

# **LONDON BOROUGH OF WALTHAM FOREST STATEMENT OF LICENSING POLICY**

**14<sup>th</sup> July 2022**

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## **1. BACKGROUND**

### **1.1 Introduction**

1.1.1 The laws relating to alcohol sales, public entertainment and late night refreshment are governed by the [Licensing Act 2003](#) (the Act). The London Borough of Waltham Forest as licensing authority has responsibility for licensing and outlets in the Borough that sells alcohol. In addition, premises that supply alcohol to club members and their guests, premises that provide regulated entertainment and premises that sell late night refreshments between 11.00pm and 5.00am are licensed under the Act.

1.1.2 The Council welcomes the powers in the Act and aims to use them in consultation with responsible authorities, licensees and the general public in a socially responsible way. The Council seeks to encourage and promote a broad range of entertainment, recognising the wider cultural benefits for local communities.

1.1.3 The Act requires licensing authorities to determine and to publish, every five years, a Statement of Licensing Policy. This sets out the policies which the Council, as licensing authority, will apply in the exercise of its licensing function. The Act also requires the Council to consult with those who may be affected by the Policy. The previous Policy was published in May 2017.

1.1.4 In drafting this Policy, the Council wants to see it used to help secure its vision of working with local communities to make Waltham Forest a better place to live, work and visit. It is expected that implementation of this policy will contribute significantly to the Council's corporate objective of creating safer and stronger communities.

1.1.5 The guidance issued by the Secretary of State under section 182 of the Act, as well as the licensing objectives set out in the Act, have been taken into account in developing this policy.

### **1.2 Consultation**

1.2.1 There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration. Before determining its policy for any five-year period, the following were consulted:

- The Chief Officer of Police;
- The Fire Authority;

- Representatives of local holders of premises licences;
- Representatives of local holders of club premises certificates;
- Representatives of local holders of personal licences;
- Representatives of businesses and residents in the borough;
- Representatives of local late night take-away food businesses;
- Safety Net Crime & Disorder Reduction Partnership.

Prior to determining this revised Policy, the Council also consulted bodies of current licence holders with representatives of the Council's Planning, Environmental Services and Highways Department.

1.2.2 In developing a licensing policy statement that will deliver the licensing objectives (see 2.4 below) locally, views were sought on what should be included in the Council's 'Statement of Licensing Policy'. This was an opportunity for us to collect views on what should be in the statement of policy to ensure that it reflects the local balance between the commercial interests of the licensed trade and the communities they serve and impact upon.

## **2. INTRODUCTION**

2.1 The London Borough of Waltham Forest (the Council) is responsible under the Act for the licensing of the following activities:

- The sale by retail of alcohol;
- The supply of alcohol by clubs;
- The provision of regulated entertainment (including temporary events), including:
  - a) Film exhibitions,
  - b) Performances of plays,
  - c) Indoor sporting events,
  - d) A boxing or wrestling entertainment,
  - e) Live music performances,
  - f) Playing of recorded music,
  - g) Performances of dance
- The provision of late night refreshment.

There are a number of exemptions: details of these are set out in full in [Schedule 1 of the Act](#).

2.2 The Act makes provisions for the licensing of individuals for the retail sale of alcohol (personal licences), the licensing of premises for the retail of alcohol, provision of regulated entertainment or late night refreshment

(premises licences), the supply of alcohol or the provision of regulated entertainment in certain clubs (club premises certificates) and the permitting of certain licensable activities on a temporary basis (temporary event notices).

- 2.3 The aim of the policy is to regulate the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. The conditions attached to the licence or other authorisations issued under the Act will be focused on matters within the control of the licensees and others in possession of relevant authorisations. Home Office [Guidance](#) makes it clear that licensing law is not the primary mechanism for the general control of individuals once they are away from a licensed premises and therefore beyond the direct control of individual licensees or certificate holders. However, licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a smoking shelter, where and to the extent that these matters are within their control.

In so doing, the Council intends to secure the amenity and safety of residential communities while facilitating a sustainable entertainment and cultural industry. The Council, in adopting the licensing policy, recognises both the needs of residents for a safe and healthy environment in which to live and work, and the importance of safe and well-run licensed premises to both the local economy and vibrancy of the Borough. It is the Council's wish to facilitate well-managed premises with licence holders, displaying sensitivity to the impact of the premises on local residents.

- 2.4 In carrying out its licensing functions, the Council will promote the following four **licensing objectives** set out in the Act:

- **Prevention of Crime and Disorder;**
- **Public Safety;**
- **Prevention of Public Nuisance; and,**
- **Protection of children from harm.**

- 2.5 In determining applications, consideration will be given to matters which impact on one or more of these objectives, each of which is considered to have equal importance. Each application within the Council's jurisdiction will be considered and determined on its own individual merits.

- 2.6 To achieve these objectives, the Council will use a full range of measures including its planning controls, transport controls as well as crime and disorder policies and powers.

- 2.7 The policy provides guidance to applicants, responsible authorities and interested parties on the general approach the Council will take in terms of licensing.
- 2.8 The Council recognises that proper account will have to be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community. Conditions to be imposed on relevant licences will not, therefore, discourage the promotion of such entertainment but will relate solely to the promotion of the licensing objectives. Premises providing live music or culture will be represented on licensing stakeholder forums. In addition, local cultural officers and town centre managers will be consulted as appropriate in relation to the promotion of events.
- 2.9 The Council recognises that a balance needs to be struck between the [sometimes competing] interests of owners, employees, customers and neighbours of pubs, clubs, late night catering establishments and off licenses. It will, however, always be guided by the four licensing objectives set out in the Act. It will use its powers to promote best practice and to deter poor practice in relation to the operation of licensed premises.
- 2.10 The Policy will not undermine the applicant's right to apply under the Act for a variety of permissions, nor does it override the right of any person to make representations on any application or seek a review of a licence or certificate.
- 2.11 The Council, in determining applications, will have due regard to the following:
- Any arrangements that have been made for liaison between police and licensing and local authority transport committees. These committees may take account of the need to disperse people from town and city centres swiftly and safely to avoid concentrations of people which produce disorder and disturbance
  - Any arrangements that have been made for the Licensing Committee to receive, when appropriate, reports on the needs of the local tourism economy
  - Any arrangements that have been made for the Licensing Committee to be apprised of the local employment situation and the need for investment and employment where appropriate.

### **3. PERSONAL LICENCES**

- 3.1 Personal licences authorise individuals to sell or supply alcohol or authorise the sale or supply of alcohol for consumption on or off the premises for which a premises licence is in force for the carrying-on of that activity. A personal licence remains valid unless surrendered or suspended, revoked or declared forfeit by the courts. The licensing authority which issued the licence remains the “relevant licensing authority” for it and its holder. This remains the case even if the individual moves from the area or takes employment elsewhere.
- 3.2 The Council recognises it has very little discretion regarding the granting of these licences. In general, provided an applicant is over 18 and has an approved qualification, and does not have certain specified criminal convictions, the application has to be granted.
- 3.3 An application for a personal licence to sell alcohol must be made in the form specified in government guidance or regulation. The requisite fee must also accompany the application form.
- 3.4 An applicant for a personal licence (whether ordinarily resident in England and Wales or from a foreign jurisdiction) must establish whether or not he has unspent convictions for a relevant offence, foreign offence, immigration offence or as been required to pay an immigration penalty. The application form for a personal licence lists the relevant offences and contains a warning that the making of any false statement is a criminal offence liable to prosecution. The licensing authority will notify the Police or Secretary of State (Home Office), as appropriate, if an applicant is found to have an unspent conviction or has been required to pay an immigration penalty.
- 3.5 The Police or Secretary of State may make an objection to the application in these circumstances.
- 3.6 If an objection is lodged a hearing will be held before the Licensing Sub-Committee which will determine the application for a personal licence. If the Police or Secretary of State do not issue an objection notice and the application otherwise meets the requirements of the Act, the Council has no discretion and must grant the application.
- 3.7 At a hearing to determine a personal licence application to which the chief officer of police or Secretary of State 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
- 3.8 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.
- 3.9 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 Secretary of State, 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.
- 3.10 Prevention of crime is both an objective of the Act and an important responsibility of the Council under the Crime and Disorder Act, 1998. A person holding a personal licence should be a person who is able to work towards achieving reasonable crime prevention and reduction measures.
- 3.11 In order for the sale of alcohol to take place, the Council would normally expect the Designated Premises Supervisor to ensure that there are a sufficient number of personal licence holders at the premises when alcohol is being supplied or retailed.
- 3.12 The Act requires one of the personal licence holders to be a Designated Premises Supervisor. This is to ensure that there is always one specified individual who can be readily identified at the premises in case of emergency. Thus, it will be clear who is in charge for the day to day running of the business. It is acceptable for one Designated Premises Supervisor to supervise more than one premises provided that individual can be certain that the four licensing objectives may be properly promoted at the premises and that there will be compliance with licensing law and licensing conditions.
- 3.13 Where the Designated Premises Supervisor is not available at the premises for whatever reason, the Council will expect an individual to be nominated as a point of contact who will have details of where the Designated Premises Supervisor can be contacted.



