

## Notice of Meeting

### LICENSING AND REGULATORY BOARD

**Wednesday, 26 April 2017 - 7:00 pm**  
**Committee Room 2, Town Hall, Barking**

**Members:** Cllr Josephine Channer (Chair); Cllr Faruk Choudhury (Deputy Chair) ; Cllr Syed Ahammad, Cllr Laila M. Butt, Cllr Peter Chand, Cllr Kashif Haroon, Cllr Chris Hughes, Cllr Adegboyega Oluwole, Cllr Hardial Singh Rai and Cllr Lee Waker

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### AGENDA

**1. Apologies for Absence**

**2. Declaration of Members' Interests**

In accordance with the Council's Constitution, Members are asked to declare any interest they may have in any matter which is to be considered at this meeting.

**3. Minutes - To confirm as correct the minutes of the meeting held on 19 October 2016 (Pages 3 - 4)**

**4. Sub-Committees - To receive the minutes of the Licensing Sub-Committee meetings held on: (Pages 5 - 16)**

- 1 December 2016;
- 13 December 2016; and
- 2 February 2017.

**5. Licensing Act 2003 - Barking & Dagenham Statement of Licensing Policy 2017-2020 (Pages 17 - 81)**

**6. Applications and Appeals (Pages 83 - 84)**

7. **Any other public items which the Chair decides are urgent**
  
8. **To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.**

### **Private Business**

The public and press have a legal right to attend Council meetings such as the Licensing and Regulatory Board, except where business is confidential or certain other sensitive information is to be discussed. The list below shows why items are in the private part of the agenda, with reference to the relevant legislation (the relevant paragraph of Part 1 of Schedule 12A of the Local Government Act 1972 as amended). ***There are no such items at the time of preparing this agenda.***

9. **Any other confidential or exempt items which the Chair decides are urgent**



Our Vision for Barking and Dagenham

## **One borough; one community; London's growth opportunity**

Our Priorities

### **Encouraging civic pride**

- Build pride, respect and cohesion across our borough
- Promote a welcoming, safe, and resilient community
- Build civic responsibility and help residents shape their quality of life
- Promote and protect our green and public open spaces
- Narrow the gap in attainment and realise high aspirations for every child

### **Enabling social responsibility**

- Support residents to take responsibility for themselves, their homes and their community
- Protect the most vulnerable, keeping adults and children healthy and safe
- Ensure everyone can access good quality healthcare when they need it
- Ensure children and young people are well-educated and realise their potential
- Fully integrate services for vulnerable children, young people and families

### **Growing the borough**

- Build high quality homes and a sustainable community
- Develop a local, skilled workforce and improve employment opportunities
- Support investment in housing, leisure, the creative industries and public spaces to enhance our environment
- Work with London partners to deliver homes and jobs across our growth hubs
- Enhance the borough's image to attract investment and business growth

### **Well run organisation**

- A digital Council, with appropriate services delivered online
- Promote equalities in the workforce and community
- Implement a smarter working programme, making best use of accommodation and IT
- Allow Members and staff to work flexibly to support the community
- Continue to manage finances efficiently, looking for ways to make savings and generate income
- Be innovative in service delivery

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## **MINUTES OF LICENSING AND REGULATORY BOARD**

Wednesday, 19 October 2016  
(7:00 - 7:26 pm)

**Present:** Cllr Josephine Channer (Chair), Cllr Faruk Choudhury (Deputy Chair), Cllr Syed Ahammad, Cllr Kashif Haroon, Cllr Chris Hughes and Cllr Hardial Singh Rai

**Also Present:** Cllr Bill Turner

**Apologies:** Cllr Laila M. Butt, Cllr Peter Chand and Cllr Adegboyega Oluwole

### **8. Declaration of Members' Interests**

There were no declarations of interest.

### **9. Minutes (20 July 2016)**

The minutes of the meeting held on 20 July 2016 were confirmed as correct.

### **10. Sub-Committee Minutes (9 May 2016 and 17 August 2016)**

The minutes of the Sub Committee meetings held on 9 May 2016 and 17 August 2016 were confirmed as correct.

### **11. Licensing Act 2003 - Draft Revised London Borough of Barking & Dagenham Statement of Licensing Policy 2017-2022 - Public Consultation**

The Service Manager, Public Protection presented a report to the Board on the draft revised London Borough of Barking and Dagenham Statement of Licensing Policy 2017 – 2022.

