

DRAFT

Licensing policy Contents

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Introduction

The Licensing Act 2003 (the Act) brought about a major change in the way that alcohol, entertainment and late night refreshment are administered in England. All three licensing regimes were brought together and alcohol was moved from being the responsibility of the courts to local authorities. It is now six years since the Act came into force and the impact has been particularly noticeable in the way that alcohol is viewed and sold.

The past six years have seen the changed licensing process maturing as both licence holders and the licensing authority have adapted to the different landscape. This policy is designed to facilitate good decision making by the Council's Licensing and Regulatory Board that is consistent with the law and with the wishes of residents and businesses in Barking and Dagenham.

In Barking and Dagenham there has been a dramatic increase in the number of premises selling alcohol for consumption off the premises whilst at the same time pubs are closing. This far wider availability of alcohol for general consumption has raised serious concerns in the wider community. In particular concerns have been raised about the ability of children and young people to access alcohol and the consequential health and social damage that this causes. Alcohol is implicated heavily in crime and anti-social behaviour and issues such as domestic violence and hate crime. Alcohol abuse is a significant drain on the NHS in terms of both immediate accident and emergency care and the long term treatment of alcohol related illness and addiction. Whilst the media has concentrated headlines on the impact of town centre binge drinking, the far greater damage is done behind closed doors in homes across the borough.

The wider issues of alcohol abuse are being addressed by the successful multi-agency alcohol alliance and can be seen in such developments as the borough-wide Designated Public Place Order (DPPO) which confronts the problems caused by street drinkers. The licensing service is committed to working with the Police and Community Safety to reduce the problems that these drinkers cause. There have been changes in the way that those who are suffering from alcohol related disorders are dealt with through the treatment and referral pathways and improved education and enforcement has seen the failure rate for under-age test purchases of alcohol drop from around 25% to 5% in four years.

This policy seeks to address those aspects that fall within the bounds of licensing. It seeks to address the expectations of the community regarding the sale of alcohol and sets out for the first time specific times during which alcohol should be sold dealing with not just the late night, but also early morning alcohol sales. It also addresses the issue of the loss of retail space to the sale of alcohol by specifying a limit on the floor space used for the sale of alcohol in small shops and convenience stores. There is encouragement for the owners of well run premises who take their responsibilities seriously and an affirmation that the responsible use of alcohol is a positive contributor to social cohesion.

The Police Reform and Social Responsibility Act 2011 has recently been passed by Parliament and seeks to redress some of the criticisms that have been levelled at the licensing process. Among these is the widening of those who can object to licences, making the health authorities and the licensing authority responsible authorities and relaxing some of

the rules around Temporary Events Notices. These changes will be implemented as they are enacted and this policy includes aspects that are of relevance now.

The policy clearly lays out the attitude of the council as licensing authority to those traders who flout the law. Criminal activities associated with the sale of alcohol will be dealt with through review of licence and the authority will take a particularly stringent attitude to those who repeatedly fail to take their responsibilities seriously.

Cllr Jeanette Alexander
Cabinet Member for Crime, Justice and Communities

Part A

1 Purpose of this policy

- a This licensing policy sets out how we will meet the requirements of the Licensing Act 2003 (the Act). It is the statement we must publish every three years under section 5 of the Act. This policy takes account of guidance the Secretary of State issued under section 182 of the Act.
- b The policy aims to:
- ensure that the Council fulfils its duties under the Licensing Act in a way that benefits residents and businesses;
 - boost the local economy; and
 - encourage a range of well managed licensed premises within the borough.
- c To achieve these aims, we will work with others with an interest in licensing (including the police, the fire service, local businesses, licence holders, local residents and others) to promote our objectives as set out in this policy. We will work with applicants to enable them to make applications that meet the spirit of the policy; with residents who wish to make representation against applications and with Councillors in fulfilling their community leadership role.
- d This policy is about regulating activities that need to be licensed under the Act focusing on the effect those activities have in and around the premises they take place in and which are under the control of individual licensees and others with relevant authorisations. The policy is not the main way of controlling general nuisance. If we receive an application and nobody objects, we must grant a licence without any conditions other than those which must apply by law.
- e This policy applies to licensable activities carried out on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act.