- 3.14 Where a Personal Licence holder is convicted by a court for a relevant offence, the Court should advise licensing accordingly. In addition, the licence holder is under a duty to notify any convictions for a relevant offence, foreign offence or requirement to pay an immigration penalty.
- 3.15 Where a personal licence holder is convicted by a court for a relevant offence, the court is under a duty to notify the licensing authority of the conviction and of any decision to order that the personal licence is suspended or declared forfeit. When the licensing authority receives such a notification it should contact the holder and request the licence so that necessary action can be taken. The holder must then produce their licence to the authority within 14 days. The chief officer of police should be advised if they do not respond promptly. The licensing authority should record the details of the conviction, endorse them on the licence, together with any period of suspension and then return the licence to the holder. In the event the licence is declared forfeit it should be retained by the licensing authority.

#### **4 PERSONAL LICENCES – SUSPENSION AND REVOCATION**

- 4.1 The Policing and Crime Act 2017 amended the Licensing Act 2003 and gave the power to a Licensing Authority to suspend or revoke personal licences that it has issued, with effect from 6 April 2017.
- 4.2 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.
- 4.3 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.
- 4.4 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.

- 4.5 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.
- 4.6 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.
- 4.7 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.
- 4.8 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.
- 4.9 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.
- 4.10 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.

- 4.11 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.
- 4.12 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
- 4.13 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.
- 4.14 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.
- 4.15 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.

## 5. APPLICATION FOR PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

### 5.1 General

5.1.1 A premises licence authorises the use of any premises for licensable activities which are:

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

5.1.2 Special rules govern licences issued in relation to internet and mail order sales. S.190 provides that the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract and this will be the premises that needs to be licensed. Premises where alcohol is supplied under a premises licence must have a designated premises supervisor in possession of a personal licence. All sales of alcohol must be made or authorised by a personal licence holder. In the case of applications for premises licences involving internet or mail order sales notices should be conspicuously displayed at the place where the alcohol is appropriated to the contract in accordance with the relevant regulations.

5.1.3 Regulated entertainment is defined in [Schedule 1 to the 2003 Act](#) to which reference should be made in determining whether in any given case the entertainment proposed will be regulated by the Act or otherwise exempt from the licensing regime. The incidental performance of live music and incidental playing of recorded music may not be regarded as the provision of regulated entertainment activities under the 2003 Act in certain circumstances. This is where they are incidental to another activity which is not itself entertainment or the provision of entertainment facilities. This exemption does not extend to the provision of other forms of regulated entertainment. Stand-up comedy is not regulated entertainment and musical accompaniment incidental to the main performance would not make it a licensable activity.

5.1.4 Live amplified music and recorded music in on-licensed premises authorised and open for the sale of alcohol does not require a licence for audiences up to 500 between 8am and 11.00pm. Related conditions do not apply unless they are re-imposed at a Review. Karaoke is considered live music. Live unamplified music does not need a licence anywhere and with no audience limit between 08.00 to 23.00.

- 5.1.5 Games such as darts and billiards may fall within the definition of indoor sports in Schedule 1 to the 2003 Act but normally would not be played for the entertainment of spectators but for the private enjoyment of the participants. Games may be or become licensable if they are played to entertain an audience.
- 5.1.6 Entertainment at a private event to which the public are not admitted becomes regulated entertainment and therefore licensable if it is provided for consideration and with a view to profit. Schedule 1 to the 2003 Act states that before entertainment is regarded as being provided for consideration, a charge has to be made by, or on behalf of, a person concerned with:
- The organisation or management of the entertainment, and
  - paid for by or on behalf of some or all of the persons for whom the entertainment is provided.
- 5.1.7 [Schedule 2 to the 2003 Act](#) defines what constitutes the provision of late night refreshment. Broadly this encompasses the supply of 'hot food and hot drink'. The intention of the legislation is to focus on premises such as night café's and take away food outlets where people gather between the hours of 11pm and 5am where there is a potential for disorder and disturbance. Supply takes place when the hot food or drink is given to the customer and not when it is paid for. The supply of hot drink by a vending machine is not licensable provided the public have access to and can operate the machine without any involvement of the staff. However, as regards hot food, premises supplying hot food for a charge by vending machines are licensable if the food has been heated on the premises, even though no staff have been involved in the transaction. In general, the supply of hot food or hot drink free of charge is not a licensable activity. There may be circumstances, however, where a charge levied for admission, for example, could mean the supply is not deemed to be "free of charge".
- 5.1.8 A premises licence may be granted for a short, discrete period. This could apply where licensing of an event does not fall within the limits of a temporary event notice, for example, if there would be in excess of 499 persons attending or any temporary event notice would exceed the annual allowance permitted. The application should state the licence is sought for a limited period and any licence issued stipulate its dates of duration. In the event sale of alcohol will be involved a personal licence holder must be specified as the designated premises supervisor.

## **5.2 Planning (Development Control)**

- 5.2.1 The Council's Planning Strategy is set out in its adopted 2012 Core Strategy, 2013 Development Management Policies Local Plans and the emerging "Shaping the Borough" Waltham Forest Local Plan Part 1 (LP1) 2020-2035 and Waltham Forest Local Plan Part 2 (LP2) Draft Site Allocations Document. In determining planning applications and applications for licences, Government Planning Policies (PPG) and the London Plan are important material conditions.
- 5.2.2 The Council has separated its planning and licensing regimes to avoid duplication and inefficiency. Licensing applications will not, therefore, be a re-run of the planning application. As appropriate, the Licensing and Planning Committees will be kept informed of the situation regarding licensed premises in the area, including the general impact of alcohol-related crime and disorder.
- 5.2.3 In general, the Council will expect that, prior to the submission of a licensing application, the appropriate planning permission will have been granted in respect of any premises both in terms of planning use and hours of operation. Circumstances may arise when as a condition of planning permission a terminal hour has been set for the use of premises for commercial purposes. In the event these (terminal) hours are different to the licensing hours for the premises the applicant must observe the earlier closing time. Applicants should be aware that premises which operate in breach of planning permission may be liable to prosecution under Planning Law.

## **5.3 Building Control**

- 5.3.1 Building Regulations govern a variety of issues, which may relate to the licensing objectives, including means of escape, structural integrity, accessibility and public safety.
- 5.3.2 For more information please contact Waltham Forest Direct on 020 8496 3000.

## **5.4 Application forms**

- 5.4.1 An application for a premises licence or variation of a premises licence or club premises certificate must be made in the form specified by Regulations.

- 5.4.2 A premises licence is issued by the licensing authority in which the premises are situated.
- 5.4.3 The application must be accompanied by the requisite fee, operating schedule and, if the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the Designated Premises Supervisor.
- 5.4.4 Applications for a premises licence must be in the prescribed form and made to the licensing authority and copied to each of the responsible authorities. Applications must be accompanied by an operating schedule and a plan of the premises (the plan should highlight any external areas proposed to be used by patrons for smoking). Provided plans clearly show the prescribed information there is no requirement for them to be professionally drawn. The prescribed information is detailed in Regulations; Licensing will be able to advise applicants on how to comply. Where the applicant is an individual(s), the application must also be accompanied with copies of documentation demonstrating the applicants right to work in the UK.
- 5.4.5 Where a proposed licensable activity relates to the supply of alcohol, the location or locations on the premises (both internal and external) which is or are to be used for the consumption of alcohol should be clearly delineated in the plan submitted with the application.

## **5.5 Consultation on applications**

- 5.5.1 A person making an application for a premises licence or club premises certificate or to vary an existing premise licence must consult with the following “responsible authorities”:
- Chief Officer of Police;
  - The Fire authority;
  - The local enforcement agency for health & safety at work;
  - The local authority with responsibility for environmental health;
  - The local planning authority;
  - Any body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
  - The local weights and measures authority (Trading Standards);
  - Public Health
  - Any licensing authority, other than the relevant licensing authority, in whose area part of the premises are situated.
- 5.5.2 The consultation must include a copy of the application form, the operating schedule and a plan of the premises. If the application involves the supply

of alcohol, a form of consent from the individual who is to be specified as the Designated Premises Supervisor must be included.