The Statement of Licensing Policy dealt with the licensing of alcohol, regulated entertainment and late night refreshment. The existing policy was being updated to bring it into line with current law, regulations, guidance and best practice. The Authority's licensing policy, first produced in 2004, had been reviewed at intervals since and was now due for full revision.

The Licensing Act 2003 required the Council to publish a statement of licensing policy that set out how it intended to approach its licensing responsibilities. Each revision of the policy was required to be the subject of public consultation.

The Board were advised that the primary intention of the draft revision of the statement of policy was to update the existing policy and ensure that it was consistent with the content of the Act, associated secondary regulations, relevant Guidance produced for local licensing authorities by the Home Office and current best practice.

The draft revision included several revisions, most notably:

- Removing references to the London 2012 Olympics;
- Explaining the differences between the roles of Licensing and Planning within the Local Authority;
- Extended information on the four licensing objectives; and
- Inclusion of a model pool of conditions.

The Board noted that the public consultation on the draft policy had commenced on Monday 3 October 2016 and would end on Friday 25 November 2016. All licensed premises in the Borough had received notification of the consultation.

In considering the draft policy, the Board questioned as to whether the Council had in place a local policy on saturation. The Senior Licensing Officer advised that there was currently no evidence base for a local saturation policy however the Council would review the situation of the position changed.

In response to questions received by the Board, the Senior Licensing Officer confirmed that Personal Licences no longer required renewal.

The Board noted the report.

## **12. Applications and Appeals Received**

The Service Manager, Public Protection presented a report to the Board on the applications and appeals received since the last meeting.

Since the last meeting of the Board in July 2016, there had been seven applications made to the Council:

- Five new premises applications;
- Four transfer/change of Designated Premises Supervisor (DPS) applications; and
- One minor variation application.

Of the seven applications made, no objections were received and therefore the applications have not been reported to the Licensing Sub-Committee for determination.

The Board noted the report.

## **13. Work Programme**

The Board received and noted the work programme.

## MINUTES OF LICENSING SUB-COMMITTEE

Thursday, 1 December 2016  
(7:00 - 8:03 pm)

**Present:** Cllr Josephine Channer (Chair), Cllr Laila M. Butt JP and Cllr Hardial Singh Rai

### 34. Declaration of Members' Interests

There were no declarations of interest.

### 35. Application to vary a premises licence: Eri Restaurant, 236 - 238 High Road, Chadwell Heath, RM6 6AP

The Senior Licensing Officer presented a report the Sub Committee in respect of an application to vary the premise licence at Eri Restaurant, 236-238 High Road, Chadwell Heath, RM6 6AP.

The application sought to extend the current licensed operating hours of the premise as follows:

- General opening hours – From 10.30 each day of the week to 03.30 on the day following;
- Supply of alcohol (on-sales) – From 10.30 each day of the week to 02.30 on the day following;
- Regulated entertainment (comprising consent for indoor sporting events; live music; recorded music and dance) from 10.30 each day of the week to 03.00 on the day following; and
- Late night refreshment – From 23.00 each day of the week to 03.00 on the day following.

The application also noted that “Where a Christmas and New Year’s Eve, valentine’s day, bank holidays etc. fall within the week days the restaurant will open as scheduled until 03.30 all days. However, the last order for drinks will be at 02.00 from Monday to Thursday and until 02.30 on Fridays and Saturdays, leaving the customer enough time to vacate the premises gradually, peacefully and quietly and not disturbing the neighbors. It must be mentioned that we may not open till 03.30 every day unless the occasion demands it as stated above.”

Finally, the application sought the removal several current licence conditions, as follows:

- Condition 3 – If door supervisors are required to be on duty for any function, that shall be deployed outside the premises when closing and take all reasonable steps to ensure customers disperse quickly and do not congregate;
- Condition 4 – The premises licence holder shall ensure that any door staff so employed shall comply with SIA requirements relating to the wearing of SIA registration badges and availability of registration documents and / or identification for inspection;

- Condition 7 – There shall be a waiting area inside the premises for patrons waiting in taxis;
- Condition 17 – The premises licence holder shall ensure that there is no access to the premises through the ‘fire exit only’;
- Condition 21 – Any children attending the premises shall be accompanied by an adult.
- Annex 3 note – The Board accepted the applicant’s decision to withdraw the live music activity from the application
- Annex 3 note – The Board reduced the terminal hour for recorded music, late night refreshment, the supply of alcohol, and the hours the premises are open to the public on a Friday and Saturday to 01.00.

