

# Statement of Licensing Policy 2025-30

Coming into effect from 3rd March 2025-2030









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# 1. Introduction

- 1.1 The London Borough of Newham is a vibrant and diverse borough in East London. We are known for our rich cultural heritage and dynamic communities. Established in 1965, Newham encompasses areas such as Stratford and Canning Town and home to the iconic London Stadium, the site of the London 2012 Olympic and Paralympic Games and thriving shopping centres. With a blend of modern development and historic landmarks, Newham showcases a mix of cultures making it one of London's most exciting places to live and work. It's on going regeneration projects and excellent transport links continue to attract residents and businesses alike, contributing to its ever-evolving landscape.
- 1.2 The London Borough of Newham is situated in East London, bordered by the River Thames to the south. It is situated to the east of the City of London and shares a boundary with Greenwich to the west. Newham's strategic location offers excellent transport links including the Elizabeth line, Jubilee line, Docklands Light Railway (DLR) and several major rail services making it easily accessible from central London and beyond.
- 1.3 Since 2002, Newham have been led by a directly elected Mayor, with the Council meeting at Newham Town Hall in East Ham. This central location is easily accessible by public transport making it convenient for residents to reach local government services and facilities. The Council also operate from its main offices at Dockside, overlooking the Royal Albert Dock. This is a prominent waterfront area known for its rich maritime history and redevelopment as a vibrant mixed use space. It features a blend of residential, commercial and leisure facilities including restaurants, offices and cultural venues.
- 1.4 The Royal Docks is London's only Enterprise Zone. London's Enterprise Zones are designed to stimulate economic growth and attract new businesses to the area. The zone aims to create jobs, encourage innovation and support industries such as technology, creative sectors and logistics. The Enterprise Zone is now home to the Greater London Authority and the Excel Exhibition Centre. The Excel is currently undergoing expansion and when complete will make it the biggest integrated conference centre in Europe.
- 1.5 Newham played a central role in the London 2012 Olympics and Paralympic Games, serving as the site of many key venues in the Olympic Park including the London Stadium which hosted the opening and closing ceremonies as well as a number of athletic events. Post-Olympics, the legacy continues with ongoing community projects, sports facilities and housing developments aimed at benefiting local residents. The Olympic Park is now home of West Ham United, the Victoria & Albert museum, the BBC, the Abba Voyage Arena and Westfield Stratford City, the largest urban shopping and leisure destination in Europe.
- 1.6 Newham benefits from a rich diverse community. It has a mix of communities from various ethnic backgrounds. This diversity is reflected in the local cuisine, festivals and cultural events which continue to grow Newham as a vibrant and dynamic area that promotes and celebrates multiculturalism.

- 1.7 Newham is becoming an increasingly vibrant hub for evening activities. These events and festivals contribute to attracting both locals and visitors to our growing evening and night time economy. We are already home to a variety of restaurants, bars and cafes with popular spots including mixed cuisine eateries, pubs and nightlife venues within areas such as Stratford and Forest Gate.
- 1.8 We are the third fastest growing borough in London. Our economy is becoming the place to work and invest and being home to international districts like Royal Docks and Stratford has helped our Borough to have the third highest rate of jobs growth in London. Newham continues to strive to become one of the leading boroughs within London and make it a place our 351,000 residents can be proud of.

## Licensing hierarchy

- 1.9 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.
- 1.10 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.
- 1.11 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.

- 1.12 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.
- 1.13 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.

- 1.14 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.
- 1.15 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.
- 1.16 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.
- 1.17 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 or 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 Review and Consultation

To be completed once consultation complete and Policy ready to go.

## 4. Determination 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;
  - 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
<p>Application to vary premises licence/club premises certificate under sections 41A and 86A of the Act - minor variations</p> <p>1. To consider and determine applications for minor variations, whether representations have been made or not, when such applications relate to:</p> <ul style="list-style-type: none"> <li>i) Changes to the layout and arrangements at premises;</li> <li>ii) Reductions in the hours of licensable activities;</li> <li>iii) The removal of licensable activities from a licence;</li> <li>iv) The removal or alteration of defunct or unenforceable conditions on licences;</li> <li>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.</li> </ul> <p>2. All other minor variation applications</p>	<p>If a relevant representation is made</p>	Officers in all cases



Matters to be dealt with	Sub Committee	Officers
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
Application to review premises licence/club premises certificate	All cases	
Decision to object when local authority is a consultee and not the relevant authority considering the application	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 Brigade
- The Council's Planning 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 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 pre-application consultation is to provide the opportunity for Responsible Authorities to be involved early in the licensing process. The Authority encourages early pre-application engagement with the Responsible Authorities prior to an application being lodged. The consultation procedure required for each type of application is prescribed within the Act and Regulations made thereunder and gives an opportunity for scrutiny by Responsible Authorities, Ward Councillors, residents and businesses.
- 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. If they believe that the minor variation requested would compromise any or all of the licensing objectives then it will be refused and a full variation will be required.
- 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 the business to be conducted on the premises must also be included in the application form.

Where alcohol is to be sold for consumption on the 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 1<sup>st</sup> 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<sup>th</sup> 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<sup>th</sup> 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 wharf side 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 cannot 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**

Applications for a sexual entertainment venue will be dealt with on a case by case basis. Any premises that wishes to provide sexual entertainment must be authorised under the Licensing Act 2003 accordingly.







# 10. Club Premises Certificates

- 10.1 A qualifying club may apply for a 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.



ENTRY A

ABBA  
Voyage



# 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 and proportionate 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 and proportionate 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.
- 13.2 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).
- 13.3 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.
- 13.4 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.
- 13.5 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.
- 13.6 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.
- 13.7 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.
- 13.8 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.
- 13.9 Where the Licensing Authority agrees to classify or re-classify a film, the applicant must submit a formal request by way of email or in writing which must include a full copy of the film in a format that can be viewed without the need for specialist equipment or computer software. A full synopsis of the film, name of the film maker, running time of the film, classification that you are requesting and details of any existing classification within or outside the UK.
- 13.10 If the film contains dialogue in a language other than English, a subtitled version of the film must be provided and where necessary an interpreter may be required. This will be arranged by the Licensing Authority and the applicant will be responsible for the cost of this. Any interpreter fee must be paid before the application can be processed.

- 13.11 Any application must be submitted 8 weeks prior to the scheduled showing
- 13.12 An Officer of the Council will view the film and all the way through and recommend an age rating. The Officer will apply the standards and criteria contained within the BBFC Classification Guidelines.
- 13.13 The Licensing Manager will consider the Officers recommendation and make the final decision on the classification.
- 13.14 The Licensing Act 2003 also provides for a number of exemptions for certain types of film such as those exhibited for the purpose of advertisement, information or education.
- 13.15 If the premises or exhibition of a film is not regulated by the Licensing Act 2003, it may still be necessary to comply with the recommendations issued by the BBFC or Licensing Authority regarding classification and the admission of children for example community premises.



# 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

Open



# 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).
- 15.4 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 Application

- 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:
- Applicants must be aged 18 or over
  - Applicants must be entitled to work in the United Kingdom
  - Applicants must possess a licensing qualification or is a person of a prescribed description
  - Applicants must not have forfeited a personal licence in the five-year period prior to their application being made
  - Applicants must not have been convicted or 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<sup>th</sup> 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

There are two types of TEN applications

A 'standard' Temporary Event Notice which must be submitted at least 10 clear working days before the event. The 10 working days does not include the day the Licensing Authority receive the Notice or the first day of the event.

A 'late' Temporary Event Notice which must be submitted 5 clear working days before the event, but no earlier than nine working days before the event and again this does not include the day the Licensing Authority receive the Notice or the first day of the event.

There are certain restrictions relating to a TEN which are set out in the Licensing Act 2003 as follows:

- You must be at least 18 years old to provide for a TEN.
- You can only give a TEN if you are an individual and not a business or other organisation.
- If you hold a personal licence you may give up to 50 TENs per year, 10 of which may be late TENs.
- If you do not hold a personal licence you may give up to 5 TENs per year, 2 of which may be late TENS.

- The number of times a TEN may be given for any particular premises is 15 times in a calendar year.
- The length of time a single event may last is 168 hours.
- The aggregated number of days cover by a TEN at any individual premises may not exceed 21 days.
- There must be at least 24 hours between a TEN at the same premises.
- The scale of the event in terms of the maximum number of people attending at any one time must not exceed 499 including staff.

A calendar year for the purpose of the Temporary Event Notice restrictions and limits runs from 1st January until 31st December.

Where an event falls outside the limits as set out above, the premises user must apply for a premises licence.

Where a TEN has not been made electronically, the premises users must provide the TEN to the Licensing Authority, Environment Health Team and the Police within the prescribed time limits. If the TEN has been submitted electronically, the Licensing Authority will provide a copy to the relevant Environment Health Officer and the Police.

The Licensing Act 2003 uses the term 'given' but does not define 'given'. We consider the term to mean the date on which we as the Licensing Authority receive the TEN and not the date on which it was sent. If the premises user gives the TEN electronically, the date it is given is the next working day after the TEN is submitted electronically. We advise premises users to hand deliver notices if time is short, as we will not accept TENS received outside of the 5 working day restriction.

20.2 The Police and/or Environmental Health may object to a TEN if they believe that the event will undermine the four licensing objectives.

The Police or Environmental Health can agree with the premises users, to modify a standard TEN to enable the licensable activities to go ahead. This will only be permissible were all parties agree to the modifications.

Where the premises users has given a standard TEN and the parties cannot reach an agreement to modify the TEN, the Licensing Committee will determine as follows:

- Allow the event to proceed as stated within the notice
- Impose conditions that already apply to an existing premises licence at the premises
- Issue a counter notice to prevent the event going ahead.