- 5.5.3 An application for the grant or variation of a premises licence must be advertised in accordance with the arrangements prescribed in the Regulations. The content of the advertisement must use those terms and descriptions of the application that are prescribed by the Regulations made under the Act.
- 5.5.4 The applicant must demonstrate that satisfactory consultation has been completed by providing the Council with copies of any public notice published in a newspaper, and where the application is submitted by post, proof of service on the responsible authorities.
- 5.5.5 The following may make representations to the licensing authorities in any application for the grant variation or review of a premises licence:
- Any other person;
  - A body representing any other person: for example, a resident's association
- 5.5.6 The Council requires any representations to be made in writing.
- 5.5.7 An application for variation under s.34 of the Act will be required where the applicant seeks a variation of the hours during which a licensable activity is permitted, adding or removing licensable activities, or change to the conditions of the licence and altering any aspect of the layout of the premises shown on the plan. When considering applications to vary the hours during which alcohol may be sold in shops, stores and supermarkets, the Council will normally grant such applications so as to permit sales for consumption off the premises at any times when the outlet is open for shopping unless there are good reasons for restricting these hours. However, a limitation may be necessary where, for example, the Police make a representation relating to disorder and disturbance associated with the particular retail outlet. A new premises application under s.17 will be required if making a substantial variation in respect of the premises (s.36 (6)).
- 5.5.8 Sections 41A to 41C, and 86A to 86C, provide for determination of a minor variation to a licence or club registration certificate respectively provided the application falls within the following four categories, namely;
- minor changes to the structure or layout of the premises;
  - small adjustments to licensing hours;
  - addition or removal of conditions (as specified), and:



- the addition of certain licensable activities.

Licensing Officers are empowered to determine minor variation applications having considered whether the variation sought could impact adversely on the licensing objectives; responsible authorities will be consulted in any case where there is doubt about the impact of any representation made on the licensing objectives, and they require specialist advice, and their views will be taken into account in reaching a decision. All other applications for a variation to a licence or club registration certificate not falling within a minor variation system will be processed under normal provisions set out in section 34 of the Act.

## **5.6 Operating Schedule**

5.6.1 The Council expects applicants to address the licensing objectives (see [paragraph 2.4](#)) in their operating schedule. In preparing an operation schedule the Council expects applicants to have regard to the following:-

- Location of Premises
- Type of Premises
- Nature of Licensable Activities
- Times that licensable activities will take place
- Any other times that the premises will be open to the public
- Whether consumption of alcohol will be on or off the premises or both
- Name and address of Designated Premises Supervisor
- Steps to be taken to promote the full licensing objectives
- Operational procedures
- Needs of the local community

In order to promote the licensing objectives an operating schedule should, depending on the particular circumstances, detail the steps to be taken to address such matters as disturbance, loss of amenity in the environment, transport, crime and disorder, pedestrian movements and public safety. In those cases where it is anticipated the application may precipitate issues involving the full licensing objectives, applicants may wish to discuss the proposed application with licensing and/or the responsible authorities before submitting a formal application.

## **5.7 Prevention of Public Nuisance**

5.7.1 Licensed premises have a significant potential to impact adversely on communities through public nuisances which can arise from their operation. The Council recognises the need to prevent public nuisance to residents, visitors and other businesses from the potential consequence of

the operation of licensed premises, whilst balancing the rights of licensed premises to develop their business potential and to serve the community.

5.7.2 Public nuisance in this context includes such issues as noise and disturbance, light, odour, litter, anti-social behaviour and fear of crime, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

5.7.3 The Council, however, recognises that licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and, therefore, beyond the direct control of the individual, club or business holding the licence.

5.7.4 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained with the intention of preventing public nuisance.

5.7.5 The Council will consider *inter alia* the following with regard to a licence application:

- Steps the applicant has taken or proposes to prevent noise and vibration of all kinds escaping from the premises bearing in mind the location of premises. Measures may include installation of soundproofing, air conditioning, acoustic lobbies or sound limitation devices or may simply be closing of windows and doors;
- Steps taken or proposed to prevent disturbance by patrons or staff arriving or departing from the premises, such as erecting prominent notices at exists to premises asking customers to leave quietly and not to slam car doors, utilising the internal PA system to make announcements to the same effect, requesting taxis not to honk horns when collecting fares but to use mobile phones instead and providing a dedicated telephone line and/or entering into arrangements with taxi firms to collect customers, or instructing door staff to ask customers to leave the premises quietly
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening/morning winds down;
- Steps taken or proposed to prevent queuing, or to minimise noise and disorder caused by queuing including the supervision of queues formed later in the evening to keep noise to a minimum. Door supervisors will generally carry out this role but they must be given

clear instructions as to their duties and responsibilities. Where necessary, they should be adequately supervised;

- Where there is a private forecourt/beer garden, preventing patrons from using it for eating or drinking after 11pm in a residential area;
- Steps taken to control light to ensure that it does not stray outside the boundary of the premises such as to give rise to problems to residents in the vicinity;
- Steps the applicant has taken to prevent any impact of refuse or littering of the surrounding area e.g. the provision of waste receptacles at late night refreshment outlets. In order to minimise the risk of disturbance applicants can restrict disposal of bottles and other refuse to certain specified times (e.g. no disposal between 11.00p.m. and 7.00a.m.
- Steps taken to prevent someone who has consumed excess alcohol from entering the premises and to manage individuals that have consumed excess alcohol whilst on the premises;
- A 'last admission time' policy.

The extent to which the above matters need to be addressed will be dependent on the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community. In general, however, the Council will expect more comprehensive measures to be in place at late night entertainment venues, premises with a history of public nuisance issues or premises located in residential areas in close proximity to dwellings.

## **5.8 Transportation and pedestrian movement**

5.8.1 The removal of customers without delay will reduce the number of people on the streets and, thereby, reduce noise. Where appropriate, the Council expects that applicants will address the following points in the operating schedule:

- Steps taken to lessen the impact of parking in the local vicinity;
- Where appropriate, partnerships formed with local transport providers to ensure customers and staff are taken away without delay and that transport can be booked from the licensed premises for collection from those premises at all opening times;
- Direction of customers away from noise sensitive areas.

## **5.9 Prevention of Crime and Disorder**

5.9.1 Prevention of crime and disorder is both an objective of the Act and an important responsibility for the Council under the Crime and Disorder Act, 1998. It is important, therefore, that an applicant is able to demonstrate to the Council the practical steps that will be taken to further this objective.

5.9.2 When addressing the issue of crime and disorder, an applicant must demonstrate that those factors that impact on crime and disorder have been considered. These specifically include: -

- Underage drinking;
- Drunkenness on premises;
- Public drunkenness;
- Drugs;
- Violent behaviour;
- Anti-social behaviour.

5.9.3 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained with the intention of preventing crime and disorder.

The Licensing Authority recommends that for significant events, a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Accordingly, for premises that wish to stage promotions, or events, the Licensing Authority recommends that applicants address the Risk Assessment and debrief process in their operating schedule.

5.9.4 In considering applications, the Council will expect to see evidence that the following specific matters that impact on crime and disorder have been addressed in the operating schedule of the premises:

- The capability of the person who is in charge to run the premises during trading hours or, when Regulated Entertainment is provided, to effectively and responsibly manage and supervise the premises, including associated open areas;

- The steps taken or to be taken to ensure that appropriate instruction, training and supervision is given to those employed or engaged in the premises to prevent incidents of crime and disorder;
- The steps taken to prevent underage drinking in licensed premises or supply of alcohol intended to be consumed by underage persons on the premises;
- “Drinking-up time” and how customers will be managed after the sale of alcohol ceases. The operating schedule shall specify how long customers will be allowed to drink on the premises once the sale of alcohol has ceased;
- The measures taken or to be taken to raise staff awareness to discourage and prevent the use or supply of illegal drugs on the premises;
- The features currently in place or planned for physical security at the premises, such as lighting outside the premises;
- Any appropriate measures taken or to be taken for the prevention of violence or public disorder.

The extent to which the above matters need to be addressed will be dependent on the individual style and characteristics of the premises, proposed events and activities. In general, however, the Council will expect more comprehensive measures to be in place at late night entertainment venues or in premises with a history of crime and disorder issues.

5.9.5 In such premises, appropriate additional measures taken or to be taken for the prevention of violence or public disorder may include:

- Provision of effective CCTV, both within and around premises;
- Text/Radio pagers with links to Police;
- Employment of Security Industry Authority (SIA) licensed door staff;
- Provision of toughened or plastic glasses;
- Bottle bans;
- Open containers not to be taken from premises;
- Capacity limits;
- Proof of Age Cards;
- Crime Prevention Notices;
- Responsible Drinks Promotions (such as “Happy Hours”);
- Signage;
- Membership of Pub Watch Scheme

- 5.9.6 The Council will have particular regard to representations from the Police in deciding whether the above issues have been adequately addressed. It will not normally grant an application for a licence or variation of a licence where representations indicate that any matter has not been addressed sufficiently to avoid a potential negative impact on crime and disorder, unless the applicant can demonstrate compelling reasons why the application should be approved in the light of these representations.
- 5.9.7 Where either prescribed and/or premises-related conditions have not been adhered to in the past, the Council will expect applicants to have considered and taken action to rectify those issues. Applications are likely to be refused where there are significant outstanding issues.
- 5.9.8 The Council will expect details to be provided in operating schedules of how licensees of venues likely to be affected by drugs will take all reasonable steps to prevent the entry of drugs into licensed premises and show what appropriate steps will be implemented to prevent drugs changing hands within the premises.
- 5.9.9 The Council will not support irresponsible drinks' promotions, such as "Happy Hours", which may encourage binge drinking particularly by young people. Promotions should only be held in accordance with industry best practice guides.