The Sub-Committee noted that during the consultation period, application was initially opposed by one responsible authority – the council’s Environmental Health Noise Team. However, this had now been resolved and the representation had been withdrawn.

The Sub Committee were advised that the representation raised concerns over the impact for potential noise nuisance and sought the inclusion of several additional conditions on the licence, which had all been accepted by the applicant. These related to:

- All amplified music is to be played through the sound amplification system installed at the premises’;
- The sound amplification system installed at the premises is to be controlled by a noise limiting device; and
- The setting of the noise limiting device is to be undertaken in conjunction with the noise team and once set is not to be changed without the agreement of the licensing authority.

The Councils Environmental Health Noise Team suggested that in the event that the application was granted the conditions stated above should be included.

A further valid representation was received from 11 residents of Grantham Gardens. The representation concerns related to the potential impact of:

- Music intended to be played at the premises;
- Parking congestion;
- Litter from cans and bottles; and
- The impracticability of the proposal.

The Chair advised that the objectors were not present at the meeting, however the written submission contained within the agenda pack would be taken into consideration when the Sub-Committee deliberated their decision.

The Chair then invited Mr Kuka, the Designated Premises Supervisor (DPS) to address the Sub Committee on the points raised by the objectors.

Mr Kuka addressed the Sub Committee, advising that the premises was used mostly for family parties and once customers had finished eating they often wanted to stay later for drinks and currently could not due to the closing hours.



Mr Kuka advised the Sub Committee that since he had taken over the premises he had worked with the community, tidied the area around the premises and confirmed there had been no complaints received from residents with regard to the current running of the premises.

With regard to the comments from the Environmental Health Noise Team, Mr Kuka advised that the Team had already visited and put the required equipment in place.

The Chair asked Mr Kuka to clarify why the application sought to remove certain conditions and was advised by Mr Kuka that the conditions listed within the agenda back would be contrary to the running of a family restaurant.

The Chair invited the parties to sum up their representation before the Sub Committee retired to consider their decision.

## **DECISION**

The Sub Committee in reaching their decision, had regard to the Licensing Act 2003, the statutory guidance issued under Section 182 and the Councils Licensing Policy.

The Sub Committee considered all the evidence placed before it including all written documentation and oral submissions.

The Sub Committee in reaching their decision, took into consideration the representation made by the Councils Environmental Health Noise Team and noted this representation had been withdrawn following the acceptance of three conditions by the DPS.

The Sub Committee also took into consideration the objections made by the residents of Grantham Gardens and noted their concerns in relation to the application.

The Sub Committee decided to grant the application for variation as applied for, with the addition of the three conditions as recommended by the Councils Environmental Health Licensing Team.

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## **MINUTES OF LICENSING SUB-COMMITTEE**

Tuesday, 13 December 2016  
(7:00 - 7:51 pm)

**Present:** Cllr Josephine Channer (Chair), Cllr Syed Ahammad and Cllr Peter Chand

### **36. Declaration of Members' Interests**

There were no declarations of interest.

### **37. Determination of Objection to Temporary Event Notice: The Deuce Lounge, 20-22 London Road, Barking, IG11 8AG**

The Service Manager, Public Protection presented a report to the Sub-Committee in respect of three Temporary Event Notice (TEN) applications which had been received from The Deuce Lounge, 20 – 22 London Road, Barking, IG11 8AG.

The Sub-Committee were advised that on 30 November 2016, three applications were submitted for the grant of a temporary event at the premises for the following:

- From 23.00 on Thursday 15 December 2016 to 0500 hours on Friday 16 December 2016;
- From 23.00 hours on each of the days 22, 23, 24, 25, 26 and 27 December 2016 to 0500 on the days following; and
- From 23.00 on Saturday 31 December 2016 to 0500 on Sunday 1 January 2017.

Each of the TENs related to:

- The sale by retail of alcohol;
- The provision of regulated entertainment; and
- The provision of late night refreshment.