20.3 If an objection has been received in regards to a late TEN (given less than five days before the event) this will be void and will not be able to be used. A Counter Notice will be issued by the Licensing Authority to cancel the TEN.

Where organisers are planning larger events, the expectation is that a premises licence will be applied for. However, there are occasions were organisers seek to divide an area of land (the premises) to create separate artificial premises for the purpose of licensing.

Where a premises user proposes to give more than one TEN for the same event, we will assess each TEN on its merits to determine whether using the TEN will undermine any of the licensing objectives. However, we will have regard to the fact that more than one TEN will be in use and we will consider the event to be a 'large event' and as such we expect the premises user to show that they have considered all elements and additional information may be requested.



# 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).

## Shadow licences and responsibilities of landlords

- 22.5 The Act permits more than one licence to be in effect at any one time at the same premises and it has been established in law that the landlord may apply for a second or subsequent licence, referred to as a 'shadow licence', on the same or similar terms to the licence already existing. The council would envisage these to be "non-operational" licences to protect the landlord's interests should the operator do something which causes the "operational" licence to be removed or lost.

The council remains concerned that the holding of additional licences has the potential to undermine the sanctions available to it in response to a review application under the Act. This would be the case if action was taken in respect of the "operational licence" in effect at the premises, but the premises continued to operate under the authority of a second licence which had not been affected by the review proceedings.

The council recognises that landlords have powers over their tenants outside of the licensing regime, and would expect responsible landlords to exert that control to promote the licensing objectives. Where the landlord fails in this there is the ability for the shadow licence to also be reviewed.

## 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:

[gov.uk/government/publications/regulators-code](https://www.gov.uk/government/publications/regulators-code)

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

## General

- 24.1 When applicants for premises licences or club premises certificates are preparing their application forms/operating schedules 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 licensing objective.
- 24.2 Whether these options may be appropriate 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.
- 24.3 Appropriate conditions for the licence or certificate will also depend on local knowledge of the Premises and its location.
- 24.4 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.
- 24.5 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.
- 24.6 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.

## Behaviour of Customers Outside Licensed Premises

- 24.7 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.
- 24.8 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. A smoking, queuing/ dispersal policy can deal with these issues.

## Door Supervisors

- 24.9 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 those who are or may become 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.

- 24.10 Conditions may also be appropriate 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).
- 24.11 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.
- 24.12 Any persons employed at licensed premises to carry out any security activity must (unless exempted by law) be licensed with the Security Industry Authority.

## Incident Report Book

- 24.13 Where appropriate 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.

License Holders are expected to assist police in the conduct of criminal investigations, this includes the preservation of crime scenes and exhibits after an incident has occurred.

## The use of glass in licensed premises

- 24.14 Glassware and Glass bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition to prevent sales of drinks in glasses or bottles for consumption on the premises may be appropriate in certain circumstances and should be risk assessed.
- 24.15 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 contain the following:
- 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.
- 24.16 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.

- 24.17 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.
- 24.18 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.

## CCTV

- 24.19 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).
- 24.20 Applicants are recommended to seek the advice of the Police with regard the installation of CCTV systems for crime prevention purposes.

## Open containers not to be taken from the premises

- 24.21 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.

## Capacity limits

- 24.22 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 of crime and disorder. Where premises are particularly overcrowded this has been shown to increase the risk of conflict between customers.
- 24.23 Where such a condition is considered appropriate, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

## Proof of age cards

- 24.24 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, a challenge policy or “proof of age” scheme should be in place at premises. Please see the section ‘The prevention of harm to children’ concerning the ‘Challenge 25’ proof of age scheme.

## Crime prevention notices

- 24.25 It may be appropriate 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 theft or terrorism.

## Signage

- 24.26 It may be best practice 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.

24.27 It may also be appropriate to have a condition offered/imposed stipulating notices be displayed on the premises requesting patrons to leave the vicinity showing consideration to local residents.

### High Volume Vertical Drinking

24.28 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.

24.29 Where 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.

Premises in the Vicinity of the London Stadium and other major sporting venues

24.30 It is recommended by the Police that applications for the supply of alcohol within a one-mile radius of the London stadium 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:-

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 footway)
- 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.

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.

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

24.32 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

## General

- 25.1 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 appropriate, would promote public safety. It should also be recognised that special issues may arise in connection with outdoor and large scale events where the Authority would expect early engagement.
- 25.2 Whether or not any risk assessment shows any of the measures to be proportionate 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.
- 25.3 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).
- 25.4 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.
- 25.5 It should be noted that conditions relating to public safety should be those which are appropriate, 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.

- 25.6 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:

## Escape routes

- 25.7 It may be appropriate 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.
- 25.8 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.

## Safety Checks

25.9 Consideration might also be given to conditions that ensure that:

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

## Capacity limits

25.10 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.

## Emergency Action Notices

25.11 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.

## Access for Emergency Vehicles

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

## First Aid

25.13 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 appropriate, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

## Lighting

25.14 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.

## Temporary Electrical Installations

25.15 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.

## Indoor Sporting Events

25.16 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).

## Alterations to the Premises

- 25.17 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.
- 25.18 Alterations may mean that an application for a new licence or a full or minor variation of the existing licence is required.

## Special Effects

- 25.19 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.
- 25.20 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.



25.21 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.

## Theatres, Cinemas, Concert Halls and Similar Places

25.22 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.

## The Terrorism (Protection of Premises) Act.

- 25.23 The Terrorism (Protection of Premises) Bill will soon become legislation. It is also known as Martyn's Law.
- 25.24 The Bill is intended to ensure public premises and events are better prepared for terrorist attacks and ready to respond. It will require them to take reasonably practicable actions, which vary accordingly, to mitigate the impact of a terrorist attack and reduce physical harm. In addition to this, certain larger premises and events must also take steps to reduce the vulnerability of the premises to terrorist attacks.
- 25.25 This will be done by mandating, for the first time, who is responsible for considering the risk from terrorism and how they would respond to a terrorist attack at certain premises and events.
- 25.26 Dedicated guidance and support will be provided for duty holders to ensure that those in scope have the required information on what to do and how best to do it.
- 25.27 There are different requirements which are determined by the capacity of the venue.
- 25.28 Persons responsible for a standard duty premises, i.e. qualifying premises where it is reasonable to expect that between 200 and 799 individuals may be present at the same time, will be required to:

- notify the regulator of their premises; and
  - put in place appropriate and reasonably practicable public protection procedures as set out in the legislation.
- 25.29 These procedures are to be followed by people working at the premises if an act of terrorism was to occur at the premises or in the immediate vicinity, which may be expected to reduce the risk of physical harm being caused to individuals. This includes ensuring there are procedures in place to provide information to individuals on the premises and to evacuate, invacuate or lockdown the premises.
- 25.30 The requirements for standard duty premises are focused on simple activities surrounding policies and procedures, which are to be followed by staff in the event of terrorist attack or suspected terrorist attack occurring. The aim of these requirements is to improve staff preparedness and responses. There is no requirement to put in place physical measures in this tier. Furthermore, the reasonably practicable element will enable standard duty premises to tailor their approach to the resources they have available.
- 25.31 Enhanced duty premises and qualifying events are premises or events where it is reasonable to expect that 800 or more individuals may be present on the premises or attend the event at the same time. In addition to the same procedures as standard duty premises, persons responsible for enhanced duty premises and qualifying events will be required to:
- notify the regulator of their premises/event;
  - put in place appropriate and reasonably practicable public protection measures that could be expected to reduce both:
    - i. the vulnerability of the premises or event to an act of terrorism occurring at the location, and
    - ii. the risk of physical harm being caused to individuals if an attack was to occur there or nearby. For example, an enhanced duty premises will be required, insofar as reasonably practicable, to implement measures relating to the monitoring of the premises and their immediate vicinity;
  - document the public protection procedures and measures in place, or proposed to put in place, and provide this document to the regulator. This document should include an assessment as to how those procedures and measures may be expected to reduce, so far as is reasonably practicable, vulnerability and risk of harm.
- 25.32 Where the responsible person for an enhanced duty premises or qualifying event is not an individual, they must appoint an individual as a designated senior individual with responsibility for ensuring that the relevant requirements are met.





# 26. Prevention of Public Nuisance

## General

- 26.1 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.
- 26.2 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.
- 26.3 Whether or not any risk assessment shows them to be appropriate 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.
- 26.4 Proportionate conditions for licences and certificates will also depend on local knowledge of the premises.

## Management and Control of Customers

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

## Hours

- 26.6 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.
- 26.7 For example where the premises are in a predominately residential area the potential for public nuisance is greater.
- 26.8 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, other licensable activities are permitted to continue. But also where an external area is permitted to have licensed activity, for example a beer garden, it may be appropriate to cease that activity earlier than the terminal hour of the rest of the premises.



## Noise and Vibration

- 26.9 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.
- 26.10 Premises that provide hot food and drink that are seeking to extend the times food is available for sale need to ensure that kitchen extract systems are appropriately silenced to operate into the night time period.

## Litter

- 26.11 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.
- 26.12 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:
- the provision of waste receptacles outside the premises,
  - notices asking customers to dispose of their rubbish responsibly and not to create litter problems, and
  - the licence holder arranging for the picking up and disposal of litter from their premises in the vicinity of the premises.

## Noxious Smells

- 26.13 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.

## Light Pollution

- 26.14 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.

## Agent of Change

26.15 It is well established that an entertainment venue moving into an area adjacent to residents has to take measures to ensure that the activities in the new building will not cause noise problems for those living nearby.

26.16 However, the position in reverse, where new residential development locates near to a noise source, has not been equally clear.