## **5.10 Public Safety**

- 5.10.1 The Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Members of the public have a right to expect, when visiting licensed premises, that due consideration has been taken of their needs with respect to public safety. Licensees, as providers of premises for the sale of alcohol or Regulated Entertainment, must be able to demonstrate that they have considered and put into effect measures to protect members of the public as well as the commercial interests of neighbouring premises.
- 5.10.2 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety at the premises. Premises must be constructed or adapted to minimise any risk of injury, including fire to those using or working in the premises, before the Council will grant a licence.

5.10.3 Applicants should satisfy relevant fire safety, and health and safety legislation. The appropriate health and safety, and fire safety authorities will be consulted on all licence applications. However, 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 requirements of the law. Conditions attached to the licence or club premises certificate will not relieve applicants of their statutory duty to comply with other legislation, such as, e.g., the Regulatory Reform (Fire Safety) Order 2005.

5.10.4 In considering applications, the Council will expect to see evidence that the following matters that impact on public safety have been addressed in the operating schedule of the premises:

- The condition, design and layout of the premises, including the means of escape in case of fire;
- The nature of the activities to be provided, in particular the sale or supply of alcohol, and including whether those activities are of a temporary or permanent nature;
- The number of people that can safely be accommodated at the premises - having regard, in particular to floor area and means of escape;
- The customer profile, (e.g. age, disability, etc.);
- The necessary health and safety, and fire risk assessments at premises and other measures to reduce risk to public safety;
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc;
- The number of people employed or engaged to secure the safety of everyone attending the premises or event;
- Measures for the appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises or event;
- Arrangements to ensure that litter, generated by the activity of premises, does not create a fire hazard;
- Implementation of appropriate crowd management measures;
- The proposed hours.

- Specific and additional matters may need to be addressed in applications made by cinemas, theatres or organisers of outdoor or large scale events.

The extent to which the above matters need to be addressed will be dependent on the individual style and characteristics of the premises, proposed events and activities.

5.10.5 The Council will have particular regard to representations from its officers as well as from the London Fire Authority and the Police to determine if measures proposed are sufficient to ensure the safety of the public. It will not normally grant an application for a licence or variation of a licence where representations are made by one of the above-mentioned bodies expressing serious concern regarding public safety, unless the applicant can demonstrate compelling reasons why the application should be approved in the light of these representations.

5.10.6 Where appropriate, the Council will consider the attachment of a condition to the licence requiring the use of door supervisors, licensed by the Security Industry Authority to control access to and egress from the premises during events in order to ensure public safety. The council may impose a capacity limit in the light of any representations received.

## **5.11 Protection of Children from Harm**

5.11.1 The Council is committed to protecting children aged 17 and under from harm and views this as an important licensing objective. Applicants for a premises licence will be expected to set out in the operating schedule accompanying their application the measures to be taken to protect children. The Council will not normally impose conditions requiring or prohibiting the admission of children to any premises unless it is necessary for the prevention of physical, moral, or psychological harm to them. Conditions could include:-

- Where alcohol is sold, requirements for the production of proof of age cards or other age identification before sales are made;
- Limitations on hours when children are present;
- Limitations on the presence of children under certain ages when particular specified activities are taking place;
- Limitation on the parts of premises to which children might be given access;
- Age Limitations;



- Requirements for accompanying adults (including, e.g. combination of requirements which provide that children under a particular age must be accompanied by an adult);
- Full exclusion of those people under 18 from the premises when any licensable activities are taking place.

5.11.2 In considering applications, the Council will expect to see evidence that the following specific matters that assist in protecting children from harm have been addressed in the operating schedule for the premises:

- Arrangements taken or proposed to prevent children from acquiring or consuming alcohol;
- Steps taken or proposed to prevent children from being exposed to drugs, drug taking or drug dealing;
- Arrangements taken or proposed to prevent children from being exposed to gambling;
- Steps taken or proposed where there have been convictions of the current management for serving alcohol to minors or with a reputation for allowing underage drinking;
- Steps taken or proposed where requirements for proof of age cards or other age identification to combat the purchase of alcohol by minors is not the norm;
- Steps taken or proposed where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises;
- Steps taken or proposed to prevent children from being exposed to activities of an adult or sexual nature;
- Steps taken or proposed to prevent children from being exposed to incidents of violence or disorder;
- Measures taken or proposed to prevent children from being exposed to environmental pollution such as cigarette smoke or excessive noise;
- Measures taken to or proposed to prevent children from being exposed to environmental pollution such as excessive noise;
- Measures taken or proposed to prevent children from being exposed to special hazards such as falls from height;
- Steps taken or proposed to prevent children from purchasing cigarettes from vending machines;
- Arrangements for appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm.

5.11.3 The Council will have particular regard to representations from the Social Services and other child protection agencies to determine if measures proposed are sufficient to ensure that children are adequately protected from harm. It will not normally grant an application for a licence or variation of a licence where representations are made by one of the above-

mentioned bodies expressing serious concern regarding child protection or safety, unless the applicant can demonstrate compelling reasons why the application should be approved in the light of these representations.

5.11.4 In recognising the importance of the issue of underage drinking, licensees are not able to provide alcohol to children, except as provided for by the Act. Applicants must be able to demonstrate that they have in place satisfactory arrangements to prevent sales of alcohol to children including a recognised or appropriate proof-of-age scheme. The Council will consider the imposition of appropriate Conditions relating to children when determining applications from premises where members of staff have been convicted of serving alcohol to minors, there has been incidents of underage drinking, or where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided. The Council would be supportive of arrangements, which include incorporating any of the following:-

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

5.11.5 In premises where there are gaming machines, the Council will expect operating schedules to show the measures to be taken to prevent access by children. The Council will also expect that where there is access by children, all machines be located within sight of the bar staff so that their use by children can be prevented.

5.11.6 Where children are present at an event as entertainers, the Council will expect an adult to be nominated as responsible for such child performers.

5.11.7 Where there is provision of entertainment specifically for children (e.g. a children’s disco or supervised play area), the Council will expect sufficient adults to be present to control the access and egress of the children and secure the protection of children, including child performers, from harm. It will expect those caring for or supervising children to have undergone an appropriate Criminal Record check with the Criminal Records Bureau.

5.11.8 Venue operators seeking premises and club premises certificates may wish to volunteer prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. Where no relevant representations to the contrary are made to the Council, these volunteered prohibitions and restrictions will become conditions attached to the licence or certificate and will be enforceable as such.

5.11.9 In the case of film exhibitions, the Council will expect licensees to implement measures that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or by the Council. In the case of a film exhibition that has not been classified, the Council will conduct an assessment of the suitability of the film for exhibition to children and to implement measures that restrict viewing by children if necessary.

## **6. PROVISIONAL STATEMENTS**

6.1 Where premises are being constructed for the purposes of being used for one or more licensable activities or are being extended or otherwise altered for that purpose (whether or not they are already being used for that purpose), a person may apply for a Provisional Statement if they have an interest in the premises and, if an individual, they are aged 18 years or over.

6.2 Applications for provisional statements will be dealt with in a similar manner to those for a premises licence. Likewise, it is open to responsible authorities or other persons to submit representations relating to the premises. The Council will arrange for a hearing to determine the application if representations are received and not withdrawn.

6.3 If a provisional statement has been issued and the person subsequently applies for a premises licence in respect of the premises, any representations made at the time will not be considered provided that:

- Given the information in the application for a provisional statement the person objecting could have made the same, or substantially the same, representations about the application but had failed to do so;
- There has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises.

6.4 The licence will not become effective until the start date stipulated by the Council.

## **7. OTHER REGULATORY CONTROLS**

7.1 In undertaking its licensing function the licensing authority will have regard to any relevant policies or strategies together with legislation some of which is set out below:-

- The Crime and Disorder Act 1998
- The Health and Safety at Work Act 1974

- The Town and Country Planning Act 1990
- The Environmental Protection Act 1990
- London Local Authorities Act 1990 (as amended by 2004 Act)
- The Clean Neighbourhoods and Environment Act 2005
- The Health Act 2006
- The Violent Crime Reduction Act 2006
- Policing and Crime Act 2009
- Food Safety Act 1990
- Regulatory Reform (Fire Safety) Order 2005
- The Gambling Act 2005
- The Equality Act 2010
- The Live Music Act 2012
- The Anti-Social Behaviour Crime and Policing Act 2014
- The Immigration Act 2016

## **7.2 IMMIGRATION ACT 2016**

7.2.1 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.

7.2.2 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.

7.2.3 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 in premises being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.

7.2.4 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.