Since the publication of the agenda, the Licensing Officer advised that the premises had currently used 17 days of the 21 days permitted for TENs, which left an entitlement of four days. Following correspondence with the applicant, it was agreed the dates for the TENs would be amended to the following four dates:

- 23/12/2016 1.00 am - 5.00 am
- 25/12/2016 1.00 am - 5.00 am
- 27/12/2016 1.00 am - 5.00 am
- 01/01/2017 1.00 am - 5.00 am

The Sub Committee were advised that the objection from the Metropolitan Police was still in place following the amendment to the dates of the TENs.

On 2 December 2016, the Licensing Department received a notification from the Metropolitan Police that they would be objecting to the three Temporary Event

Notices as on 17 August 2016, the Deuce Lounge were brought before the Licensing Sub-Committee as a result of a Police review. One of the decisions made by the Sub-Committee was for the DPS to complete a Local Authority approved licensing court within the next three months. As yet, the course had not been passed by the DPS, Mr Ismail Adamson.

PC Corinne Holland and PC Stuart Lyons were present to advise on their objection to the TEN's. The Chair invited PC Holland to address the Sub-Committee.

PC Holland advised that at the Licensing Sub-Committee held on 17 August 2016, the review submitted by the Police requested that the DPS be removed from the licence as they had lost confidence in the management. The Sub-Committee allowed the DPS to stay on the proviso of him taking and passing the course. The Police felt that as the DPS had dialled the course, it again called into question Mr Adamson's ability to be in charge of the premise.

On 2 December 2016, PC Holland spoke to Mr Adamson who then subsequently sent her an email showing that he had undertaken the course on 21 October 2016, Mr Adamson then informed PC Holland that he had failed the course and not yet retaken it. Since the TENs had been applied for, Mr Adamson had advised PC Holland that he had rebooked the course for 5 January 2017.

In response to a question from the Sub-Committee, PC Holland advised that the undertaking of the course was a premises licence condition therefore as it had not yet been fulfilled, the premises was in breach of their licence under Section 136 of the Licensing Act 2003. This was also contrary to the 'prevention of crime and disorder' licensing objective.

The Sub-Committee were concerned that such a breach of the licence had not yet been dealt with by the Council or the Police and noted that this had been an oversight.

The Chair then invited representatives of the Deuce Lounge to address the Sub-Committee.

Mr Ismail Adamson (DPS) and Mr Ajayi, a Director of Deuce Management addressed the Sub Committee advising that the DPS taken the course within the three month period stipulated in the conditions, however he had not yet passed the course due to family issues. The DPS had rebooked the course for 5 January 2017 and written confirmation of the rebooked course was circulated to the premises. Mr Ajayi advised that the premises had been open for approximately one year and there had only been one issue during this time.

In response to questions from the Sub-Committee, Mr Ajayi advised that the DPS had not asked for an extension to the three month period, nor had he contacted the Licensing Office of the Local Authority or the Police to explain his circumstance. The Mr Ayayi explained that he felt the premises had a good relationship with the Police and that any time PC Holland called him he would answer.

The Chair invited the parties to sum up their representation before the Sub-Committee retired to consider their decision.

## **Decision**

The Sub Committee in reaching their decision, had regard to the Licensing Act 2003, the statutory guidance issued under Section 182 and the Councils Licensing Policy.

The Sub Committee considered all the evidence placed before it including all written documentation and oral submissions.

The Sub Committee resolved to grant the TENS and attach to it the same conditions as were attached to the premises license. This did not however include any conditions relating to completion of the course (which was still attached to the premises license, but not the TENS) nor any conditions which were incompatible with the TENS events.(i.e. conditions relating to hours in which licensable activities could be conducted; such hours will be as per the TENS).

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## **MINUTES OF LICENSING SUB-COMMITTEE**

Thursday, 2 February 2017  
(7:00 - 7:57 pm)

**Present:** Cllr Faruk Choudhury (Chair), Cllr Kashif Haroon and Cllr Chris Hughes

### **38. Declaration of Members' Interests**

There were no declarations of interest.

### **39. Application for a Variation to an Existing Premises Licence in respect of Way2Save, 147 Ripple Road, Barking, Essex, IG11 7PW**

The Senior Licensing Officer presented a report to the Sub Committee for the application for a variation to an existing premises licence in respect of Way2Save, 147 Ripple Road, Barking made by the current licensee, Mr Murat Alma on 14 December 2016.