26.17 The inclusion of an explicit reference to the agent of change is therefore a change of emphasis and clarifies the application of the principle. The new paragraph 182 of National Planning Policy Framework (NPPF2) now states that both planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (e.g. places of worship, pubs, music venues and sports clubs). “Unreasonable restrictions” should not be placed on existing businesses as a result of development permitted after they were established.

“Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

26.18 The Licensing Authority will take into account the Agent of Change principles.

# 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.
- 27.7 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.
- 27.8 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.
- 27.9 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.
- 27.10 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.
- 27.11 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.
- 27.12 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 27.27 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.



## Adult Entertainment Services

27.13 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.

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

27.15 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.

27.16 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.

## Access for Children to Licensed Premises (general)

- 27.17 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.
- 27.18 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:
    - a. explain their reasons; and
    - b. 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:
    - a. explain their reasons; and
    - b. 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.

## Exhibition of Films

27.19 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:

Rating		Description
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.
12		Passed only for viewing by persons aged 12 years and over.
15		Passed only for viewing by persons aged 15 years and over.
18		Passed only for viewing by persons aged 18 years and over.

27.20 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 one under age 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.

27.21 Additional steps could include:

- 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
- The licensing authority may impose a condition once it 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.

## Theatres

27.22 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.

## Performances Especially for Children

27.23 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 wellbeing of children present on the premises during any emergency.

27.24 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.

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

## Children in Performances

27.26 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.



## Challenge 25

27.27 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.

27.28 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: [londoncp.co.uk/chapters/sg\\_licensed.htm](https://londoncp.co.uk/chapters/sg_licensed.htm)



## 28. Women's Safety

- 28.1 It is a fundamental right that women should live without fear. Newham are committed to tackling violence against women and girls and we strive to foster an environment amongst our Licensed Premises that ensure all women feel safe whether they are workers, local residents or visitors to the borough.
- 28.2 The safety of women within the evening and night time economy is crucial, as often the nighttime can pose a risk of harassment, unwelcome situations and a feeling of vulnerability. We support the GLA in their mission to create a safer city so that women feel welcome, confident and ultimately safe.
- 28.3 Newham is a proud signatory of the GLA's Women's Night Safety Charter and we advise all of our licensed premises to do the same.
- 28.4 By signing the charter, you are recognising women have the right to enjoy our licensed premises and that they should feel safe and respected when doing so. This shows that you, as an operator, are committed to improving women's safety across our borough.
- 28.5 As a licensed premises, establishing clear policies and staff training can create a more secure atmosphere and implementing simple measures such as well-lit entrances and exits and having visible security can enhance overall safety and comfort for women in social spaces.
- 28.6 The GLA have provided a helpful [toolkit](#) to guide premises on how to create a safe environment which we encourage all of our licence holders to utilise.
- 28.7 We have also set out examples of measures that can be undertaken to promote women's safety at your premises:
- Staff Training:**
- 28.8 Providing staff training which focusing on increasing the skills, knowledge and confidence to identify vulnerability and what the appropriate interventions should be.
- 28.9 We encourage regular refresher training sessions to stay updated on best practices, emerging issues and campaigns relating to the promotion of women's safety and wellbeing.
- 28.10 Multiple agencies have partnered together to create the [Welfare and Vulnerability Engagement \(WAVE\)](#) training which is a free training course and available across London.
- 28.11 This training can be access through the Safer Sounds Partnership and you can visit their website to find out more:
- [safersounds.org.uk/wave](https://safersounds.org.uk/wave)
- [saferbusiness.org.uk/training](https://saferbusiness.org.uk/training)

## Women's Safety Policy:

- 28.12 Consider creating a bespoke women's safety policy for your premises. This can be a useful tool to establish clear guidelines and expectations on how you and your staff will manage any situations that may occur.
- 28.13 It should provide a framework for reporting incidents and ensuring appropriate actions are taken. Where you have implemented a policy, all staff should be made aware and trained on the same to promote accountability.
- 28.14 Policies should be regularly review to guarantee they remain relevant and effective. Changes should be made based on feedback, incident reports, and emerging safety trends.

## Safe Space:

- 28.15 A safe space within your premises can be used by customer if they feel uncomfortable or threatened. The area should be secure and monitored by appropriate security personnel. All staff should be aware of where these areas are located within the premises.
- 28.16 Safe spaces are key for where you have adopted such schemes as 'ask for Angela' where a woman can make a discreet signal by asking for Angela, to alert staff if they are in danger or need help removing themselves from a situation. There are a number of free accessible resources available online provided by the [Ask for Angela campaign](#).

## Drink Spiking

- 28.17 As a licensed premises, suitable measures should be taken to prevent incidents of spiking. In November 2024 the Government announced that spiking will become a new criminal offence, and thousands of staff working in the night-time economy will also receive training on how to spot and tackle spiking.

The following are examples within the range of behaviours that would be considered spiking:

- Putting alcohol into someone's drink without their knowledge or permission
- Putting drugs into an alcoholic or non-alcoholic drink without their knowledge or permission

Premises must ensure all reports of spiking are acted upon and that all incidents of alleged spiking are recorded and reported to the police. It is helpful to the police if staff: obtain full details of the affected person reporting the incident, including a description of what they are wearing; can provide a description of the suspected perpetrator, if known, including clothing; can provide an approximate time of the incident and the location within the premises where they believe it occurred; can secure the drinking vessel(s) that is suspected as containing the 'drug' so this can be tested at a later time; and can seize any drinking vessel that the suspect may have been using.

Ensure the health and safety of the customer, which could be by calling emergency services, ensuring they are with trusted friends who will look after them, offering assistance if needed, and providing a safe space for the customer.

Ensure appropriate training is provided to relevant members of staff.



Review searching procedures and amend as necessary, as well as reviewing how often toilets are inspected, as victims of spiking have been found in there. Premises should also review the functionality of any CCTV and ensure it is not obscured.

Consider providing information (such as posters) regarding drink spiking in the premises.

Consider if it would be useful to provide anti-spiking bottle stoppers and protective drink covers. It may also be helpful to see if drug testing kits have been made available.

Where bottles of alcohol are purchased from the bar and left unsupervised at tables, suitable steps should be taken to ensure this doesn't pose an additional risk as a result of free pouring or putting alcohol into someone's drink without their knowledge or permission. This could lead to an increased vulnerability particularly to women and girls.

### Incident Reporting:

28.18 Reporting incidents is essential for several reasons. It helps to ensure accountability by bringing attention to inappropriate behaviour which can lead to necessary interventions and consequences for offenders. It can also contribute to recognising patterns of behaviour and trends which allows for preventative measure to be implemented.

28.19 Don't be afraid to encourage incident reporting within your premises, raising awareness can foster a culture of transparency, responsibility and ultimately it supports women in validating their experience.

[met.police.uk/ro/report/ocr/af/how-to-report-a-crime](https://met.police.uk/ro/report/ocr/af/how-to-report-a-crime)

Newham licensing police can be contacted directly by emailing

[NEMailbox.-LicensingNewham@met.police.uk](mailto:NEMailbox.-LicensingNewham@met.police.uk)

### Community Collaboration:

28.20 A collaborative working approach brings together diverse perspectives and resources. Partnering with local women's organisations, other licensed premises, police and community leaders can assist in the development of comprehensive strategies to prevent issues around women's safety for your local area and as a wider borough

28.21 Sharing best practices will work towards enhancing the overall safety in the evening and night time economy and within our licensed premises. It will open up opportunities to support localised campaigns which raise awareness about women's safety and encourage respectful behaviour ([say maaate to a mate](#) ).

28.22 These measure act as a guide and we encourage our licence holders to take responsibility in being proactive in addressing issues around women's safety.

# 29. Other Reference & Guidance

29.1 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):

- Home Office guidance, including the amended guidance issued under Section 182 of the Licensing Act 2003: [gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003](https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003)
- Safer Nightlife guidance 'Safer nightlife, Best practice for those concerned about drug use and the night-time economy' [safer nightlife](#) and for further drug-related information [Homepage | Safer Nightlife](#)
- 'Safer Crowds, Safer Venues: Good Practice for Crowd Management in UK Performance and Licensed Spaces' [safercrowdssafervenues.com/](https://safercrowdssafervenues.com/)
- Guidance and best practice issued by the Night Time Industries Association [Guidance & Best Practice - NTIA](#)
- Security Industry Authority guidance and best practice [www.gov.uk/government/organisations/security-industry-authority](https://www.gov.uk/government/organisations/security-industry-authority)
- Fire safety guidance for non-domestic premises [Fire safety: guidance for those with legal duties - GOV.UK](#)
- The Purple Guide to Health, Safety and Welfare at Outdoor Events [The Purple Guide](#)
- Event safety guidance issued by the Health and Safety Executive [hse.gov.uk/event-safety](https://hse.gov.uk/event-safety) and crowd management information [hse.gov.uk/event-safety/crowd-management.htm](https://hse.gov.uk/event-safety/crowd-management.htm)
- Risk assessment [hse.gov.uk/simple-health-safety/risk/steps-needed-to-manage-risk.htm](https://hse.gov.uk/simple-health-safety/risk/steps-needed-to-manage-risk.htm) and for a risk assessment template and worked examples [hse.gov.uk/simple-health-safety/risk/risk-assessment-template-and-examples.htm](https://hse.gov.uk/simple-health-safety/risk/risk-assessment-template-and-examples.htm)
- Advice for businesses issued by the Counter Terrorism Police [counterterrorism.police.uk/adviceforbusinesses](https://counterterrorism.police.uk/adviceforbusinesses)
- Information and resources on the 'Ask for Angela' scheme [askforangela.co.uk/](https://askforangela.co.uk/)





# 30. Other Policies and Objectives

- 30.1 Other statutory obligations which fall outside the requirements of the Licensing Act 2003 may apply to the provision of any regulated activities at a premises and the responsibility for compliance lies with the licence holder. For example, if the activity involves the preparation and/or sale of food then it is the responsibility of the applicant to ensure that all appropriate Food Safety legal requirements are met, or if alcohol is sold the full weights and measures requirements are met. It would be expected that a licensee would have registered the premises as a food business with Newham Council. Such registration is not a Licensing requirement however businesses are expected to comply with all relevant food safety and weights and measures legislation.
- 30.2 Many of the specific licensing requirements relate to matters potentially affecting public safety. In addition to these licensing requirements there are wider duties on all business (whatever their legal status and regardless of whether a licence is needed) to protect the health and safety of employees (and the self employed) as well as the public. Some of these duties are deliberately wide, generalised and all encompassing e.g. main duties under Section 2, 3, & 4 of the Health & Safety at Work etc. Act 1974, others are very specific e.g. requirements under the Control of Substances Hazardous to Health Regulations 2002, and do not apply in all circumstances. Some of these duties are absolute under law and have to be complied with, 40 of 46 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.
- 30.3 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. Planning may make representations in connection with a licensing application if an application has an adverse impact on any the four objectives.