7.2.5 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

7.3 The intention of this policy is not to duplicate other legislation or regulatory regimes. However, in reaching a decision on whether or not to grant an application, the council will take into account non-compliance with other statutory requirements so long as such non-compliance impacts on the promotion of the licensing objectives. This is because non-compliance may demonstrate that the premises will not be suitable for the licensable activities proposed or that the management of the premises is not adequate to protect the public from harm or nuisance.

## **8. DETERMINATION OF PREMISES LICENCES AND CLUB PREMISES LICENCES**

### **8.1 General principle for determination**

8.1.1 In determining a licence application, the overriding principle adopted by the Council will be that each application will be determined on its own merits. In considering an application, in accordance with this policy, regard will be had to s.182 Guidance (Guidance issued by the Home Office), the Act and any relevant Regulations.

8.1.2 The Council considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most important control measures for the achievement of all the licensing objectives. For this reason, the Council

will expect these elements to be specifically considered and addressed within an applicant's operating schedule.

- 8.1.3 A hearing must be held to consider representations provided the representations are relevant. A hearing may not be required if only 'positive' representations are received. Otherwise, the need for a hearing can only be dispensed with by the agreement of the licensing authority, the applicant and all of the parties who made relevant representations. Whilst the regulations require any representations to be withdrawn 24 hours prior to the hearing, in order to avert the hearing, the licensing authority may consider using its power to extend time limits if considered to be in the public interest. Conditions will only be attached if appropriate for the promotion of the licensing objectives; the licensing authority may not impose a condition which is merely aspirational.
- 8.1.4 Licences issued will be subject to those Mandatory Conditions (as applicable) set out in Appendix E.

### **8.3 Licensing Hours**

- 8.3.1 Home Office [Guidance](#) states that there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times. The Government believe that shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the hours they intend to open. A limitation on hours may be appropriate if, for example, there is a police representation concerning crime and disorder. Entertainment providers should be encouraged to provide a range of entertainment during their operating hours and to promote live music, dancing and theatre for the wider cultural benefit of the community.
- 8.3.2 The Council understands the view of the Government and accepts the principle of 24 hour opening of all licensed premises but considers that it is self-evident that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning (for example, the risk of residents' sleep being disturbed by patrons leaving licensed premises is obviously greater at 2am than at 11pm). It also realises that the majority of licensed premises will not wish to remain open for 24 hours even if their licence permits it. Where an applicant wishes to apply to extend their current opening hours, the Council will expect their operating schedule to detail the measures to be taken to ensure the licensing objectives are addressed.
- 8.3.3 The Council accepts that as regards sale of alcohol there may be circumstances in which a staggering of terminal hours may be appropriate

in order to mitigate the adverse effects of concentrations of customers leaving premises simultaneously. This may then serve to reduce friction at late night fast food outlets, taxi ranks and other sources of transport, which could be the focus of disorder and disturbance.

- 8.3.4 In general terms, a flexible approach will be adopted and arbitrary restrictions will be avoided. Fixed predetermined closing times for particular areas or zones will not form part of the Council's licensing policy as this could lead to a significant movement of people from one area to another. Restriction on trading hours will be considered only where appropriate to promote the licensing objectives.
- 8.3.5 Every application will be determined on its merits. Applicants will need to demonstrate to the satisfaction of the Council, in their operating schedule, that there will be no significant disturbance to members of the public living, working or otherwise engaged in normal activity around the premises concerned.
- 8.3.6 All residents living in the vicinity of any licensed premises, or any premises where an application is made for such licence, have equal rights to make representations concerning applications for premises licences (and hours of trading) and to receive appropriate consideration to their representations. Irrelevant, frivolous or vexatious representations will be disregarded. In borderline cases the benefit of the doubt will be given to the person making the representation.
- 8.3.7 As far as premises in residential areas are concerned, these may be subject to stricter controls with regard to opening hours to ensure that disturbance to local residents is minimised.

#### **8.4 Entertainments of a sexual nature**

- 8.4.1 The Council has adopted a policy covering sexual entertainment venues. This can be viewed on the [Council's website](#).

## **8.5 Licence Conditions**

- 8.5.1 The policy does not provide for any 'standard conditions' to be imposed so as to avoid the imposition of disproportionate and burdensome requirements. Conditions attached to licences, if required in particular circumstances, will be tailored to reflect the individual style and characteristics of the premises and activities concerned, and only those appropriate to promote the licensing objectives will be imposed. Conditions will not be imposed which are beyond the responsibility or control of the licence holder and will focus on those matters on the premises and places being used for licensable activities and the vicinity of those premises and places.
- 8.5.2 Licence conditions will not be imposed where the Council considers other regulatory regimes provide sufficient protection to the public: e.g. food safety, health and safety at work, and fire safety legislation.
- 8.5.3 It is the Council's view that, when considering conditions, there should be openness, transparency and reasonableness. Consequently, officers must seek to discuss proposed conditions in advance with the applicant and/or representative with the aim of achieving a mutually agreeable level of protection to the public along with fulfilment of the licensing objectives.

## **9. TEMPORARY EVENT NOTICES**

- 9.1 A person over 18 may use a premises for one or more licensable activities for a period not exceeding 168 hours if notice is given to the licensing authority, Councils Environmental Health and Chief Officer of Police in the form prescribed.
- 9.2 Temporary event notices can only be used where the maximum number attending at any one time, including staff, is less than 500. In all other cases, a full premises licence must be applied for.
- 9.3 The legal minimum time required for notification of a temporary event is 10 working days, or 5 days for a late temporary event notice.
- 9.4 However, it is essential that adequate notice is given to allow for proper consideration of the proposed event in order to ensure that all the legal requirements for the authorisation have been met. Applicants are therefore encouraged to submit notifications at least four weeks prior to, but not more than 12 weeks before the date of the proposed event.
- 9.5 The limit on the number of temporary event notices that can be submitted in a calendar year is specified in the Act. The most important aspect of the system of temporary event notices is that no permission is required for



these events from the Council. It is only open to the police and environmental health to object to the temporary event notice if they are of the opinion that the event is likely to undermine the licensing objectives.

- 9.6 In the event of a relevant representation from the Police or Environmental Health regarding temporary event notices, the Council will hold a hearing not less than 24 hours before the event is due to take place-unless it is a late temporary event notice where it will automatically be refused.

## **10 FILM CLASSIFICATIONS**

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

- 10.2 The Licensing Authority may also classify films which do not have a BBFC rating, for example, short films which are to be shown as part of a local film festival. All requests to classify a film must be accompanied by a synopsis of the film and a full copy of the film as it is intended to be shown in DVD or appropriate format. Where a single film is to be shown, submissions must be made at least 28 days before the film is to be shown. Where multiple films are to be shown, contact should be made with the Premises Licensing Service to discuss an appropriate submission plan.

- 10.3 Requests for films to be classified by the Licensing Authority that are not submitted within the above parameters may be refused.

## **11. APPEALS**

- 11.1 Where an applicant is aggrieved by any decision or condition, there is a right of appeal. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Council of the decision and must be made to Magistrates' Court. In respect of personal licences, appeals must be made to the Magistrates' Court in the area where the licence was issued. Appeals in relation to all other licences must be made to the Magistrates Court where the premises or event is situated. On determining an appeal, the court may:

- dismiss the appeal;

- substitute for the decision appealed against any other decision which the Council could have made;
- remit the case to the Council to dispose of it in accordance with the direction of the court.

The Court may make such order as to costs as it thinks fit. Where an appeal has been made against a decision of the Council, the Council will in all cases be the respondent to the appeal and may call as witnesses other persons or responsible authorities who made representations against the application, if it chooses to do so.

- 11.2 The Council will give reasons for its decision which will be based in all cases on the likely effects of the particular application on the promotion of the four licensing objectives. Consideration will be given to the steps appropriate to promote the licensing objectives, the representations, this statement of Licensing Policy and Home Office [Guidance](#).
- 11.3 As soon as the determination of the Magistrates' Courts has been promulgated, the Council will not delay its implementation and necessary action will be taken forthwith unless ordered by a higher court to suspend such action (for example, as a result of an on-going judicial review). The Act provides for no further appeal against the determination of the Magistrates' Courts.