The application submitted sought to extend the permitted hours for the retail sale of alcohol for consumption off the premises, to provide for 24/7 licensed operation. The application, appended to the report, offered no additional conditions under Section 16 of the application. Instead, the application noted "existing conditions seen as sufficient".

The premises were currently licensed to Murat Alma, who was also the named designated premises supervisor on the licence. The premises licence had been in Murat Alma's name since February 2016.

The licence currently enabled the supply of alcohol within the following licensed hours:

From 07.00 each day Sunday to Thursday to 01.00 on the day following; and  
From 07.00 each Friday and Saturday to 02.00 on the day following.

A copy of the licence, including opening hours and conditions, both mandatory and special, was appended to the report.

During the consultation period, two valid representations had been received in respect of the application. One from a responsible authority, being the Metropolitan Police Authority and the second from an 'other person', being a local ward councillor.

The Sub Committee were advised that although the Ward Councillor was not present at the meeting, the written objection submitted should be taken into consideration when the Sub Committee were deliberating their decision.

The written representation from the Metropolitan Police Authority opposed the grant of the variation, however suggested the addition of four new conditions on the premises licence in the event that the sub-committee were minded to grant the variation, namely:

1. At least one SIA door security staff to be employed each day between the hours of midnight and 6.00am. They are to wear high visibility clothing and be visible at the entrance to the store;
2. CCTV to cover the front and sides of the premises ensuring full visibility at street level taking into account the awnings;
3. No single cans or bottles of beer and cider to be sold at the premises; and
4. No beers, perries and ciders with an ABV of 6.5% and over will be sold at the premises.

The Senior Licensing Officer advised that since the publication of the agenda, the applicant had corresponded with the Council to advise of his response to the conditions proposed, stating:

- “ 1. Mr Alma agrees to have one (1) SIA licensed Door Supervisor present at the shop on a Friday & Saturday night from 00.00 (midnight) until 06.00. This is accepted for an initial three month period. The continuing need for Door Supervisors to be subject to review client and Police Licensing after three months.*
- 2. He accepts CCTV should cover the outside.*
- 3. Mr Alma does not accept any restriction on the number of cans or bottles he can sell.*
- 4. Mr Alma accepts that no beers, lagers or ciders above 6.5% ABV should be sold between 02.00 and 06.00 daily. He does not any restriction during current permitted licensed hours.”*

The Chair then invited PC Corinne Holland and PC Scott Mahoney, who were in attendance, to present the Metropolitan Police representation to the Sub Committee.

PC Holland advised that the police objected to the application on the grounds of risk of an increase to crime and disorder and public nuisance at the premises and in the immediate locality. In July 2016, the premises had voluntarily agreed to reduce the licensing hours back to midnight due to complaints of antisocial behaviour in the area. It transpired during the meeting that the reduction in hours was in place for approximately one month.

PC Mahoney referred to his witness statement contained within the agenda, advising that he had established a good working relationship with the premises and found the proprietors to be responsible. That said, PC Mahoney felt that if a licence were to be granted for 24 hours, crime and disorder would escalate in the area. PC Mahoney advised that the off-licence in the Gascoigne Estate called St Mary's Wines, mentioned in his witness statement had now closed.

PC Mahoney listed areas of concern particularly Millicent Preston House, a care home and Westbury Court. Both residents of both properties had expressed their concerns over anti-social behaviour in the area to PC Mahoney in the summer of 2016.

In response to questions, the Sub Committee advised that problems within the area regarding alcohol started in the early evening and continued through the night.



Mr Hopkins, representing Mr Alma, was then invited address the Sub Committee.

Mr Hopkins advised that Mr Alma was a responsible operator, had experience as a personal licence holder and a designated premises supervisor, with all recent test purchases passed. The premise currently opened for 24 hours and there had been no history of incidents.

Mr Hopkins further advised that:

- The premises was covered by CCTV, although Mr Hopkins stated that this had never been checked by the Police;
- The premises operated in accordance with Challenge 25;
- A refusals book was in place;
- All staff were trained and received refresher training; and
- There were a minimum of four staff on duty during the week and five staff at the weekend.