2 Activities covered by this policy

- a This policy covers licences to:
- sell alcohol to the public;
 - supply alcohol in clubs;
 - provide entertainment to an audience;
 - put on shows and performances;
 - show films;
 - hold indoor and outdoor events;
 - hold indoor sports (for example, boxing and wrestling);
 - play live or recorded music and have dancing; and
 - supply hot food and drinks after 11pm and before 5am.

3 Our objectives

- a When making decisions on granting licences, we will consider our responsibilities as set out in the Act. These responsibilities are as follows:
- **‘Protection of public safety’**
 - **‘Protection of children from harm’**
 - **‘Prevention of crime and disorder’**
 - **‘Prevention of a public nuisance’**
- b We aim to provide a licensing service which:
- is fair and honest, and seen to be so;
 - is easily accessible to all businesses, residents and people who are interested in licensing (stakeholders);
 - sets and maintains a high standard of service;
 - deals effectively with all applications and enquiries; and
 - avoids repeating the work of other regulators wherever possible.

4 Our community priorities

- a The Council’s adopted policy statement is ‘Building a better life for all’ and has identified three specific priorities, raising household incomes, school and post-16 education and housing and estate renewal. There are five priority themes:
- Better together
 - Better home
 - Better health and well-being
 - Better future
 - A well run organisation
- b We will encourage licence applications from businesses that can show how they will contribute to our priorities.

In particular we will look more favourably on applications that show how the business will:

- actively make sure the area within and around the business is kept clean and free from broken glass, bottles and other rubbish;
- take a responsible attitude to children within any premises where alcohol is sold;
- promote healthy lifestyles by encouraging responsible drinking;
- actively work with the police and council to reduce alcohol fuelled crime and anti-social behaviour;
- work positively with the council and responsible authorities to promote the licensing objectives
- make sure levels of noise and nuisance in and outside their business are kept to a minimum; and
- adopt a ‘no-glass policy’ outside their premises.

- c We will look less favourably on applications that are:
- for very late or early licences, especially those in residential areas or where residents live close to the premises;
 - in areas that are currently a focus for antisocial behaviour;
 - aimed at very young customers or are likely to promote binge drinking.
 - likely to give rise to access to alcohol by young persons because of the way in which it is distributed. In particular the delivery of alcohol as part of the purchase of hot take-away food.

5 Working with stakeholders

- a To produce this policy we consulted stakeholders and took their views into account. Those we consulted are listed in appendix 1. We will consult stakeholders every time we review and revise this policy.
- b Responses to the consultation were positive with a number of detailed amendments suggested. In particular issues around the ready availability of alcohol, particularly the possibility of purchase and consumption by children, together with an erosion of community facilities were of concern. Amendments have been made to take account of changes in legislation that can affect licensed premises.
- c This policy will not:
- reduce anyone's right to apply for a licence under the 2003 Act and to have their application considered; or
 - prevent anyone from commenting on an application, or putting forward a view about any licence, where the Act allows.
- d We will consider equally all comments made on licence applications. However, we will not consider any comments which are:
- not relevant;
 - not justified;
 - made out of spite or to cause annoyance; or
 - repeating comments already made.

In these circumstances, we will explain our reasons for not considering the comments.

- e We will work closely with the Responsible Authorities and Interested Parties in the management of licence applications to ensure that there is a full debate about the licensing process. Responsible Authorities are defined as:
- The chief officer of police
 - The fire authority
 - The health and safety authority
 - The planning authority
 - The environmental health authority

- The body recognised as being responsible for the protection of children from harm
- Inspectors of weights and measures (Trading Standards Officers)
- The relevant authority in the case of vessels

The Police Reform and Social Responsibility Act 2011 will make the following bodies Responsible Authorities:

- The Licensing Authority
- Primary Care Trusts and local Health Boards

Interested parties are defined as:

- A person living in the vicinity of the premises
- A body representing persons living in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing persons involved in businesses in the vicinity of the premises
- An elected member of the Council

The Police Reform and Social Responsibility Act 2011 will remove the vicinity test from the definition of an interested party and will instead replace it with a person or body in the area covered by the local authority. However it is intention of the authority to continue to notify those living in the vicinity of a premises that an application has been received. We will also notify Ward Councillors and in the event that a premises is on or near a ward boundary the Councillor of that neighbouring ward.