## **12. REVIEWS OF LICENCES**

- 12.1 The Act provides a mechanism for reviewing premises licences where problems associated with achieving the licensing objectives occur.
- 12.2 Events that may trigger a review could include: continual complaints of noise escape from the premises, or noise from customers outside the premises; drug misuse within the premises; sales of alcohol outside permitted hours and allegations of crime and disorder taking place on the premises.
- 12.3 The Council will consider requests for a review of an existing premises licence if applications are made by the following:
- A responsible body such as the Police and Fire Authority;
  - Any other person or an organisation representing them.
- 12.4 In addition, a review will normally follow;
- a) Any action by the Police or Local Authority to close down the premises for up to 24 hours on grounds of nuisance or disorder,

- b) Any formal enforcement action by the Council, or
  - c) Any action taken by the Immigration authority.
- 12.5 The Council will reject an application for review if the reason does not relate to one or more of the licensing objectives. The Council will expect an applicant for review to produce evidence in support of the application.
- 12.6 Requests for reviews from other persons will also be rejected if the grounds are, in the opinion of the delegated officer, frivolous, vexatious or repetitive. A repetitive representation is one that is identical to or substantially similar to:
- A ground for review specified in an earlier application for review made in relation to the same premises licence which has already been determined; or
  - Representations considered by the licensing authority when the premises licence was first granted; or
  - Representations which could have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement;
  - And, in addition to the above grounds, a reasonable interval (12 months) has not elapsed since that earlier review or the grant of the licence.
- 12.7 A review of a licence can result in the following action:
- Modify the conditions of a licence;
  - Exclude a licensable activity from the scope of the licence, for example, music;
  - Remove the designated premises supervisor;
  - Suspend the licence for a period not exceeding three months;
  - Revoke the licence;
  - No action necessary;
  - Issue of an informal warning to the licence holder and/or to recommend improvement within a particular period of time

### **13. COMPLAINTS AGAINST LICENSED PREMISES**

13.1 The Council will investigate all complaints against premises licensed by the Council. Complainants will, in the first instance, be encouraged to raise the complaint directly with the licensee or business concerned. In the case of a valid complaint, the Council will initially endeavour to seek a resolution through informal means.

13.2 All complaints must, in the first instance, be sent to:

Premises Licensing Section  
Town Hall  
Fellowship Square  
Walthamstow  
E17 4JF

Alternatively, complaints can be sent to the Premises Licensing Service by email at [Licensing@walthamforest.gov.uk](mailto:Licensing@walthamforest.gov.uk)

- 13.3 The Council will only investigate complaints under this policy if they relate to one or more of the four licensing objectives
- 13.4 Where they consider appropriate, the Council may pass any complaint on for investigation by any other statutory agency under whose enforcement responsibility the complaint falls.

#### **14. ENFORCEMENT**

- 14.1 The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community, and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The Council has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, the Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner and will abide by its own Enforcement Policy.
- 14.2 The Enforcement Concordat is based on the principles that businesses should:
- receive clear explanations from enforcers of what they need to do and by when;
  - have opportunities to resolve differences before enforcement action is taken - unless immediate action is needed;
  - receive an explanation of their rights of appeal.
- 14.3 Where necessary, enforcement action will be taken in accordance with the principles of the Enforcement Concordat. In particular, regard will be paid to the fundamental principles recommended by the Better Regulation Task Force for good enforcement:
- Targeting - i.e. focusing on activities that give rise to the most serious risks or where hazards are least well controlled;

- Consistency - i.e. similar approaches in similar circumstances to achieve similar ends;
  - Transparency - i.e. helping duty holders to understand what is expected and distinguishing between statutory requirements and guidance;
  - Proportionality - i.e. action taken should be proportional to the risk.
- 14.4 The Council intends to establish protocols with both the Metropolitan Police Service and the London Fire & Emergency Planning Authority on enforcement issues to provide for efficient deployment of local authority staff and Police/ Fire Officers who may be engaged in enforcing licensing law and the inspection of licensed premises. This joint partnership approach is intended to prevent duplication of effort, maximise the potential for controlling crime and disorder at premises and to ensure compliance when relevant conditions are appropriate. Inspections will take place at the discretion of the Council and its partner agencies and resources will be concentrated on areas of need. A light touch inspection regime will be employed for well managed and maintained premises with a targeted and graduated inspection and enforcement regime for problem and high-risk premises.
- 14.5 Where possible and appropriate, the Council will give early warning to licence holders of any concerns about problems occurring at premises associated with the licensing objectives.
- 14.6 Licensing may conduct random and unannounced visits to premises to check that notices have been properly displayed in accordance with the Regulations and that the notices contain relevant and accurate information.
- 14.7 The Violent Crime Reduction Act 2006 introduced a new offence of persistently selling alcohol to children and also brings in new powers to create Alcohol Disaster Zones to tackle alcohol related crime and disorder. In addition, under the Act, a police superintendent may apply for a review of a premises licence on production of a certificate stating that in his opinion the premises are associated with crime and/or disorder. The licensing authority may, where appropriate, attach conditions to a premises licence pending a full review.

## **15. POLICY REVIEW**

- 15.1 The Policy will remain in force for not more than five years. It will be subject to periodic reviews and further consultation.

15.2 The Council is required to review its Licensing Policy Statement every five years and will, in doing so, take into account the views of:

- The Metropolitan Police;
- The London Fire & Emergency Planning Authority;
- Persons/representatives of local holders of premises licences;
- Persons/bodies representative of local holders of club premises certificates;
- Persons/bodies representative of local holders of personal licences;
- Persons/bodies representative of businesses and residents in the Borough.

The Council may, however, review the policy at any time within those five years should it consider it appropriate to do so..

15.3 The Council is also required to take into account any guidance issued by the Secretary of State.

15.4 Following consultation, any revisions to this Policy will be published.

## 16. APPENDICES

### Appendix A - Administration, Exercise and Delegation of Functions

The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of sub committees to deal with them.

Further, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made, has been delegated to Council officers. All such matters dealt with by officers will be reported for information and comment only to the next Committee meeting.

The table below page sets out the agreed delegation of decisions and functions to Licensing Committee, sub committees and officers.

This form of delegations is without prejudice to officers referring an application to a sub committee, or a sub committee to full committee, if considered appropriate in the circumstances of any particular case.

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COMMITTEE</b>	<b>SUB COMMITTEE</b>	<b>OFFICERS</b>
Application for personal licence		If an objection made	If no objection made
Application for personal licence, with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made

Application to vary premises licence/club registration certificate		If a representation made	If no representation made
Application to vary designate personal licence holder		If a Police representation	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a Police representation	All other cases
Application for Interim Authorities		If a Police representation	All other cases
Application to review premise licence/club premises registration		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a Police representation to a temporary event notice		All cases	



## **Appendix B – APPLICATION FORMS**

Application forms are available from

Email - [licensing@walthamforest.gov.uk](mailto:licensing@walthamforest.gov.uk)

Internet - <https://www.walthamforest.gov.uk/businesses/licences-and-street-trading/alcohol-and-entertainment-licences>

## Appendix C FEES

### PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

#### 1. Application Fees

Each premise that is licensable is allocated to an application fee band according to its rateable value. Table 1 sets out premises rateable value and the corresponding fee to accompany applications for a premises licence or club premises certificate. The fee to accompany an application to vary a premises licence or club premises certificate is also shown in Table 1.

Table 1

Non Domestic Rateable Value	Band	Application fee for a Premises Licence or Club Premises Certificate	Application fee to vary a Premises Licence of Club Premises Certificate
No Rateable Value to £4,300	A	£100	£100
£4,301 - £33,000	B	£190	£190
£33,001 - £87,000	C	£315	£315
£87,001 - £125,000	D	£450	£450
£125,001 and above	E	£635	£635

#### 2. Annual Fees

An annual fee payable to the licensing authority is due one year after the date of granting a premises licence or club premises certificate. The annual fee is to be paid every year by the licence holder or secretary of the club holding the club premises certificate. Table I sets out the premises rateable value bands and the corresponding annual fee.

Table 2

<i>Non Domestic</i> Rateable Value Of Premises To Be Licensed	Band		Annual Fee
£0 to £4300	A		£70
£4301 to £33000	B		£180
£33001 to £87000	C		£295
£87001 to £125000	D		£320
£125001 and above	E		£350

## **Suspension for non-payment of annual fees**

- 2.1 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.
- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 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.

### 3. Exemptions

#### Application Fee

An exemption from the requirement to pay the application fee applies where the application relates to the provision of regulated entertainment only and either

- i. the application is made by the proprietor of a school or college and where the school or college premises are used for the entertainment by the school or college on behalf of the school or college; or
- ii. the application is in respect of a church hall, chapel hall, village hall, parish hall or community hall or similar buildings.

## Annual Fee

An exemption from the requirement to pay an annual fee applies where the premises licence or club premises certificate authorises the provision of regulated entertainment only and either

- i.
    - a) the holder of the premises licence or club premises certificate is the proprietor of an educational institution which is a school or college; and
    - b) the licence or certificate is in respect of the school or college; and
    - c) the school or college premises are used for the entertainment by the school or college on behalf of the school or college; or
  - ii. the premises licence or club premises certificate is in respect of a church hall, chapel hall, village hall, parish hall or community hall or other similar building.
4. Premises in Bands D or E that are exclusively or primarily used for supplying alcohol for consumption on the premises

## Application Fee

Table 3 sets out the fees to accompany applications for a premises licence.

## Annual Fee

Table 3 also sets out the annual fee payable to the licensing authority by the holder of a premises licence in respect of these premises in Bands D and E.