## The Human Rights Act 1988

- 30.4 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



## Equality Act 2010

30.5 The Equality Act 2010 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

30.6 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.

30.7 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.

## The Governments Alcohol Strategy

30.8 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.

## Fire Protocol

30.9 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.

## Planning Permissions

30.10 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.

30.11 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 Planning 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 Planning 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.

30.12 The Newham Local Plan 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 are Entertainment, Food and Drink.

30.13 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.

## Pavement Licences (formally Tables and Chairs Licence)

30.14 Changes have been introduced to the Business and Planning Act 2020 under Section 229 and Schedule 22 of the Levelling-up and Regeneration Act 2023. The Regulations supporting these changes came into force on 31st March 2024. The changes remove the temporary nature of Pavement Licences making them a permanent licenced facility that can be used for outdoor dining. The measures are designed to help businesses across the local economy to significantly modify their operations, allowing the alfresco use of the street environment for the placing of tables and chairs at, street cafés, bars, and restaurants etc.

30.15 The fast-track process for businesses to obtain permission, in the form of a “pavement licence”, continues. These are available from Newham Council for the placement of furniture such as tables and chairs on the pavement outside their premises which will enable applicants to maximise their capacity whilst adhering to other guidelines.

30.16 When obtaining the above licence please ensure the area you wish to use is covered by the relevant permission for alcohol consumption, for example is the area covered for on / off sales.

### **Alcohol Control Public Space Protection Order (PSPO)**

30.17 The whole borough of Newham is subject an Alcohol Control Public Space Protection Order (PSPO). No person shall refuse to stop drinking alcohol or hand over containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer/ person. Officers will only enforce this prohibition when people drinking alcohol are currently or likely to cause anti-social behaviour. This PSPO does not prohibit drinking in public places but will give the police and other authorised persons (such as officers from the Local Authority who have designated powers) the power to confiscate alcohol, issue a fixed penalty of up to £100 or (if taken to court) a fine of up to £1000.







# 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,
- Littering and fouling.

Where the Council recognise there is such a cumulative effect it will consider adopting a 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 renewal of the existing Cumulative Impact Policy, consultation was 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 concerns from Responsible Authorities 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 Cumulative Impact Policy (see attached plans or a virtual map is available at [Cumulative impact zones \(CIZ\) - interactive premises checker map – Newham Council](#)):

- East Ham Cumulative Impact Area,
- Forest Gate Cumulative Impact Area,
- Stratford Cumulative Impact Area,
- Upton Park Cumulative Impact Area,
- Canning Town & Star Lane Cumulative Impact Area.

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, the Council is of the opinion that such crime and disorder also materially affects the promotion of the other licensing objectives in the above areas.

The effect of this 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,
- Variation applications for an existing Premises Licences.

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

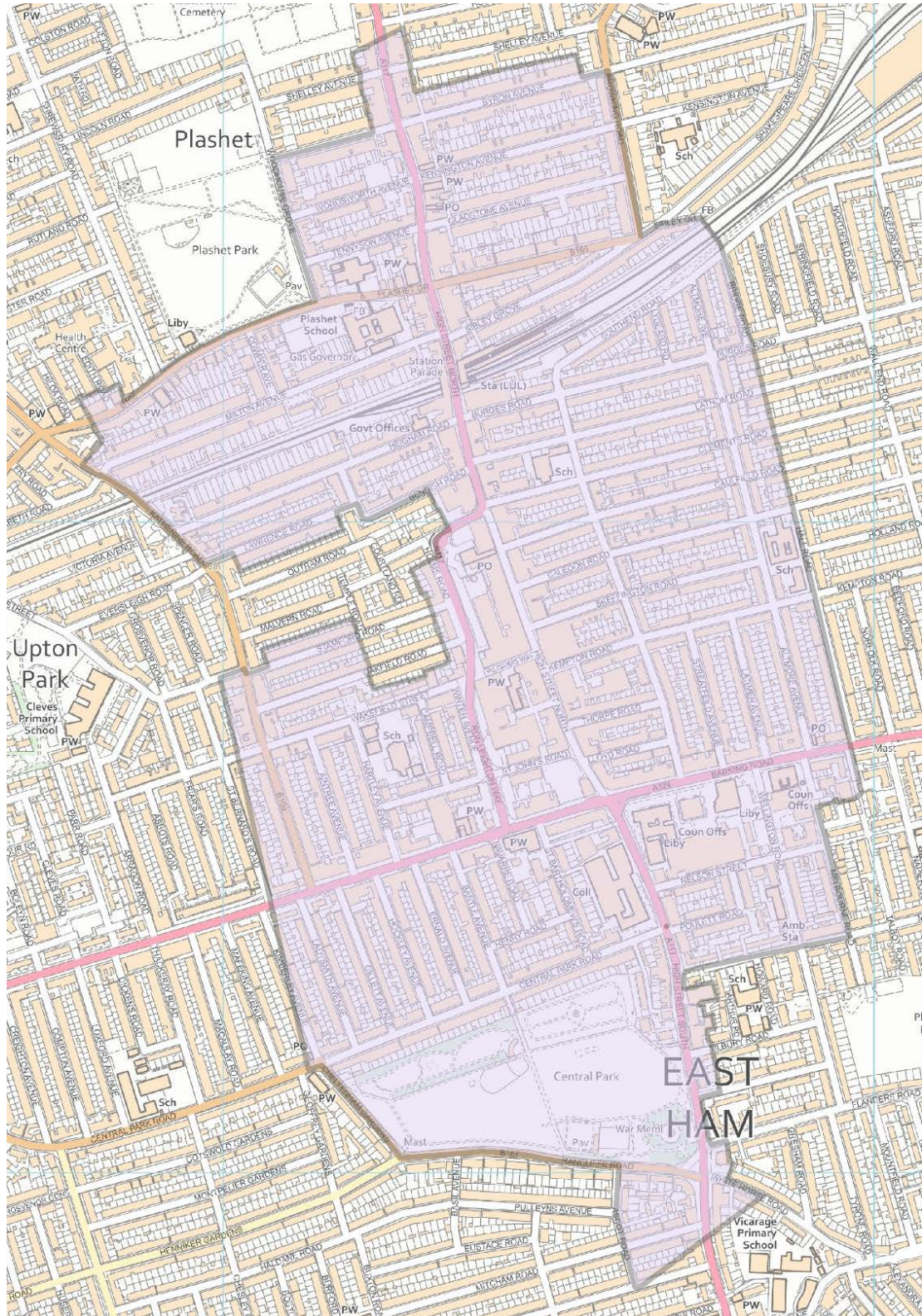
2. The Policy will not prevent applications in the above areas. Each case will be decided on its own merits, but applicants will have to demonstrate in their application that it will not add to existing problems in the area and there will be no negative cumulative impact on one or more of the licensing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

3. The Policy will apply to the following licensable activities:

- The sale by retail of alcohol,
- The provision of late night refreshment.