In addressing the Sub Committee, Mr Hopkins commented that there was no evidence or crime statistics of incidences taking place near the premises. Whilst acknowledging that there were street drinkers in Barking Town Centre, Mr Hopkins advised that if there were individuals loitering outside of the premises they would be asked to move on.

In response to questions from the Sub Committee and the Police, Mr Alma confirmed that if the Sub Committee were to grant the application, he would accept condition 4 as suggested by the Police.

The Legal Advisor to the Sub Committee, Mr Rulewski, sought clarification from Mr Hopkins and Pc Mahoney that there were no allegations that the premises was causing issues. This was confirmed.

Mr Rulewski sought further clarification as to how the client would deal with the issues raised regarding crime and disorder and antisocial behaviour. Mr Hopkins addressed the Sub Committee advising that Mr Alma would continue to promote the four licensing objectives and reaffirmed that incidents of antisocial behaviour in the area had not been linked with the premises.

The Chair then invited both parties to sum up before the Sub Committee retired to deliberate their decision.

## **DECISION**

The Sub Committee, in reaching their decision, had regard to the Licensing Act 2003, the statutory guidance issued under Section 182 and the Councils Licensing Policy.

The Sub Committee considered all the evidence before it including all written documentation and oral submissions.

The Sub Committee resolved to grant the application, subject to the four conditions suggested by the Police, namely:

1. At least one SIA door security staff will be employed each day between the hours of midnight and 6am.
2. CCTV to cover the front and sides of the premises ensuring full visibility at street level taking into account the awnings.
3. No single cans or bottles of beer and cider to be sold at the premises
4. No beers, perries and ciders with an ABV of 6.5% and over will be sold at the premises.

## LICENSING AND REGULATORY BOARD

26 April 2017

<b>Title: Licensing Act 2003 – Barking &amp; Dagenham Statement of Licensing Policy 2017-2020</b>	
<b>Report of the Operational Director for Environmental Services</b>	
<b>Open Report</b>	<b>For Information</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> No
<b>Report Author:</b> Theo Lamptey, Service Manager Public Protection, Regulatory Services	<b>Contact Details:</b> Tel: 020 5655 E-mail: <a href="mailto:theo.lamptey@lbbd.gov.uk">theo.lamptey@lbbd.gov.uk</a>
<b>Accountable Director:</b> Jonathon Toy, Operational Director Enforcement Services	
<b>Accountable Strategic Director:</b> Claire Symonds, Chief Operating Officer	
<b>Summary</b>	
<p>The London Borough of Barking &amp; Dagenham (LBBd) Statement of Licensing Policy for 2017-2022 sets out how this Council, as local licensing authority under the Licensing Act 2003, intends to fulfil its responsibility for alcohol, regulated entertainment and late night refreshment licensing for the next 5 years.</p> <p>Following adoption of the policy by the Assembly on 25 January 2017, the policy is returned to the Licensing and Regulatory Board for discussion and future application.</p>	
<b>Recommendation(s)</b>	
<p>The Board is asked to</p> <ul style="list-style-type: none"> <li>(i) Note the content of the LBBd Statement of Licensing Policy for 2017-2022; and</li> <li>(ii) Consider whether there are any areas of clarification or further discussion necessary before it is applied to future licensing applications.</li> </ul>	
<b>Reason(s)</b>	
<p>The Council is required to have a policy by law. The policy is intended to promote both the licensing objectives stated in the Act and each of the Council's corporate priorities. It informs the licensing decision-making process and will support both consistent licence determinations and future decisions that may be subject of appeal to the law courts.</p>	

## **1. Introduction and Background**

- 1.1 The Licensing Act 2003 made the Council responsible, as the local licensing authority, for licensing the sale and supply of alcohol; the provision of regulated entertainment; and the provision of late night refreshment.
- 1.2 The Act requires the Council to promote the four licensing objectives
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 1.3 The Act also requires the Council to publish a statement of licensing policy that sets out how it intends to approach its licensing responsibilities and to review that policy every five years. Each revision of the policy is required to be the subject of public consultation.
- 1.4 This Authority's first statement of policy under the Act was published in 2004 and has been the subject of review at intervals.
- 1.5 The most recent review of the policy took place through the Autumn / Winter of 2016. The primary intention of the review was to update the policy to ensure that it is current and consistent with the content of the Act; associated secondary regulations; relevant Guidance produced for local licensing authorities by the Home Office; and current best practice.
- 1.6 The latest version of the policy was adopted by the Assembly on 25 January 2017. It was subsequently published and relevant notifications required under the Act given. The policy came into effect on 3 March 2017. It had immediate effect on current licensed operators and applies to all relevant licence applications made to the Council after that date.
- 1.7 The policy document is now returned to the Licensing and Regulatory Board to enable an opportunity for Members of the Board to consider the content in detail and provide opportunity for further clarification or discussion before it is applied to future applications.

