recurring problems and will always consider the potential burden that would be imposed on premises licence holders as well as the potential benefits in terms of promoting the licensing objectives.
- 30.5 It is recognised that there are other measures that could be taken instead of making an EMARO which include:
- introducing a special policy on cumulative impact;
 - reviewing licences of specific problem premises;
 - encouraging the creation of business-led best practice schemes in the area; and
 - using other mechanisms set out in the Secretary of State's Guidance to Licensing Authorities under Section 182 of the Licensing Act 2003.

30.6 The licensing authority is **not** currently satisfied that it is appropriate to make any EMAROs.

31.0 LATE NIGHT LEVY

31.1 The late night levy is a power, conferred on licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011. This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy.

31.2 The levy is a power and the Government has recognised that some licensing authorities will not consider that it is appropriate to exercise it.

31.3 The licensing authority is **not** currently satisfied that it is appropriate to introduce a Late Night Levy.

31.4 At the present time this licensing authority does not have a large number of premises which are licensed to sell alcohol during the late night supply period.

31.5 The decision to introduce the levy is for the licensing authority to make. However the licensing authority will keep the need for a levy under review in consultation with the chief officer of police and police and crime commissioner ("PCC") for the police area.

31.6 When considering whether to introduce a levy the licensing authority notes that any financial risk (for example lower than expected revenue) rests at a local level and this will be fully considered prior to making any decision about local implementation.

31.7 The licensing authority will decide whether or not it believes it has a viable proposal to introduce the levy before incurring the costs of the formal consultation process.

31.8 If the licensing authority decides to give further consideration to the introduction of a levy in the future, it will do so in accordance with the relevant regulations and with reference to any relevant guidance issued by the Home Office.

31.9 Any decision to introduce, vary or end the requirement for the levy will be made by the full Council. Other decisions in relation to the introduction and administration of the levy would be delegated to the Licensing Committee.

32.0 LATE NIGHT REFRESHMENT – LOCAL POWERS TO DEREGULATE

32.1 Section 71 of the Deregulation Act 2015 inserted paragraph 2A into Schedule 2 of the Licensing Act 2003 in relation to the provision of late night refreshment.

32.2 This amendment created a discretionary power to licensing authorities to exempt premises in certain circumstances, from the requirement to have a licence to provide late night refreshment.

32.3 The powers allow a relevant licensing authority to exempt the supply of late night refreshment if it takes place:

- on or from premises which are wholly situated in a designated area;
- on or from premises which are of a designated description; or
- during a designated period (beginning no earlier than 23.00 and ending no later than 05.00.

32.4 The licensing authority does **not** currently consider it appropriate to exercise the discretionary powers within paragraph 2A of Schedule 2 to the Licensing Act 2003.

32.5 If the licensing authority was going to consider exercising the powers in the future, it would only do so having carefully considered the risks to the promotion of the licensing objectives and the impact on the locality.

ANNEX 1

SPECIAL CUMULATIVE IMPACT POLICY

The Council recognises that the cumulative effect of licensed premises may result in adverse effects on the licensing objectives and amenity and this in turn may have a number of undesirable consequences, for example:

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

Where the Council recognise there is such a cumulative effect it will consider adopting a specific Cumulative Impact Policy for an area if this proves necessary.

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

In accordance with the guidance the Licensing Authority has consulted on the proposals for Cumulative Impact Zones in the areas identified as part of the wider consultation on the council's revision of its Statement of Licensing Policy during 2019. Consultation was therefore specifically undertaken with:

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

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

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

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

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

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

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

Whilst the summary of the evidence was mainly based on crime and disorder, this Council is of the opinion that such crime and disorder also materially and severely affects the promotion of the other licensing objectives in the above areas.

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

1. Where relevant representations are received against:

- New applications for the grant of a Premises Licences, Club Premises Certificates or Provisional Statement, or
- Variation applications for an existing Premises Licences or Club Premises Certificates,

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

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

3. The special policy will apply to all the licensable activities:

- The sale by retail of alcohol,
- The supply of alcohol by or on behalf of a club to, or to the order of a member of the club,
- Regulated entertainment, and
- The provision of late night refreshment