- f For the purpose of this policy the responsible authority with regard to the objective of preventing children from harm will be the Barking and Dagenham Safeguarding Children Board or the person nominated to respond on their behalf.

Part B

1 Local effect of activities that need to be licensed

- a When deciding whether or not to issue a licence for an activity, we will consider the effect the activity will have on the surrounding area.

2 Tourism and employment

- a Well run licensed premises can help to promote tourism and encourage visitors to the borough. They also provide employment opportunities for the local community. When considering applications for licences, we will take account of our Regeneration Strategy and the effect the premises may have on:
- promoting tourism;
 - creating employment; and
 - making the area more attractive.

3 Transport

- a Good public transport is essential so people can leave licensed premises and the surrounding areas quickly without causing a disturbance or nuisance to local residents. We will consider this when we process licences. We will work with the police and organisations such as Transport for London to help develop better public transport in areas where licensed premises are available. We expect applicants to take account of public transport provision when deciding on the detail of their applications.

4 Planning policy and guidance

- a Nothing in this policy takes priority over anything in our planning policies or Local Development Framework. Planning permission is usually needed for changing the way a building is used or developing a new business. When considering licence applications, we will make sure the correct planning permission and building control approval has been granted. Any planning restrictions that have been placed on how a building can be used will be reflected in the conditions of any licence we grant. In the case of new developments, applications for licensing and planning may be made together, particularly in the case of 'provisional statements permission'.
- b Each year the licensing section will give our Development Control Board a report which provides information about the numbers and types of licences we have issued, and crime and disorder trends related to licensed premises in the borough, during the previous year.
- c We will not take account of development issues, such as the commercial need to have a particular type of property in an area, when making decisions on licence applications.

5 'Saturation' policies and 'cumulative impact'

- a We expect that applicants would consider the area and existing types of licensed premises before making an application. If applicants do not consider these issues we will consider working with the responsible authorities to adopt a saturation policy (see clause c below).
- b We may receive comments that an area has too many licensed premises and that the resulting nuisance and disorder cannot be blamed on individual premises. If those making the comments can give us evidence to show that any more licensed premises will increase the crime, nuisance and disorder (that is, have a 'cumulative impact'), we will consider whether or not to grant any more licences in that area.
- c If conditions attached to licences will not prevent further problems in the area, we can adopt a policy known as a 'saturation policy', that allows us to refuse all new applications for licences within the area. However, we will still consider every licence application on its merits.
- d Before we introduce a saturation policy we will:
 - check whether local residents, or a responsible authority, such as the police, are concerned about alcohol related crime, nuisance and disorder;
 - assess the causes of the crime, nuisance and disorder;
 - identify the area problems are arising from and the boundaries of that area; and
 - adopt a policy about future applications for licences in that area.
- e If we adopt a saturation policy we will review it every three years. We will not set limits on the number of licensed premises within an area and we will still judge each application on its merits.

6 Restricted opening hours

- a Shops, stores and supermarkets can apply to be licensed to supply alcohol during their normal opening hours. If the police, other responsible authorities or members of the public tell us about particular shops which contribute to disturbance and disorder, we will consider restricting the hours when those shops can supply alcohol.
- b We know that nuisance can be caused to residents near shops, stores and supermarkets with extended hours. In the case of applications in residential areas or small shopping parades, where relevant representations have been made, our policy is to refuse new licences and variations that permit hours for the off-sale of alcohol beyond 23.00 Monday to Saturday or 22.00 on Sunday or start the sale of alcohol before 11.00. The policy is intended to be strictly applied and will only be departed from in genuinely exceptional cases. The onus of demonstrating that the circumstances are genuinely exceptional lies upon the applicant. The fact that the premises would be well-run, that the applicant is of good character or that the extension sought is a small one would not be considered exceptional.