## **2. The LBBB Statement of Licensing Policy for 2017-2022**

- 2.1 A copy of the LBBB Statement of Licensing Policy for 2017-2022 is attached at Appendix 1.
- 2.2 The statement of policy aims to:
  - Promote the four licensing objectives
  - Benefit all sections of the Barking and Dagenham community
  - Boost the local economy
  - Encourage a broad range of licensed premises across the borough

- Support consistent licensing decisions
- Support licensing decisions that may be subject of appeal.

### 2.3 The policy is set out into seven sections

- **Section 1** (pages 6-8) provides an **Introduction** to Barking and Dagenham, providing context, a map of the borough, and outlining the Council priorities
- **Section 2** (pages 9 – 13) set out the **Purpose and Scope of the Policy** including the general principles that will be applied to all licence determinations
- **Section 3** (pages 14 – 22) deals with **Administration, Process and Delegation**. It covers a broad range of matters from applications; responsible authorities; representations; conciliation; public hearings and the Licensing and Regulatory board to reviews and Temporary Event Notices. It is supported by a summary scheme of delegations at Appendix 5 to the policy
- **Section 4** (pages 23 and 24) importantly provides guidance to prospective licence applicants on **Preparing an Operating Schedule** being the central part of a licence application under which applicants make a risk-assessment of their intended future business operation and set out the management controls intended to be established in order to promote the four licensing objectives
- **Section 5** (pages 25 – 40) deals with the four **Licensing Objectives**. It offers advice on the types of issues that the Council and partner agencies believe should be taken into account by applicants when preparing their risk-assessments and as to the types of control measures that can be applied in mitigation of these risks. A range of issues are covered in detail including responsible management; the role of the Designated Premises Supervisor; working in partnership; CCTV; the hire of premises to third parties; illicit goods; safe permitted capacity; underage sales; proximity to schools and other places attended by children; child sexual exploitation and more.
- **Section 6** (pages 41 – 42) focuses on **Licence Terms and Conditions** covering mandatory, proposed and imposed conditions. This section is supported by inclusion of all mandatory conditions and a suggested 'pool of model conditions' for consideration by operators under Appendix 7 to the policy.
- **Section 7** (pages 43 – 44) looks at **Enforcement** setting out how this Council together with partner agencies intend to conduct all enforcement activities in a fair, transparent and consistent manner in accordance with the Regulators' Compliance Code.

### 3. Financial Implications

Implications completed by Katherine Heffernan, Customer Commercial and Delivery Service

- 3.1 There are no direct implications as a result of this report.

### 4. Legal Implications

Implications completed by: Dr Paul Feild, Senior Corporate Governance Lawyer

- 4.1 The Council, as the Licensing Authority, is required by Section 5 of the Licensing Act 2003 to prepare and publish a Statement of Licensing Policy every 5 years.

**Public Background Papers Used in the Preparation of the Report:** None.

**List of appendices:**

- Appendix 1 – The London Borough of Barking and Dagenham Draft Statement of Licensing Policy 2017 - 2022.

# **The London Borough of Barking and Dagenham**

## **Licensing Act 2003 - Statement of Licensing Policy 2017-2020**

## Notes

The Licensing Act 2005 (“the Act”) came into force in 2005. It introduced a new, comprehensive licensing regime for the sale and supply of alcohol; the provision of regulated entertainment; and the provision of late night refreshment.

As the local licensing authority for the London Borough of Barking and Dagenham, this Council is required under s.5(1) of the Act to prepare and publish, every five years, a statement of the licensing principles it proposes to apply in exercising its functions under the Act. This is commonly known as the statement of licensing policy. The statement of policy can be reviewed and revised by the Council at any time, but must be produced following consultation with those bodies and persons set out in s.5(3) of the Act.