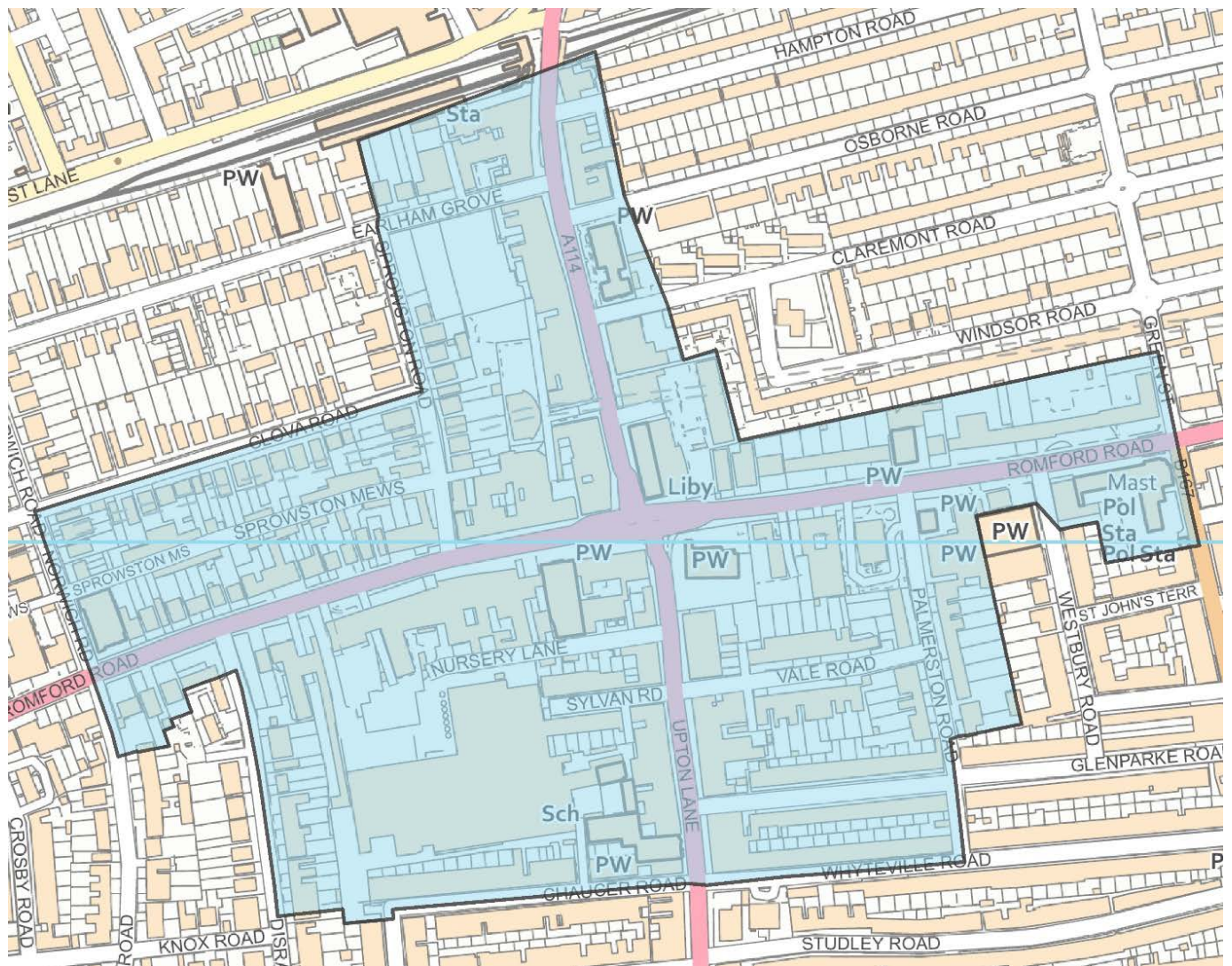


## East Ham Cumulative Impact Area



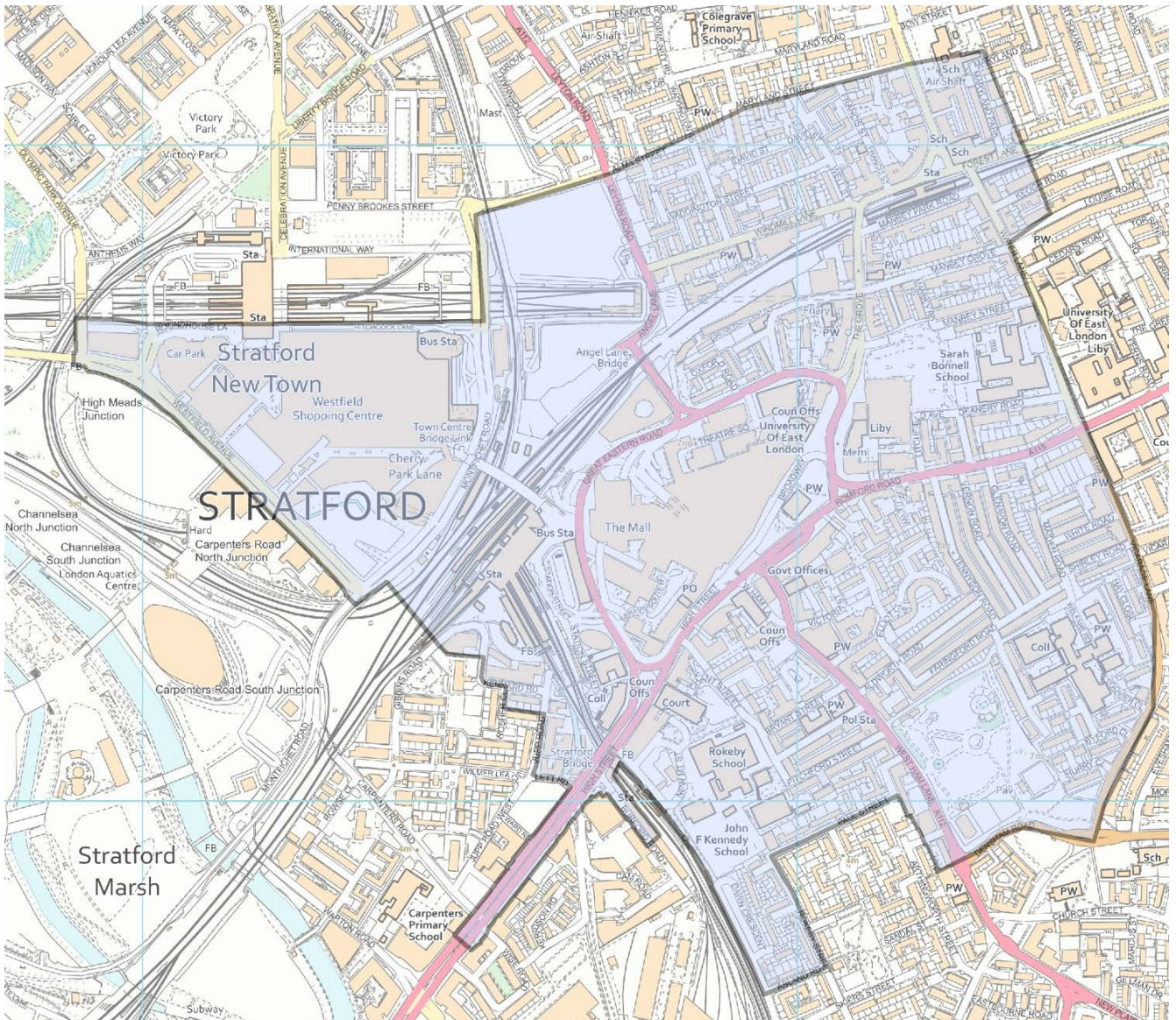


## Forest Gate Cumulative Impact Area



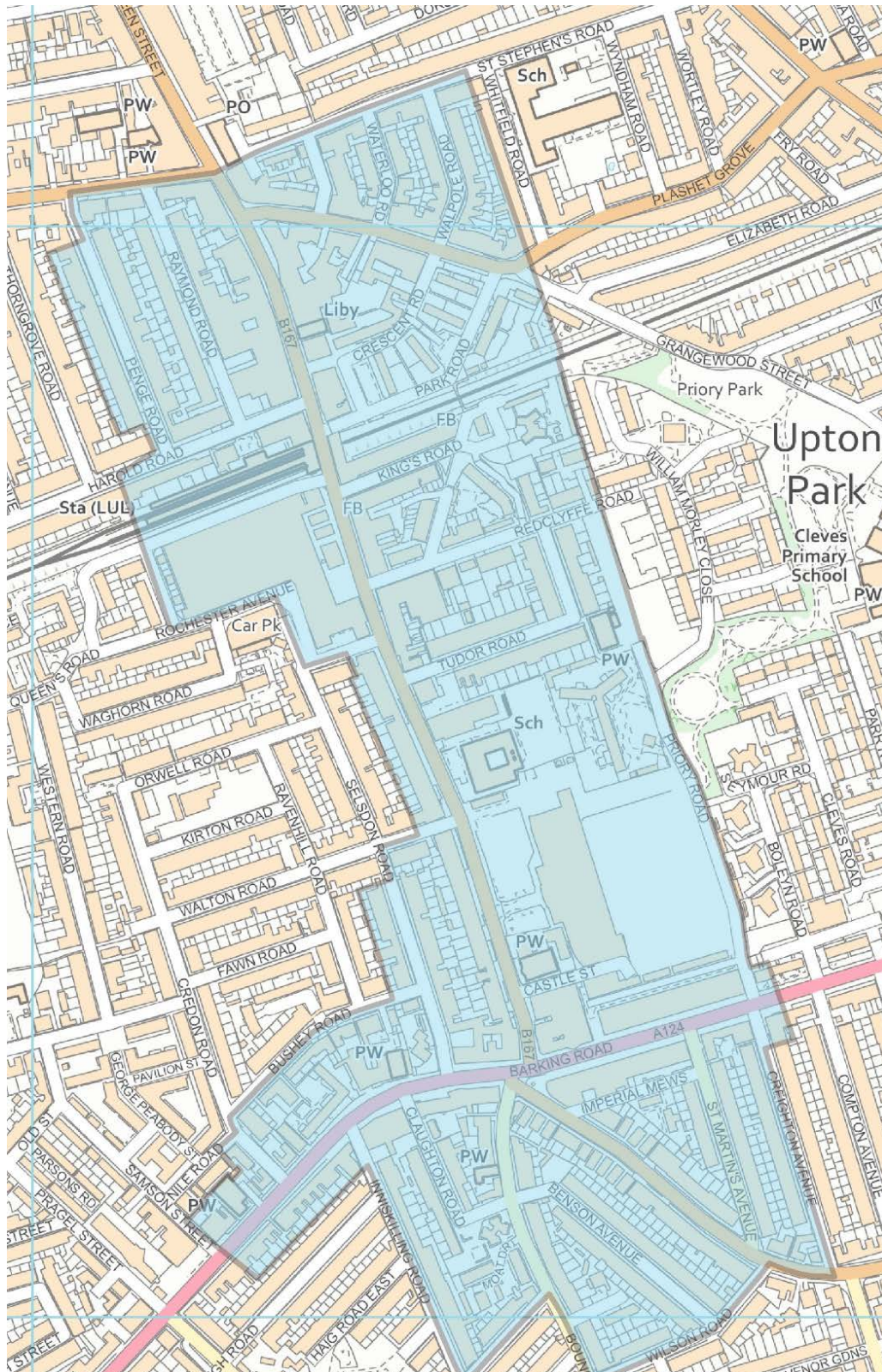


## Stratford Cumulative Impact Area



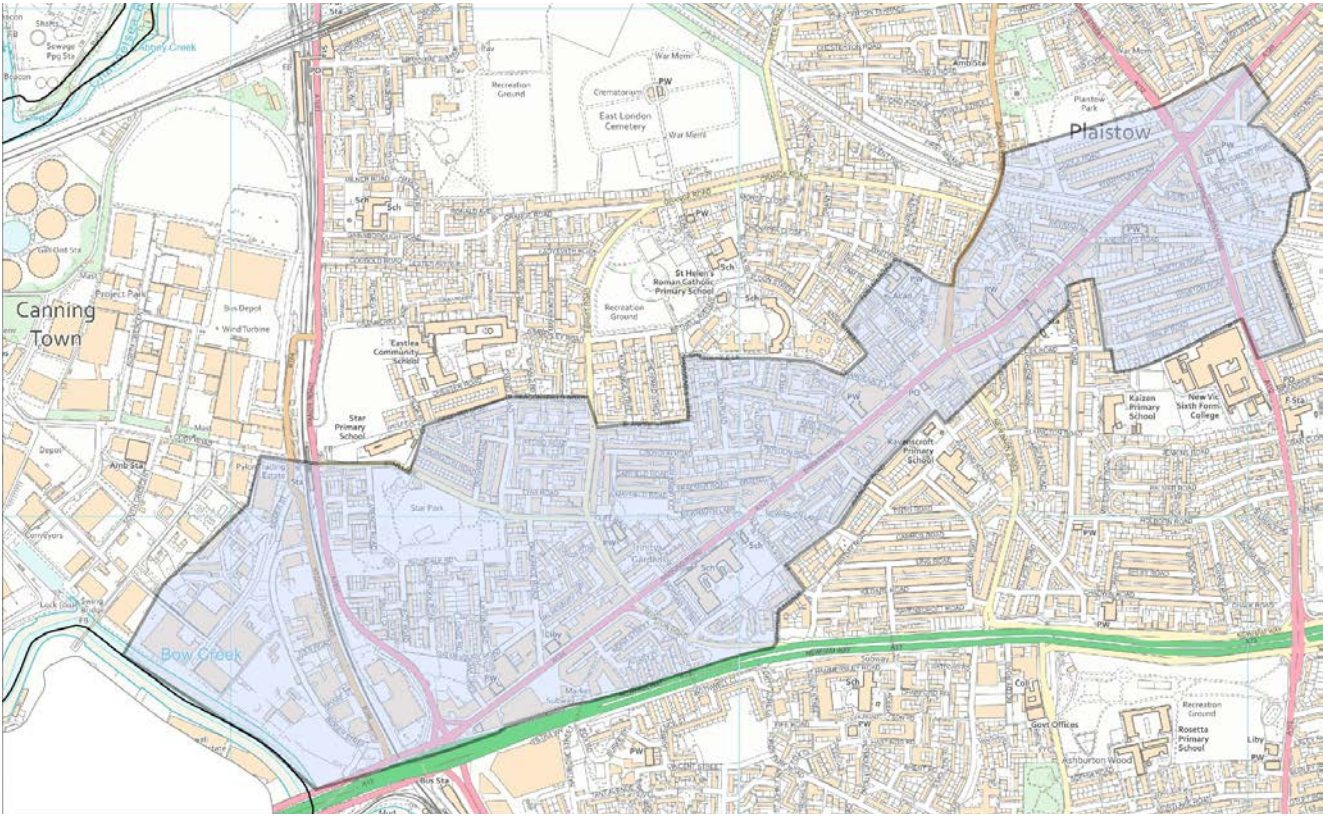


## Upton Park Cumulative Impact Area





## Canning Town & Star Lane Cumulative Impact Area



# Annex 2

## Model Pool of Conditions

These model conditions have been produced to assist prospective licence holders, responsible authorities and other individuals where they consider they would promote the licensing objectives within individual applications.

This document has been developed with all types of business in mind, so you might find some of the control measures are not practical and proportionate to your business model. The attached model conditions are not an exhaustive list which can be added on a premises licence.

The Licensing Authority strongly recommends that you consult with the responsible authorities early in the application process to ensure that the measures you are suggesting are appropriate and sufficient for your application.

If you are happy to volunteer the control measures as part of your application place a tick in the relevant boxes in the right-hand column. You can refer to this document under all four headings at Section 18 of the premises licence application form. Should you wish to offer more or alternative measures then these may be included under the relevant headings at Section 18 of the premises licence application form.

All measures offered, both in this document and/or in the operating schedule will become conditions on your licence which you shall be legally obliged to comply with.

### General - All Four Licensing Objectives

Suggested measures	Code	<input checked="" type="checkbox"/>
A duly authorised officer of Newham Council, a Police Officer or a duly authorised officer of London Fire Brigade shall, at all times, have the right of access to the premises for the purpose of ensuring compliance with the conditions of the licence.	A001	<input type="checkbox"/>
Responsibility for the safety and welfare of customers shall, at all times, rest with the licence holder/designated premises supervisor.	A002	<input type="checkbox"/>

### Designated Premises Supervisor

Suggested measures	Code	<input checked="" type="checkbox"/>
A register shall be maintained at the licensed premises showing the street drinking, licence number and contact details including telephone number, for the designated premises supervisor and personal licence holders responsible for authorising alcohol sales. This register shall be available for inspection by any authorised officer of the responsible authorities and shall be securely retained by the premises licence holder or nominated person for a period of 12 months from the date of the last entry.	A003	<input type="checkbox"/>



### Incident & Accident Register

Suggested measures	Code	<input checked="" type="checkbox"/>
A register shall be maintained on the premises to record all incidents and accidents. Records should include matters such as anti-social behaviour, admission refusals, ejections, seizure of prohibited items, casualties/unwell customers, welfare and safeguarding matters, accidents, and safety incidents. The records shall include the date, time, and location of the incident; nature of the incident; personal details and contact information for all people involved including any witnesses, SIA and personal licence numbers, any crime number and details of police officers attending. A note of the action taken, and where relevant a note of the actions to prevent any reoccurrence should also be included. The records shall be available for inspection by any authorised officer of the responsible authorities and shall be securely retained by the premises licence holder for a period of 12 months after the last entry.	A004	<input type="checkbox"/>
Incident and accident records shall be kept in a bound register with consecutively numbered pages.	A005	<input type="checkbox"/>