Table 3

Band	Application Fee	Annual Fee
D	£900	£640
E	£1905	£1050

## 5. Exceptionally Large Events

### Additional Application Fee

Table 4 sets out the additional fee (to that shown in Table 1) to be paid in respect of an application for a premises licence.

### Additional Annual Fee

The additional annual fee (to that shown in Table 1) in respect of such premises is also shown in Table 4.

This additional fee does not need to be paid in respect of certain buildings and the licensing authority should be contacted for further advice.

Table 4

Maximum number of persons proposed to be allowed on the premise at any one time	Additional application fee	Additional annual fee
5000 to 9999	£1000	£500
10000 to 14999	£2000	£1000
15000 to 19999	£4000	£2000
20000 to 29999	£8000	£4000
30000 to 39999	£16000	£8000
40000 to 49999	£24000	£12000
50000 to 59999	£32000	£16000
60000 to 69999	£40000	£20000
70000 to 79999	£48000	£24000
80000 to 89999	£56000	£28000
90000 and over	£64000	£32000

## **Personal Licences, Temporary Event Notice and Other Fees**

Application for a grant or renewal of a personal licence	£37
Temporary Event Notice	£21
Minor Variation	£89
Theft, loss, etc. of premises licence or summary	£10.50
Application for a provisional statement where premises being built, etc.	£315
Notification of change of name or address	£10.50
Application to vary licence to specify individual as premises supervisor	£23
Application for transfer of premises licence	£23
Interim authority notice following death etc. of licence holder	£23
Theft, loss, etc. of certificate or summary	£10.50
Notification of change of name or alteration of rules of club	£10.50
Change of relevant registered address of club	£10.50
Theft, loss, etc. of temporary event notice	£10.50
Theft, loss, etc. of personal licence	£10.50
Duty to notify change of address	£10.50
Right of freeholder etc. to be notified of licensing matters	£21

## Appendix D

### **ANNEX 1** **GUIDANCE ON POOLS OF CONDITIONS**

#### General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when licensing authorities are considering applications following the receipt of any relevant representations from a responsible authority or other person, the following options should be considered as measures which, if appropriate, would promote the licensing objectives.

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

Any individual preparing an operating schedule is at liberty to volunteer any measure, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate as conditions they become enforceable under the law and any breach could give rise to prosecution.

The licensing authority will carefully consider conditions to ensure that they are not only appropriate but realistic, practical and achievable, so that they are capable of being met. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by an unlimited fine, up to six months imprisonment, or both. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises. It is also important that conditions which are imprecise or difficult to enforce should be avoided.

Club premises operate under codes of discipline to ensure the good order and behaviour of members and that conditions enforcing the offences under the act are unnecessary.

## CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

### Door supervisors

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

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside of venues prone to such queuing.

Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed 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). Door supervisors also have a role to play in ensuring public safety (see Annex 2) and the prevention of public nuisance (see Annex 4).

### Bottle bans

Glass bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises. This 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 (**note:** this needs to be carefully worded where off-sales also take place);

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

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



Bottle bans may also be a relevant necessary measure to promote public safety (see Annex 2).

#### Plastic containers and toughened glass

Glasses containing drinks may be used as weapons during incidents of disorder and in untoughened form, can cause very serious injuries. Consideration could therefore be given to conditions requiring either the use of plastic containers or toughened glass which inflicts less severe injuries. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is appropriate. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic 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 an appropriate condition.

The use of plastic or paper drinks containers and toughened glass may also be relevant as measures appropriate to promote public safety (see Annex 2).

#### CCTV

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

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

#### Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles) for example, by requiring the use of bottle bins on the premises. This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on taking open containers from the premises may also be appropriate to prevent public nuisance.

### Restrictions on drinking areas

It may be appropriate to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions should not only specify these areas, but also indicate the circumstances in which the ban would apply and times at which it should be enforced.

Restrictions on drinking areas may also be appropriate to prevent public nuisance.

### Capacity limits

Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. 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 controlled.

### Proof of age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent these crimes, it may be necessary for certain licensed premises to require the production of “proof of age” before sales are made. The Secretary of State strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security. Whilst conditions may refer directly to PASS accredited proof of age cards, they should also allow for production of other proof, such as photo-driving licences, student cards and passports.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the “Challenge 21” or other similar initiatives. Under the “Challenge 21” initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making a purchase. Proof of age may be also relevant and necessary to protect children from harm.

### Crime prevention notices

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises maybe reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the display of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

### Signage

It may be appropriate for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.

Similarly, it may be appropriate for any restrictions on the admission of children to be displayed on or immediately outside the premises to deter those who might seek admission in breach of those conditions.

### Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)

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 sale and consumption of alcohol, and have little or no seating for patrons.

Where necessary and appropriate, conditions can be attached to licences for these premises which require adherence to:

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity;
- and

- the presence of security staff holding the appropriate SIA licence or exemption to control entry for the purpose of compliance with the capacity limit.

## **ANNEX 2** **GUIDANCE ON CONDITIONS RELATING TO PUBLIC SAFETY**

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 requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures to avoid and control them. Conditions enforcing these requirements are therefore unnecessary. From 1<sup>st</sup> October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. Licensing authorities should note that under Article 43 of the Regulatory Reform (Fire Safety) Order 2005 any conditions imposed by the licensing authority that relate to any requirements or prohibitions that are or could be imposed by the Order have no effect. This means that the licensing authority should not seek to impose fire safety conditions where the Order applies.

### **General**

Additional matters relating to cinemas and theatres are detailed in Annex 3. It should also be recognised that special issues may arise in connection with outdoor and large scale events.

In addition to considering the points made in this Annex those preparing operating schedules or club operating schedules licensing authorities and responsible authorities should consider:-

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press –ABTT Publications)
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999)(“The Purple Book”) ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2

- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through:  
**[www.streetartsnetwork.org.uk/pages/publications.htm](http://www.streetartsnetwork.org.uk/pages/publications.htm)**
- The London District Surveyors Association's "Technical Standards for Places of Public Entertainment" ISBN 0 9531229 2 1

The following British Standards should also be considered:

- .. BS 5588 Part 6 (regarding places of assembly)
- .. BS 5588 Part 9 (regarding ventilation and air conditioning systems)
- .. BS 5588 Part 9 (regarding means of escape for disabled people)
- .. BS 5839 (fire detection, fire alarm systems and buildings)
- .. BS 5266 (emergency lighting systems)

In most premises existing legislation will provide adequately for the safety of the public or club members and guests. However, where this is not the case, consideration might be given to the following conditions.

#### Disabled people

- When disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and disabled people on the premises are made aware of those arrangements.

#### Escape routes

- Exits are kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified.
- Where chairs and tables are provided in restaurants and other premises, internal gangways are kept unobstructed.
- All exit doors are easily openable 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.
- The edges of the treads of steps and stairways are maintained so as to be conspicuous.

#### Safety checks

- Safety checks are carried out before the admission of the public;
- Details of such checks are kept in a Log-book.

### Curtains, hangings, decorations and upholstery

- Curtains, hangings and temporary decorations are arranged so as not to obstruct exits.
- Temporary decorations are not used without prior notification to the licensing authority/relevant responsible authority.

### Capacity Limits

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

### Access for emergency vehicles

- Access for emergency vehicles is kept clear and free from obstruction.

### First aid

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

### Temporary electrical installations

- Temporary electrical wiring and distribution systems are not provided without notification to the licensing authority at least ten days before commencement of the work and/or prior inspection by a suitable qualified electrician
- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909
- 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.

With regard to the first bullet above, it should be recognised that ten days notice may not be possible where performances are supported by outside technical teams. For example, where temporary electrical installations are made in theatres for television show performances. In such circumstances, the key requirement is that conditions should ensure that temporary electrical installations are only undertaken by competent qualified persons, for example, employed by the television company.

### Indoor sports entertainments

- If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature;
- Any ring is constructed and supported by a competent person and inspected by a competent authority.
- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring.
- At water sports entertainments, 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

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence to delete the relevant public safety condition. The applicant will need to propose how they intend to take alternative steps to promote the public safety objective in a new operating schedule reflecting the proposed alteration to the premises. The application for variation will enable the responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

### Special effects

The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and 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.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority or inspection by the fire authority.

**ANNEX 3**  
**GUIDANCE ON CONDITIONS RELATING TO THEATRES, CINEMAS, CONCERT HALLS AND SIMILAR PLACES (PROMOTION OF PUBLIC SAFETY)**

Premises used for closely seated audiences

Attendants

- a) The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:

<b>Number of members of the audience present on a floor</b>	<b>Minimum number of attendants required to be present on that floor</b>
1 – 100	One
101 – 250	Two
251 – 500	Three
501 – 750	Four
751 – 1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

- b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.
- e) No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.
- f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Standing and sitting in gangways etc.