National guidance states that: *"Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail*

outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.” To the extent that the above policy represents a departure from the guidance, the licensing authority believes that the local problems of nuisance caused to nearby residents by extended hours of alcohol outlets justifies the departure.

7 Staggered closing times

- a To reduce any risk of nuisance to residents, staggered closing times in any particular area are more favourable than having a standard closing time as this avoids everyone leaving licensed premises at the same time.
- b We will avoid ‘zoning’ where premises in one area stay open after those in another area have closed. This can cause people to move from one area to another, leading to greater disturbance and noise at particular times.
- c We would consider applications favourably if they stated the last entry time within the premises operating schedule. Having a last entry time helps to stop the problem of customers moving from one premises to another late at night.
- e We are aware that in granting licences with flexible hours there is a need to balance the opportunities that are given by providing consumers with choice against need to have regard to the four licensing objectives and the rights of local residents to peace and quiet.

8 Proximity to Schools

This council recognises that in the correct setting alcohol has many social and economic benefits. It also recognises that there are some groups within society who are particularly vulnerable and the protection of children from harm is uppermost in that thinking.

The council is particularly concerned about proximity of off-licences to secondary schools.

When applications are made for new off-licences within 400 metres of a secondary school, applicants are strongly encouraged to include the following controls in their operating schedules. If such controls are not included, and if relevant representations are made, the council’s policy is to include the controls as conditions on the licences except in very exceptional circumstances.

The controls are:

- a. Alcohol should not be advertised in the shop window.
- b. All alcohol should be stored behind the shop counter.
- c. No display boards or other advertising should be shown on the shop floor.
- d. No alcohol should be capable of purchase through self-service check-outs.
- e. The licensee shall operate a Challenge 25 policy.

- f. All tills should be fitted with a till prompt requiring authorisation by a supervisor for the sale of controlled products.
- g. All supervisors should hold a personal licence.
- h. The licensee should maintain a refusals register which should be kept at the premises and produced to the police and licensing authority forthwith on request.
- i. All cashiers permitted to sell alcohol should receive training in relation to underage sales which should be refreshed at least every 3 months. The content of the training should be documented and records of training shall be kept. The content and records should be kept at the premises and produced to the police and licensing authority forthwith on request.
- j. Cans of alcohol should not be sold singly.
- k. Bottles of beer under 1 litre should not be sold singly.
- l. No beer or cider over 5.5% ABV should be sold.
- m. No alcopops should be sold.

9 Off-licence layout

- a We expect that in shops with off-licences shopkeepers will lay out their shops in a way that prevents theft and will expect that high strength beers, lagers, ciders and perries (greater than 8%ABV) will be kept behind a counter unless there are other adequate controls such as display in a locked unit in place. We will work with the police and other agencies to prevent easy access of young people to alcohol.
- b We know that local shops play an important part in the community. Unless a shop is a dedicated off-licence we will expect that a wide range of goods will remain available and that in any case alcohol does not become the dominant product. We consider that a maximum of 30% of retail space should be devoted to the sale of alcohol. We will carefully consider the action that can be taken where this becomes the case as there may have been a variation in the terms of the licence. In addition, where the premises are within 400 metres of a secondary school, the policy in paragraph 8 above applies.

10 Live music, dancing and theatre

- a We encourage live music, dance and theatre within the community. Wherever practical, we will license our own premises and hire them out to people who want to use them without needing to get a temporary licence. In doing so, we will balance the need to make sure disturbance does not occur with the need to make sure cultural activities can take place.

11. Smokefree environments

The Health Act 2006 made all enclosed public spaces smokefree from the 1st July 2007. An enclosed space is defined by regulation. The Council supports the health benefits that come from smokefree atmospheres but recognises that individuals have a right to smoke. We will look favourably on those applications where steps are taken to limit the impact that smokers have on the surrounding area that arises from noise and litter. We will encourage applicants to take real steps to control the waste that arises from smoking debris to minimise the impact on the local environment.