Incident and accident records shall be kept on a secure digital system. This information will be processed, stored, and handled in compliance with The General Data Protection Regulation.	A006	<input type="checkbox"/>

### Age Verification – Challenge 25

Suggested measures	Code	<input checked="" type="checkbox"/>
A ‘Check 25’ scheme shall be used to prevent the sale of alcohol to people under 18 years of 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: <ul style="list-style-type: none"> <li>• Proof of age cards bearing the “Pass” hologram symbol</li> <li>• UK photo driving licence</li> <li>• Passport</li> <li>• Military ID</li> </ul>	A007	<input type="checkbox"/>
All staff deployed in the serving of alcohol and for managing admission to age restricted premises shall be trained on the correct procedures for age verification, the prevention of proxy sales, the prevention of sales to those who appear intoxicated and for dealing with false and any surrendered identification documents.	A008	<input type="checkbox"/>
There shall be a register for the recording of all alcohol sale refusals, including attempted under-age sales, proxy sales and refusals to those who appear intoxicated. Details to be recorded shall include the date, time, name if known, physical description of the person, the reasons, and staff involved and whether CCTV of the incident is available. Any identification document coming into the possession of a member of staff including security staff shall be recorded in the register, including the name of the person/name on the identification document. The register shall be available for immediate inspection by any authorised officer of the responsible authorities and shall be securely retained by the premises licence holder for a for a period of 12 months from the date of the last entry. The premises licence holder shall provide secure storage for identification documents and a system for safe disposal, which may include returning to the originating organisation, e.g. DVLA/HM passport office.	A009	<input type="checkbox"/>

## Welfare & Vulnerability

Suggested measures	Code	<input checked="" type="checkbox"/>
The premises licence holder will train all staff in welfare and vulnerability engagement training (WAVE) and Ask for Angela. Refresher training will be conducted of all staff at least every 6 months, and when any local initiative is launched. Representatives from the Metropolitan Police Service and the Local Authority will be invited to attend this training.	A010	<input type="checkbox"/>
Ask for Angela posters will be displayed and maintained in the toilets.	A011	<input type="checkbox"/>

## Counter Terrorism

Suggested measures	Code	<input checked="" type="checkbox"/>
The premises licence holder/designated premises supervisor shall have systems in place for dealing with and reporting any suspicious items, activity, or unusual behaviour, including attack response procedures. All employees, volunteers, contractors and security staff shall have a clear understanding of such systems and procedures.	A012	<input type="checkbox"/>

## The Prevention of Crime and Disorder

### CCTV

Suggested measures	Code	<input checked="" type="checkbox"/>
A suitable closed-circuit television (CCTV) system shall be in operation whilst members of the public are in attendance. The CCTV system shall record images to cover all areas of the licensed site to which the public have access (save for toilets/showers/changing areas). The CCTV system shall record images to cover external areas used by customers. At least one member of staff shall be on duty at the premises who can operate the system and download recorded images. These images will be downloaded and provided immediately, or where this is not possible as soon as practicable, on request to an officer of a responsible authority. The CCTV system shall be capable of retaining images for a minimum of 31 days, will be of good quality and will contain the correct time and date stamp information. The CCTV system and images will be kept in a secure environment to which members of the public will not be permitted access.	A013	<input type="checkbox"/>