- a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
- b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- c) In no circumstances shall anyone be permitted to
- i. Sit in any gangway;
  - ii. Stand or sit in front of any exit; or
  - iii. Stand or sit on any staircase including any landings.



## Drinks

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

## Balcony Fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

## Special effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Special effects include:

- Dry ice machines and cryogenic fog;
- Smoke machines and fog generators;
- Pyrotechnics, including fireworks;
- Real flame;
- Firearms;
- Motor vehicles;
- Strobe lighting;
- Lasers
- Explosives and highly flammable substances

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority. In these cases, the licensing authority should notify the fire and rescue authority, who will exercise their inspection and enforcement powers under the Regulatory Reform (Fire Safety) Order 2005.

Further guidance can be found in the following publications:-

- HSE Guide 'The Radiation Safety of Lasers used for display purposes' (HS)G (95)
- 'Smoke and vapour effects used in entertainment' (HSE Entertainments Sheet No.3);
- 'Special or visual effects involving explosives or pyrotechnics used in film and television production' (HSE Entertainments Sheet No.16);
- 'Electrical safety for entertainers' (HSE INDG 247);
- 'Theatre Essentials' – Guidance booklet produced by the Association of British Theatre Technicians 8

## Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide when a further inspection would be necessary and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

## Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

## Premises used for film exhibitions

### Attendants – premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

<b>Number of members of the audience present on the premises</b>	<b>Minimum number of attendants required to be on duty</b>
1 – 250	Two
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

### Attendants – premises with a staff alerting system

a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

<b>Number of members of the audience present on the premises</b>	<b>Minimum number of attendants required to be on duty</b>	<b>Minimum number of other staff on the premises who are available to assist in the event of an emergency</b>
1 – 500	Two	One
501 – 1000	Three	Two
1001 - 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

- b) Staff shall not be considered as being available to assist in the event of an emergency if they are:
- i. The holder of the premises licence or the manager on duty at the premises; or
  - ii. A member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
  - iii. A member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.
- c) 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.
- d) The staff alerting system shall be maintained in working order.

### **Minimum lighting**

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

## **ANNEX 4**

### **GUIDANCE ON CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE**

It should be noted that provisions of the Environmental Protection Act 1990, the Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 provide some protection to the general public from the effects of noise nuisance. These matters should be considered before deciding whether or not conditions are appropriate for the prevention of public nuisance.

#### **Hours**

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by conditions of the premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which may result from arbitrarily fixed, closing times. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times.

Restrictions could be appropriate on the times when certain licensable activities to 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. Or the playing of recorded music might only be permitted after a certain time where conditions have been attached to the licence or certificate to ensure that any potential nuisance is satisfactorily prevented.

Restrictions might also be appropriate on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after certain time.

In premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to the following conditions.

#### **Noise and vibration**

In determining which conditions are appropriate, licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter the holding of events that are valuable to the community, such as live music. Noise limiters, for example are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. The following conditions may be considered:-

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by one or more of the following conditions:-
  - A simple requirement to keep doors and windows at the premises closed;
  - Limiting live music to a particular area of the building;
  - Moving the location and direction of speakers away from external walls or walls that abut private premises;
  - Installation of acoustic curtains;
  - Fitting of rubber seals to doorways;
  - Installation of rubber speaker mounts;
  - Requiring the licensee to take measures to ensure that music will not be audible above background level at the nearest noise sensitive location;
  - Require licensee to undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary;
  - Noise limiters on amplification equipment used at the premises (if other measures have been unsuccessful).
  - Prominent clear and legible notices are displayed at all exits requesting the public to respect the need for 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
  - The placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

#### Noxious smells

- Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

#### Light pollution

- Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

#### **Smoking Ban**

Following the implementation of the smoking ban in July 2007 applicants may wish to include appropriate conditions relating to use of external areas by

patrons. These may include measures to reduce noise nuisance and, for example, additional signage requesting patrons to be respectful of their neighbours. The use of external areas should be in accordance with the premises licence and therefore such external areas should be highlighted in the plan submitted with the application.

### Other measures

Other measures previously mentioned in relation to the Prevention of Crime and Disorder may also be relevant as appropriate to prevent public nuisance. These might include the provision of door supervisors, open containers not to be taken from the premises, and restrictions on drinking areas.

**ANNEX 5**  
**GUIDANCE ON CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM**

An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely. This would mean that 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 to be taken to promote the protection of children from harm while on the premises.

**Access for children to licensed premises – in general**

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is appropriate to protect children from harm.

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.

- For any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11pm 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 under the above circumstances, should when preparing new operating schedules or club operating schedules or variations of those schedules:-

- explain their reasons; and

- outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case the Secretary of State recommends that, 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.

### Age Restrictions – specific

Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities will need to consider:-

- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be appropriate to impose age restrictions for earlier parts of the day;
- types of event or activity, that are unlikely to require age restrictions, for example:
  - family entertainment; or
  - non-alcohol events for young age groups, such as under 18s dances,
- types of event or activity which give rise to a more acute need for age restrictions than normal, for example:
  - during “Happy Hours” or on drinks promotion nights;
  - during activities outlined in the first bullet point in the first paragraph above.

### Age restrictions – cinemas

The British Board of Film Classification classifies films in accordance with its published Guidelines which are based on extensive research into public opinion and professional advice. The Secretary of State therefore recommends that licensing authorities should not duplicate this effort by choosing to classify films themselves. The classifications recommended by the Board should be those normally applied unless there are very good local reasons for a licensing authority to adopt this role. Licensing authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film.

Licensing authorities should be aware that the BBFC currently classifies films in the following way:-



- U – Universal – suitable for audiences aged 4 years and over.
- PG – Parental Guidance. Some scenes may be unsuitable for young children.
- 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
- 15 – Passed only for viewing by persons aged 15 years and over.
- 18 – Passed only for viewing by persons aged 18 years and over.

Licensing authorities should note that these classifications may be subject to occasional change and consult the BBFC's website at [www.bbfc.co.uk](http://www.bbfc.co.uk) before applying relevant conditions.

The Secretary of State considers that, in addition to the mandatory condition imposed by section 20, conditions restricting the admission of children to film exhibitions should include that:-

- where the licensing authority itself is to make recommendations on the admission of children to films the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- immediately before each exhibition of the premises of the film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such 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 a film, of the statement approved by the Board indicating the classification of the film;
- when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed by inside and outside the premises so the person entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:-

“Where a programme includes a film recommended by the licensing authority as falling into an age restrictive category no person appearing to be under the age specified shall be admitted to any part of the programme; where a programme includes a film recommended by the licensing authority as falling into a category requiring any persons under a specified age to be accompanied by an adult, no person appearing to be under the age specified shall be admitted to any part of the programme unaccompanied by an adult and the licence holder shall display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. For example:

## **PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME**

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person's parent or legal guardian has first been obtained".

### **Theatres**

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. 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. Entertainment may also be presented at theatres specifically for children (see below).

Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency (See Annex 3).

### **Performances especially for children**

Where performances are presented especially for unaccompanied children in theatres and cinemas, licensing authorities will also wish to consider conditions to specify that:-

- 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.

For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Licensing Authorities should also consider whether or not standing should be allowed. For example, there may be reduced risks for children in the stalls than at other levels or areas in the building.

## Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set 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, for the promotion of the protection of children from harm then the licensing authority should 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.
- **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.

## The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.

Where appropriate and necessary, consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

### Proof of Age cards

Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

Proof of age cards are discussed under Annex 1 in connection with the Prevention of Crime and Disorder. However, a requirement for the production of proof of age cards before any sale or supply of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm.

Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition, will require careful thought. For example, many premises have adopted "Challenge 21" or other similar initiatives. Under the "Challenge 21" initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making such a purchase.

## **Appendix E**

### **Mandatory Conditions**

#### **Supply of alcohol**

1. No supply of alcohol may be made under the premises licence-
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

#### **Exhibition of films**

1. No children shall be admitted to the exhibition of any film unless they have reached the age specified in the British Board of Film Classification (“BBFC”) Certificate, or the Classification issued by the Licensing Authority.
2. In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c39) (authority to determine suitability of video works for classification)

#### **Door supervision**

1. In accordance with Condition (insert appropriate condition number which requires security staff) all persons undertaking security functions must at all times hold a current licence to do so granted by the Security Industry Authority.

#### **Age verification policy**

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to

produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

### **Permitted price**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula

$$P = D + (D \times V)$$

where

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence

(i) the holder of the premises licence.

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

The following conditions apply where the licence or certificate authorises “on” or “on and off” sales

### **Irresponsible drinks promotions**

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

3. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

## **Alcoholic drink measures**

1. The responsible person must ensure that;

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

## **Definition**

In section 153(4) of the Licensing Act 2003, “responsible person” means:

(a) In relation to licensed premises:

(i) the holder of a premises licence in respect of the premises;

(ii) the designated premises supervisor (if any) under such a licence; or

(iii) any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor.

(b) In relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question.