12 Other policies, objectives and guidance

a When applying this policy we will take account of other related policies, strategies and guidance including:

- the Community Safety Strategy;
- The Community Safety Plan
- the Crime and Disorder Strategy;
- cultural and tourism strategies;
- drug and alcohol strategies
- The Drug and Alcohol Treatment Plan
- The Alcohol Alliance plan
- the Enforcement Policy;
- the Environmental Strategy;
- the Corporate Equalities Policy Statement;
- the Leisure Strategy;
- the Local Authorities Enforcement Concordat;
- the Regulatory compliance code
- the Neighbourhood Renewal Strategy;
- the Regeneration Strategy;
- the Transport Plan;
- Core Strategies and Borough Wide Development Policies of the Local Development Framework;
- the Waste Strategy, and
- the Health and Wellbeing Strategy

b When applying this policy we will take account of the Government's strategies and policies, and any other relevant strategies and policies, including:

- the Anti-Social Behaviour Act 2003;
- the Crime and Disorder Act 1998 (as amended);
- Violent Crime Reduction Act 2006
- The Health Act 2006
- The Policing and Crime Act 2009
- security industry authority policies;
- the Government's 'Safer Clubbing' guide;

- the Government's Alcohol Harm Reduction Strategy;
 - the Mayor's Ambient Noise Strategy; and
 - the Local Authorities' Coordinating Body on Regulatory Services' Test Purchase Code.
 - Safe. Sensible. Social. The next steps in the national alcohol strategy.
- c On 24 March 2010 this Council adopted the provisions of section 13(2) of the Criminal Justice and Police Act 2001 to make the whole borough a Designated Public Place and subsequently a Designated Public Place Order (DPPO) was enacted to create a borough-wide alcohol control zone. This designation does not have any bearing on the ability of individuals, companies or relevant organisations to apply for a premises licence or club premises certificate. The Council will expect licence holders to trade responsibly and in particular not to sell alcohol to those who are visibly drunk regardless of the time of day. We will be working with the Police and the Community Safety Team to encourage responsible trading.

13 Olympic Games

- a The council is fully committed to a safe and successful Olympic and Paralympic Games in London during 2012. The council recognises that the resources of the police, transport and emergency services will be planned out and prioritised for the security of major events before, during and after the Games, as a minimum from 15th July 2012 until 16th September 2012. Due consideration will be given by the council to representations from the Police in relation to licence applications for activity during Games time on the grounds of public safety and security when police and other emergency services resources are insufficient to deal with the risks presented. Where, as a result of representations from a responsible authority, it is identified that a licence or proposed event presents a risk that the licensing objectives will be compromised, it is likely that such applications will not be granted.

Part C

1 Licence terms and conditions

- a If we receive relevant objections to a licence application, we may attach terms and conditions to the licence to control activities associated with licensed premises and activities. When setting the terms and conditions, we will assess how they will affect people living, working or spending leisure time in the local area, and the people or business being licensed. We will make sure that any new terms and conditions attached to a licence:
- are necessary;
 - are in proportion to the activity being licensed;
 - are reasonable;
 - can be met by the people or business being licensed (the licensees); and
 - can be enforced.
- b Any terms and conditions attached to a licence will take account of all other relevant laws and legal requirements affecting licensees and licensed premises including the Health & Safety At Work Etc Act 1974, the Health Act 2006, the Environmental Protection Act 1990 and the Equality Act 2010. The policy is not intended to replace or repeat any other law or legal requirement.
- c We will not try to use terms and conditions attached to a licence to restrict or regulate anything outside the licensee's control, or anything which relates to areas away from the licensed premises. However, we may use conditions to control what goes on inside the premises, which may directly or indirectly affect what goes on outside. We cannot use licences to control antisocial behaviour by people once they are away from licensed premises.
- d Any terms and conditions attached to licences will support strategies to promote one or more of the four licensing objectives.
- e We will take account of the individual style and characteristics of premises, along with the type of events or activities that will take place, when we attach conditions to a licence.
- f We expect, licence holders to become active members of relevant local organisations such as 'Pub Watch' or 'OffWatch'. These schemes aim to promote best practice and working together to achieve the licensing objectives. We would also expect all business owners to be actively involved in promoting proof-of-age schemes. We also expect that shopkeepers become members of the Council's Responsible Retailer scheme and participate in any related campaigns and activities.
- g We would expect all people applying for licences to install and maintain good-quality closed-circuit television (CCTV) in the interests of public safety and security. All CCTV systems should be installed in consultation with the police to ensure that their needs are met.