### Security Staff

Suggested measures	Code	<input checked="" type="checkbox"/>
The premises licence holder shall provide accredited security staff on the occasions and to the numbers as identified through a risk assessment.	A014	<input type="checkbox"/>
Accredited security staff shall be provided on each occasion that the premises are operating under the terms of the Premises Licence. The numbers, days and times during which security staff are present will be identified through a risk assessment carried out by the premises licence holder.	A015	<input type="checkbox"/>
The minimum number of accredited security staff on duty shall be: _____	A016	<input type="checkbox"/>
The days & times during which security staff shall be present as a minimum are: _____	A017	<input type="checkbox"/>

Suggested measures	Code	<input checked="" type="checkbox"/>
Security staff shall be provided with induction training so that they have a full understanding of their roles and responsibilities and are fully conversant with the policies and procedures unique to the premises, including safeguarding and welfare arrangements, communication methods and emergency response procedures.	A018	<input type="checkbox"/>
A security register shall be maintained at the premises for the recording of all security staff on duty on each occasion. The register shall include for each individual: full legible name; SIA registration number; the date and times they commenced and finished duty; and verification by the individual in the form of their signature. This register shall be available for inspection by any authorised officer of the responsible authorities and shall be securely retained by the premises licence holder or nominated person for a period of 12 months from the date of the last entry.	A019	<input type="checkbox"/>

### Search & Admissions

Suggested measures	Code	<input checked="" type="checkbox"/>
A search policy shall be in operation and shall be a condition of entry to the premises.	A020	<input type="checkbox"/>
Notices shall be prominently displayed at entrances of the premises setting out the search and admissions policy.	A021	<input type="checkbox"/>
All staff deployed for conducting searches shall receive training on the search policy, the procedures for reporting and recording incidents and the safe retention of prohibited items.	A022	<input type="checkbox"/>
A suitable purpose-made receptacle for the safe retention of illegal substances shall be provided and arrangements made for the safe disposal of its contents as agreed with The Metropolitan Police.	A023	<input type="checkbox"/>
The premises licence holder/designated premises supervisor shall inform Metropolitan Police immediately of any search resulting in a seizure of drugs where the supply of drugs is suspected. Personal use seizures should be placed immediately in the drug safe and recorded in the incident register.	A024	<input type="checkbox"/>
The premises licence holder/designated premises supervisor will inform Metropolitan Police immediately where a search results in the seizure of an offensive weapon.	A025	<input type="checkbox"/>
Glass and other sharp objects shall be stored and disposed of safely using suitably secured receptacles.	A026	<input type="checkbox"/>

### Responsible Alcohol Sales

Suggested measures	Code	<input checked="" type="checkbox"/>
Patrons are not permitted to remove drinks in open bottles/glasses or other open vessel from the licensed premises.	A027	<input type="checkbox"/>
Patrons are not permitted to remove drinks in open bottles/glasses or other open vessel from the licensed premises save for external areas designated as a beer garden or similar.	A028	<input type="checkbox"/>



## Public Space Protection Order

Suggested measures	Code	<input checked="" type="checkbox"/>
Notices indicating the existence and effect of a Public Spaces Protection Order (PSPO) shall be prominently displayed at the exits to the licensed premises site, including any external drinking area, which can be clearly seen by people leaving.	A029	<input type="checkbox"/>

## Food Led Premises

Suggested measures	Code	<input checked="" type="checkbox"/>
The premises shall be and remain predominantly food led.	A030	<input type="checkbox"/>
Sales of alcohol for consumption on the premises shall only be made to customers who are having a sit down table meal as ancillary to that meal. There shall be no vertical drinking permitted in the premises and there shall be no off sales of alcohol.	A031	<input type="checkbox"/>
The sale/supply of alcohol shall only be made to accompany the sale of food. This does not preclude the sale/supply of alcohol to a person waiting to be seated in the restaurant or at the conclusion of the meal.	A032	<input type="checkbox"/>
Table service shall be in operation at all times.	A033	<input type="checkbox"/>

## Off-Sales (convenience stores and similar)

Suggested measures	Code	<input checked="" type="checkbox"/>
No spirits to be sold in bottles less than 35cl.	A034	<input type="checkbox"/>
Outside of the permitted hours all alcohol shall be screened off from exposure for sale and display by a solid, lockable barrier.	A035	<input type="checkbox"/>
The display of spirits shall be in an area accessible only by staff (front counter).	A036	<input type="checkbox"/>
There shall be no sale of beer, cider, lager and stouts of 6% alcohol by volume or above.	A037	<input type="checkbox"/>
The display of high-strength beers, ciders, stouts and lagers of 6% alcohol by volume and above shall be in an area accessible only by staff.	A038	<input type="checkbox"/>
All containers of alcohol sold from the premises shall be clearly and permanently marked with the name and postcode of the premises.	A039	<input type="checkbox"/>
The DPS, the premises licence holder or a personal licence holder must be present on the premises during licensable hours.	A040	<input type="checkbox"/>
A minimum of 4 cans or bottles of cider, stout, lager or beer must be sold at any one time.	A041	<input type="checkbox"/>
No single cans or bottles of beer, lager, cider or stout to be sold at any one time.	A042	<input type="checkbox"/>

### Alcohol Delivery Services

Suggested measures	Code	<input checked="" type="checkbox"/>
There will be no access to the licensed premises by members of the public at any time whilst the premises licence has effect, except for those who use the premises for their business, employment, or residence.	A043	<input type="checkbox"/>
The premises licence holder/designated premises supervisor shall adopt a `Challenge 25' age verification policy that shall be applied at the point of order, sale and on delivery.	A044	<input type="checkbox"/>
All people involved in the delivery of alcohol, be this the premises licence holder/designated premises supervisor, employees or third party courier, shall at the point of delivery be satisfied that the person to who the alcohol is being delivered is 18 years and over. If at any point of the process acceptable photographic age verification documents cannot be produced, the delivery shall be refused, and alcohol returned to the licensed premises.	A045	<input type="checkbox"/>
Deliveries shall only be made to the address indicated on the order.	A046	<input type="checkbox"/>
Deliveries shall only to be made to bona fide business/commercial addresses or private residences and not to any public/open spaces (e.g. car parks, street corners, bus stops, public parks).	A047	<input type="checkbox"/>
With regards to all third-party couriers used to provide the delivery of alcohol, the premises licence holder/designated premises supervisor shall have a contractual arrangement with each third party to be satisfied that the promotion of the licensing objectives and terms of the premises licence are complied with at all times, with particular attention to the point of delivery.	A048	<input type="checkbox"/>
Hackney Carriages or private hire vehicles shall not be used for deliveries under any circumstances.	A049	<input type="checkbox"/>
The premises licence holder/designated premises supervisor shall keep records of or have access to all alcohol orders. Records shall include for each order: the full name and address of who made the order; age verification at point of order; any refusals made at the point of order; the items ordered; the date and time of the despatch; details of the delivery provider/driver; the date and time of delivery; the full postal delivery address; the name and date of birth of the person receiving the order; detail of identification/proof of age documents received; details of any refusals at the point of delivery including reasons. Records shall be retained at the licensed premises for a period of 12 months and be produced on request for inspection by a police officer or an authorised person of the licensing authority.	A050	<input type="checkbox"/>

### Late Night Refreshments

Suggested measures	Code	<input checked="" type="checkbox"/>
Prohibition of alcohol: No person shall be permitted to bring alcohol into the premises to drink either, whilst consuming food inside, or whilst waiting to collect a takeaway order.	A051	<input type="checkbox"/>
Clearing the premises: The premises shall be cleared of all members of the public consuming food or hot drinks inside and by takeaway customers and delivery riders / drivers by 0400 hours on the day following Monday-Sunday.	A052	<input type="checkbox"/>

Suggested measures	Code	<input checked="" type="checkbox"/>
Children / Welfare and Vulnerability Engagement: a) Unaccompanied children under 16 years of age shall not be permitted to be in the premises after 2200 hours on Monday-Sunday. b) The premises licence holder has a duty of care to safeguard vulnerable persons of any age or gender under the public safety, licensing objective.	A053	<input type="checkbox"/>
Noise: a) All access and egress doors and windows shall be kept closed except for access and egress. b) A clear notice shall be displayed at every exit from the premises to instruct customers to respect the needs of local residents and leave the premises and the area quietly. c) All third party delivery drivers / riders shall be instructed to wait inside the premises and not to leave their engines running, to close car doors, and not to play loud music whilst outside the premises.	A054	<input type="checkbox"/>

### Promoted Events

Suggested measures	Code	<input checked="" type="checkbox"/>
Where the premises, or parts of the premises are hired out to third parties or used by events promoters, the premises licence holder must ensure that the licence conditions and licensing objectives are not compromised.	A055	<input type="checkbox"/>
In respect of promoted events, that is, any events involving the conduct of licensable activities at the premises that are organised by persons other than the premises licence holder or those under his direct control, the premises licence holder shall ensure that a register is maintained in a bound book kept for that purpose. The register shall be kept at the premises and shall be produced by the designated premises supervisor (or his nominated deputy in his absence) to an authorised officer of the Licensing Authority or the Police upon request. The register shall record the following: a) Date and time of event and brief description of it; b) Name of the promoter(s), that is, the person(s) responsible for organising the event; c) Where the promoter is a company, its registered number; d) The proper address of the promoter; e) Contact telephone number for promoter.	A056	<input type="checkbox"/>
A documented risk assessment of promotional or one-off 'entertainment' events shall be conducted by the licence holder of the premises and such risk assessment shall be available upon request by an authorised officer of the Council or the Police. Promotional or one-off events shall be notified to the Licensing Authority and the Police at least one month prior to the proposed event.	A057	<input type="checkbox"/>