2 Operating schedule

- a Apart from a more detailed explanation of how a business will meet the four licensing objectives, it would be helpful for the operating schedule to set out how the business could contribute to the community priorities. Specific issues that could be tackled include protecting children, contributing to a safer, cleaner environment, and monitoring noise levels in and around the premises. By contributing to these measures, the business would show it has a responsible attitude and concern for the local community.

3 Standard licence conditions

- a We will develop, maintain and regularly review a range of standard licence conditions which we may use when considering applications. However, we may set conditions that are tailored to each application.

4 Children in licensed premises

- a For the purpose of this document and the Licensing Act 2003, a child is anyone under the age of 16 unless we say otherwise. If there are no licensing restrictions, licensees or 'designated premises supervisors' can normally decide whether or not to let children on their premises. However, if we receive a relevant objection we may attach a condition restricting access by children if this is necessary to prevent physical, moral or psychological harm to them. Premises where we would probably set a condition to restrict access by children include premises where:

- the licensee has been convicted of serving alcohol to underage people;
- there is evidence of underage drinking;
- there is evidence of drug taking or dealing;
- a lot of gambling takes place;
- adult entertainment is provided;
- the only or main purpose of the establishment is to supply alcohol to be drunk on the premises.

- b Licence conditions which restrict access by children may include:

- limits on the hours when children can be present;
- age limits for people under 18;
- children not being allowed in part or all of the premises when certain activities are taking place;
- all children having to be accompanied by an adult;
- anyone under 18 not being allowed on the premises when any activity which needs a licence is taking place; and
- children not being allowed in when films with a certificate (according to the British Board of Film Classification) higher than their age are being shown; and
- having to have a trained adult member of staff for a set number of children who are likely to be on any licensed premises.

- c If a licensee does not want to allow children on their premises, we will not set a condition to make them let children in.

5 Casinos and bingo clubs

- a The Licensing Act 2003 covers activities within casinos and bingo clubs. This does not affect the conditions of the Gambling Act 2005 or any new Gaming legislation.

6 Sports grounds

- a At premises the Safety at Sports Ground Act applies to, safety is more important than conditions set or activities allowed by the premises licence during times when the safety certificate applies.

7 Door supervisors

- a Competent and professional door supervisors are essential for public safety at licensed premises and only people registered and licensed by the Security Industry Authority (SIA) can work as door supervisors within the borough. We would look more favourably on licence applications from businesses recruiting staff from a reputable company with SIA approval. If there were any criminal activities in or around the premises, the door supervisors would help to bring about order and, if necessary, give evidence in court.

Part D

1 Enforcing licenses

- a We will enforce licensing laws in line with the principles of the Local Government Enforcement Concordat, the Regulators Compliance Code and in line with our enforcement policy. We will work closely with the police to make sure our enforcement measures are effective. We intend to develop our enforcement procedures with the local police and other people with an interest in licensing.
- b Inspection of licensed premises will normally take place following an assessment of the risk posed to the licensing objectives or following complaint or concerns about the way that the business is being run.
- c The police and other agencies outside the council will continue to make routine visits to all licensed premises.
- d We will monitor licensed premises and if it is found that they are not meeting the licensing objectives or are breaching a condition of their licence action will be taken.
- e We consider the sale of alcohol to underage people to be a very serious matter. We expect the responsible authorities to seriously consider applying for a review of the licence following evidence of sale to underage people. We will undertake regular test-purchasing of alcoholic drinks at licensed premises to ensure compliance with age restrictions.
- f The Licensing Authority will put in place a Licensing Panel which is made up of a group of senior level Officers from the Responsible Authorities who will deal with premises that are a cause for concern but not yet at the point of being reviewed. This Authority will therefore make use of the "Yellow Card Red Card Approach" issued by the DCMS in a Ministerial Statement entitled; "Problem Premises on probation – Red and Yellow Cards: How it would work". Guidance issued by the Home Secretary in relation to Red Card - Yellow Card. The Licence holder will initially be called in for an interview and be given a number of remedial steps by way of written agreement to improve the current situation, this will be viewed as the "Yellow Card". If after a specified period of time and monitoring if there has been no sign of improvement the premises will be issued with a "Red card" which will mean the matter will be put forward to a Review hearing.
This process does not however stop any Interested Party or Responsible Authority from applying for a review at any time.

2 Reviews

- a A responsible authority or an interested party may make an application to the Licensing Authority at any time if it is thought that a licensed premises is not meeting the licensing objectives.
- b Applications for review made to the Licensing Authority will be dealt with fairly by a hearing of the Licensing and Regulatory Board and decided only after all of the evidence

has been heard. The board will take particularly seriously situations where a licensed premises is used for the following criminal activities:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of hate crime or the promotion of hate attacks;
- for unlawful gaming and gambling;
- for the sale of counterfeit goods; and
- for the sale of smuggled tobacco and alcohol.

c There are various options open to the Board in deciding the outcome of an application for a review. These are

- (a) to modify the conditions of a premises licence
- (b) to exclude a licensable activity from the scope of the licence
- (c) to remove the designated premises supervisor from the licence
- (d) to suspend the licence for a period not exceeding three months, or
- (e) to revoke the licence

and for this purpose the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.

d In the event that a licence has been revoked following a review we would not normally expect to grant a new licence to the same person or body, or to agree to that person serving as the Designated Premises Supervisor of the premises for at least one year following the date of the decision. We expect that any person whose licence has been revoked will have undertaken appropriate documented refresher training prior to making a further application.

Part E

1 Granting licences

- a We will grant licence applications that no-one objects to as long as the person or business applying for the licence can meet all relevant standards set by us.
- b We issue a premise licence for the lifetime of the business at the premises concerned. There is no annual renewal. If a business changes ownership or the type of activity at the premises changes significantly, we will reconsider the licence.
- c In order to run a licensed premises, a person must hold a personal licence and apply to become a 'designated premises supervisor'. Personal licences are issued for 10 years and are valid nationwide to those who have received appropriate training and had a Criminal Records Bureau check.
- d Although a licence may be granted, we can review it at any time, which may lead to the premises' licensed hours being restricted or the licence being withdrawn.

2 Temporary Events Notices (TENs)

A Temporary Events Notice allows an individual to hold an event with licensable activities for a period of up to 96 hours. The event holder must not allow any more than 499 people to attend the event. Any application is in the form of a notice to the Council and Police. The Council cannot object to these types of events and the Police can only object on the grounds of crime and disorder. The Police have only two working days in which to do this. Applications are unlawful if they are not submitted to both the Police and the Licensing Authority ten clear working days prior to the start of the event. The ten days do not include the day it is submitted. Representations received from the Police against a Temporary Event Notice will be considered by the Licensing Board having regard to the four licensing objectives and the principles outlined in this statement of Licensing Policy.

The introduction of the Police Reform and Social Responsibility Act 2011 will bring changes to the administration and application of Temporary Event Notices. These changes include: widening the grounds for objecting to a notice, add the Local Authority to the list of objectors; introduce the possibility for the imposition of conditions; allow for the electronic submission of applications, allowing a shorter time period for approval and individual notices will cover a period of 168 hours rather than the current 96. The Council will work with the Police and event holders to ensure that the Temporary Event Notice continues to allow flexibility but also to give protection to residents from potential abuses.

3 Provisional Statements

Premises yet to be constructed, that are in the process of construction, or which are subject to extension or substantial structural change with a view to being used for licensable activities may be the subject of an application for a provisional statement particularly where it is not yet possible to make a full licence application. This provides a grant in principle of a licence. The same criteria that are detailed above will be used in

determining whether or not to grant a provisional statement. Any premises subject to the grant of a provisional statement would then need a full licence in order to operate.