### Communication & Engagement

Suggested measures	Code	<input checked="" type="checkbox"/>
The premises licence holder/designated premises supervisor will belong to a recognised trade body or PubWatch Scheme where one exists, whose aims include the promotion of the licensing objectives.	A058	<input type="checkbox"/>

## Public Safety

### Fire Safety

Suggested measures	Code	<input checked="" type="checkbox"/>
The premises licence holder shall hold a current Fire Risk Assessment which shall be available for inspection by any authorised officer.	A059	<input type="checkbox"/>
All employees, security personnel and volunteers shall receive training on the fire safety arrangements for the premises, including the use of appropriate firefighting equipment, the procedures for raising alarm, safe evacuation, and care of patrons, and for calling the emergency services.	A060	<input type="checkbox"/>
There shall be clear designated routes for access of emergency vehicles always kept available.	A061	<input type="checkbox"/>

### Health & Safety

Suggested measures	Code	<input checked="" type="checkbox"/>
A suitably trained and competent person shall conduct regular safety checks of the premises including decorative and functional fixtures, floor surfaces, stairways, guarding, glazing and equipment (including electrical appliances) to which the public may come into contact. Records of these safety checks must be kept and made available for inspection by an authorised officer.	A062	<input type="checkbox"/>
Safety checks shall be conducted before each occasion the premises open to the public.	A063	<input type="checkbox"/>
Members of the public shall be prevented from accessing hot food and drink preparation areas to prevent risk of scald or burns.	A064	<input type="checkbox"/>
All drinks shall be served in non-glass containers.	A065	<input type="checkbox"/>
No drinks shall be served in cans.	A066	<input type="checkbox"/>
No glass containers or cans shall be taken into an area of the premises where a live performance is taking place.	A067	<input type="checkbox"/>
All drinks to be taken outdoors shall be in non-glass containers.	A068	<input type="checkbox"/>
Empty bottles and glasses shall be regularly collected and securely disposed, with particular attention to balcony areas, raised levels and outdoor areas.	A069	<input type="checkbox"/>

### Special Effects

Suggested measures	Code	<input checked="" type="checkbox"/>
The premises licence holder/designated premises supervisor shall have a risk assessment and a health and safety policy for the use of special effects. Those in charge of such effects shall be appropriately trained in the use of special effects and ensure that they are only used for the purpose as intended.	A070	<input type="checkbox"/>
Newham Commercial Environmental Health Team shall be notified 10 days prior to the installation of new display laser equipment or modification of an existing installation.	A071	<input type="checkbox"/>
No strobes, lasers or smoke machines will be used at the premises unless there is a clearly displayed warning at the entrance to the premises that such equipment is in use.	A072	<input type="checkbox"/>



**Staff Safety**

Suggested measures	Code	<input checked="" type="checkbox"/>
The premises licence holder/designated premises supervisor shall arrange for safe travel arrangements for those employees on evening/early morning shifts.	A073	<input type="checkbox"/>

**Queue Systems**

Suggested measures	Code	<input checked="" type="checkbox"/>
Queue systems shall be restricted to designated and controlled areas that are organised to prevent any risk to customers and pedestrians from vehicles.	A074	<input type="checkbox"/>
Security staff shall be deployed to manage and supervise queues.	A075	<input type="checkbox"/>

**First Aid**

Suggested measures	Code	<input checked="" type="checkbox"/>
A suitably trained First Aider or appointed person shall be provided at all times when the premises are open.	A076	<input type="checkbox"/>
(Sporting Events) An appropriately qualified medical practitioner shall be present throughout any sporting entertainment.	A077	<input type="checkbox"/>
(Premises near a watercourse) Staff holding a current qualification issued by a recognised national body in rescue and life safety procedures will be stationed and remain in the vicinity of any watercourse at all material times.	A078	<input type="checkbox"/>
First Aid equipment shall be always available on the premises.	A079	<input type="checkbox"/>
A dedicated equipped first aid/rest room shall be staffed by medically trained personnel whilst the public are in attendance.	A080	<input type="checkbox"/>
Staff, SIA security personnel, stewards and volunteers shall be trained in procedures for dealing with unwell members of the public including those who appear to be affected by alcohol or drugs.	A081	<input type="checkbox"/>

## The Prevention of Public Nuisance

### Noise & Vibration

Suggested measures	Code	<input checked="" type="checkbox"/>
Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.	A082	<input type="checkbox"/>
Unless contrary to fire precautions/procedures, all access and egress doors and windows shall be kept closed whilst the licence is in use (*or specify time).	A083	<input type="checkbox"/>
No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.	A084	<input type="checkbox"/>
Alarms shall be fitted to (*specify location of external windows/fire doors) to alert staff when (they are)(it is) opened without authorisation.	A085	<input type="checkbox"/>
No music or speech shall be relayed via external speakers other than for events where the prior approval of the licensing authority has been obtained.	A086	<input type="checkbox"/>
Noise from music and associated sources shall not be audible in noise sensitive premises (between the hours of xxxx and xxxx)(insert times or 'at any time').	A087	<input type="checkbox"/>
A noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the premises licence.	A088	<input type="checkbox"/>
The noise limiting device shall be properly secured so that it cannot be tampered with.	A089	<input type="checkbox"/>
The manager, licence holder or other competent person shall carry out observations in the vicinity of the properties at (insert location), on at least (insert time period e.g. hourly) intervals between (insert start time) and (insert finish time) whilst the premises licence is in use in order to establish whether there is a noise breakout from the premises. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity, then the volume of music shall be reduced to a level that does not cause disturbance. A record of such observations shall be kept in a book for that purpose, such a book shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout. Such book to be made available at all times upon request to an authorised officer of the Council.	A090	<input type="checkbox"/>
(i) A report shall be submitted to the Council detailing the potential for noise from (insert - amplified music, refrigeration, heating, ventilation and air conditioning plant etc.) at the premises from affecting neighbouring noise sensitive properties at (insert).  (ii) If the assessment indicates that noise from the premises is likely to affect neighbouring noise sensitive properties then it shall include a detailed scheme of noise mitigation measures to show that nuisance will not be caused to the occupiers of neighbouring noise sensitive properties by noise from the licensed premises.  (iii) All recommended works shall be completed prior to the commencement of the premises licence and the Licensing Authority is to be notified at least 5 days in advance of the works being completed and the premises being used.	A091	<input type="checkbox"/>
A clear notice shall be displayed at every exit from the premises to instruct customers to respect the needs of local residents and leave the premises and the area quietly.	A092	<input type="checkbox"/>
Noise from any ventilation, refrigeration or air conditioning plant or equipment shall not cause nuisance to the occupants of any properties in the vicinity.	A093	<input type="checkbox"/>

Suggested measures	Code	<input checked="" type="checkbox"/>
Deliveries relating to the licensed activities shall only take place between (insert hours and days as necessary).	A094	<input type="checkbox"/>
A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.	A095	<input type="checkbox"/>

## Dispersal

Suggested measures	Code	<input checked="" type="checkbox"/>
There shall be a cooling down period where music volume is reduced towards the closing time of the premises.	A096	<input type="checkbox"/>
Security staff shall be deployed to external areas of the premises until such time that all customers have left the area.	A097	<input type="checkbox"/>
The premises licence holder/designated premises supervisor shall ensure that external areas of the premises are monitored until such time that all customers have left the area.	A098	<input type="checkbox"/>
A telephone communication link to private hire/hackney carriage services shall be available for customer use.	A099	<input type="checkbox"/>
'Polite' notices shall be displayed at exits and external areas reminding customers to refrain from shouting and antisocial behaviour.	A100	<input type="checkbox"/>

## Litter

Suggested measures	Code	<input checked="" type="checkbox"/>
Litter bins shall be available for customer use outside the premises.	A101	<input type="checkbox"/>
The licence holder/designated premises supervisor shall provide litter patrols and litter generated by customers shall be cleared away regularly.	A102	<input type="checkbox"/>
The licence holder shall ensure that adequate measures are in place to remove litter or waste arising from their customers and to prevent such litter from accumulating in the immediate vicinity of their premises. In particular, where necessary the premises licence holder shall ensure that adequate measures are in place to provide customers with sufficient receptacles for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc.	A103	<input type="checkbox"/>

## The Protection of Children from Harm

### Adult Entertainment

Suggested measures	Code	<input checked="" type="checkbox"/>
People under 18 years (including staff) shall not be admitted to the premises when entertainment of an adult nature is taking place.	A104	<input type="checkbox"/>
Clear signage shall be provided stating that entertainment of an adult nature is occurring which is not suitable for people under 18 years of age.	A105	<input type="checkbox"/>
Staff shall be deployed at entrance doors to prevent entry of people under 18 years and to conduct age verification checks.	A106	<input type="checkbox"/>
Advertising material shall not contain photographs or references of an adult nature or suggest that striptease or similar entertainment takes place on the premises.	A107	<input type="checkbox"/>
Performances shall not be viewable or audible from the outside of the premises.	A108	<input type="checkbox"/>

### Event management plans (EMPs) – large venues and events

Suggested measures	Code	<input checked="" type="checkbox"/>
The detailed operational procedures and practices that the licence holder has agreed to carry out when licensable activities are taking place at the premises are set out in the Event Management Plan that is attached to this licence (as Appendix 1). These documents must be kept on the licensed premises and shall be made available immediately upon request for inspection by Police and or Local Authority officers.	A109	<input type="checkbox"/>
If the licence holder wishes to make any significant changes to EMP the Licensing Authority and all the relevant Responsible Authorities shall be notified via e-mail 14 days prior to the event taking place and the section(s) of the EMP to be amended shall be forwarded.	A110	<input type="checkbox"/>