4 Licensing Board

- a Under section 6 of the Licensing Act 2003, our Licensing and Regulatory Board will perform all our functions relating to licensing, as laid out in appendix 2.
- b We will annually appoint 10 members to sit on the licensing board. Only councillors who have received licensing training will take part in decisions on licensing matters.
- c Members of the Licensing Board will not take part in any licensing decisions about premises they have an interest in. A Board Member may not hear an application that is in their own ward, but may observe the meeting as a member of the public unless they have a prejudicial interest.
- d If a Licensing Board starts considering a licensing matter but does not reach a decision, the matter will be considered again, and a decision made, by the same board members.
- e Some licensing decisions will be made by the licensing board, and some by council officers through delegated authority, in line with the table set out in appendix 2.

5 Appeals

If an applicant, responsible authority or interested party who has made a representation is unhappy with the decisions made by the Licensing and Regulatory board they may appeal the decision to the Magistrate's Court. This must be done within 21 days from the date that the applicant is notified by the Licensing Authority of its decision. There is no provision for appeal beyond the Magistrate's Court.

6 Licence fees

- a We will charge the licence fees set under the Act and the licence fees we receive will help to fund the cost of providing our licensing service, including the costs of:
 - consulting stakeholders;
 - enforcing licensing laws;
 - inspecting licensed premises;
 - considering licence applications;
 - supporting a licensing board;
 - setting up and managing the service; and
 - handling appeals against licensing decisions.

The Police Reform and Social Responsibility Act introduces two changes to the fee structure. Firstly it will allow fees to be set in accordance with local need within a statutory envelope and secondly it introduces the concept of the Late Night Levy to deal with issues around the night time economy. Barking and Dagenham does not have the issues of

crime and disorder that the levy is aimed at, and therefore although the Council will keep the matter under review there is no intention to adopt the powers at this time.

Part F

1 Start date and reviews

This policy is effective from xx xx xxxx . It will stay in force for three years and we will review and revise it, as necessary, during that period. We will publish a new licensing policy at the end of the three-year period.

Appendix A

Stakeholders consulted when preparing this policy

The Responsible Authorities

All Councillors

Barking and Dagenham Alcohol Alliance

Barking and Dagenham Safeguarding Children Board

Barking and Dagenham Safer, Stronger Communities Board

Barking and Dagenham Health and Wellbeing Board

Barking and Dagenham Chamber of Commerce

All Premises Licence holders

All Club Premises Certificate Holders

Association of Licensed Multiple Retailers

British Beer and Pub Association

Barking and Dagenham Drug and Alcohol Action Team

The Probation Service

Barking and Dagenham Disabilities Forum

Barking and Dagenham Black, Asian and Minority Ethnic forum

Barking and Dagenham Lesbian, Gay, Bisexual and Transgender Forum

Barking and Dagenham Faith Forum

Barking and Dagenham Public Health Directorate

London Borough of Newham

London Borough of Redbridge

London Borough of Havering

Appendix B Table of who makes licensing decisions

Decisions made by: Matter being decided:	Licensing board	Council officers
An application for a personal licence	If anyone objects	If no-one objects
An application for a personal licence from a person with a conviction that is not spent (A spent conviction is one that does not need to be declared as a specific length of time has passed.)	In all cases	
An application for a premises licence or club premises certificate	If anyone objects	If no-one objects
An application for a provisional statement	If anyone objects	If no-one objects
An application to vary a premises licence or a club premises certificate	If anyone objects	If no-one objects
An application to change a 'designated premises supervisor'	If the police object	In all other cases
An application to stop being a 'designated premises supervisor'		In all cases
An application for a premises licence to be transferred	If the police object	In all other cases
An applications for interim authorities	If the police object	In all other cases
An application to review a premises licence or a club premises certificate	In all cases	
Whether a complaint is irrelevant, unjustified, or made out of spite or to annoy		In all cases
Whether or not to object to an application we are consulted on but not being asked to license	In all cases	
A police objection about a temporary event notice	In all cases	