The Barking and Dagenham Statement of Licensing Policy sets out how the Council intends to exercise its functions under the Act, for the next five years. First published in 2005, this latest revision was compiled in 2016 and approved by the Council Assembly on 25 January 2017. In preparing this document, regard was had to the Act: secondary regulations; the Home Office Guidance issued to Local Licensing Authorities under s182 of the Act (March 2015 edition); and responses received from a public consultation exercise. Consultees are listed in Appendix 4.

This policy is effective from 3 March 2017. It will be kept under review and further revised as and when considered appropriate. Where revisions are made to the s182 Guidance are made by the Secretary of State, it is for the licensing authority to determine whether revisions to the policy statement are necessary.

A licensing authority may depart from its policy where it has good reason to do so and can provide full reasons.



## **Executive summary**

This Council recognises the important role that a diverse and vibrant range of entertainment and leisure facilities holds within the local community. Aside from providing important economic, employment and leisure opportunities, such facilities provide opportunity for relaxation, for people to meet and build relationships; to promote cultural activities and support community cohesion.

It is this Council's intention to promote a broad and varied leisure opportunity and to support responsible business and event management wherever possible.

However, the Council equally recognises that poor and / or irresponsible business or event management can lead to serious issues of crime, disorder, nuisance, anti-social behaviour and more. This is particularly the case where alcohol sales are involved. Alcohol plays an important role in our society but if used irresponsibly can have serious impact, for individuals and the community generally.

This licensing policy intends to support a licensing process which supports responsible operators and promotes the licensing objectives but provides adequate protections for the local community where these are necessary.

Central to this policy are sections 4 and 5 which provide advice and guidance on compiling a good considered operating schedule as part of a licence application and the types of issues and control measures that should be considered as part of this. It provides pointers toward sound management planning and best practice. These sections are supported by appendices 6 and 7 which provide suggested model licence conditions, alongside mandatory licence conditions, and appendix 8 which offers a model risk-assessment for child protection issues. These are the recommended starting points for new (and existing operators).

Elsewhere, section 1 provides an introduction to the borough. Section 2 sets out the principles that guide this Council in carrying out its licensing functions. Section 3 deals with an important range of administrative matters. Section 6 deals with the approach taken to setting licence conditions and section 7 deals with our approach to enforcement.

We recommend the contents of this policy and welcome your feedback on it at any time.

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## Section One – Introduction

### About Barking and Dagenham

1. The London Borough of Barking and Dagenham is located at heart of the Thames Gateway, just a 15-minute train journey from central London.
2. Barking and Dagenham has the seventh smallest population in London with 201,979 residents. However, the borough has a young population. The average age in Barking and Dagenham is 33, lower than the London average. The 54,912 under 16s living within the borough represent the highest proportion of residents of this age group in London and UK. Barking and Dagenham also has a diverse, multi-cultural community. The borough's BME population represents 49.3% of the total population. Nigeria is the most common birthplace of residents from outside of the UK (4.7%) followed by India and Pakistan. 18.5% of residents do not have English as their first language <sup>1</sup>.
3. Barking and Dagenham has its challenges. Both male and female life expectancy (59.5 and 54.6 respectively) are below the London average. The numbers of people who have no qualifications (15.4%); who are unemployed (10.5%); and who are DWP benefits claimants (14.9%) are all above the London average <sup>2</sup>.
4. However, with a proud history of manufacturing, industrial excellence and a strategic location linking it to major markets in the South East (and on to Europe), Barking and Dagenham has real potential and aspires to become a destination of choice, where people stay and feel welcome.
5. With its excellent transport links, Barking and Dagenham is already one of London's best connected boroughs. Connections are set to improve further, however, with new transport links currently under construction and in the pipeline, all intended to support the capital's eastward growth.
  - Crossrail will operate from Chadwell Heath from 2019
  - The London Overground will be extended to Barking Riverside by 2020
  - A new C2C station will open at Beam Park in 2020
  - Proposals to improve the A13 are under active consideration
  - Plans for the new River Thames crossings serving east London are underway
6. The borough is increasingly a focus for house building. There are plans for over 17,000 new homes and 10,000 jobs over the next 20 years. Though house prices are rising much faster than the London average, the borough remains the cheapest in the capital.

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<sup>1</sup> LBBD Key demographic facts July 2016

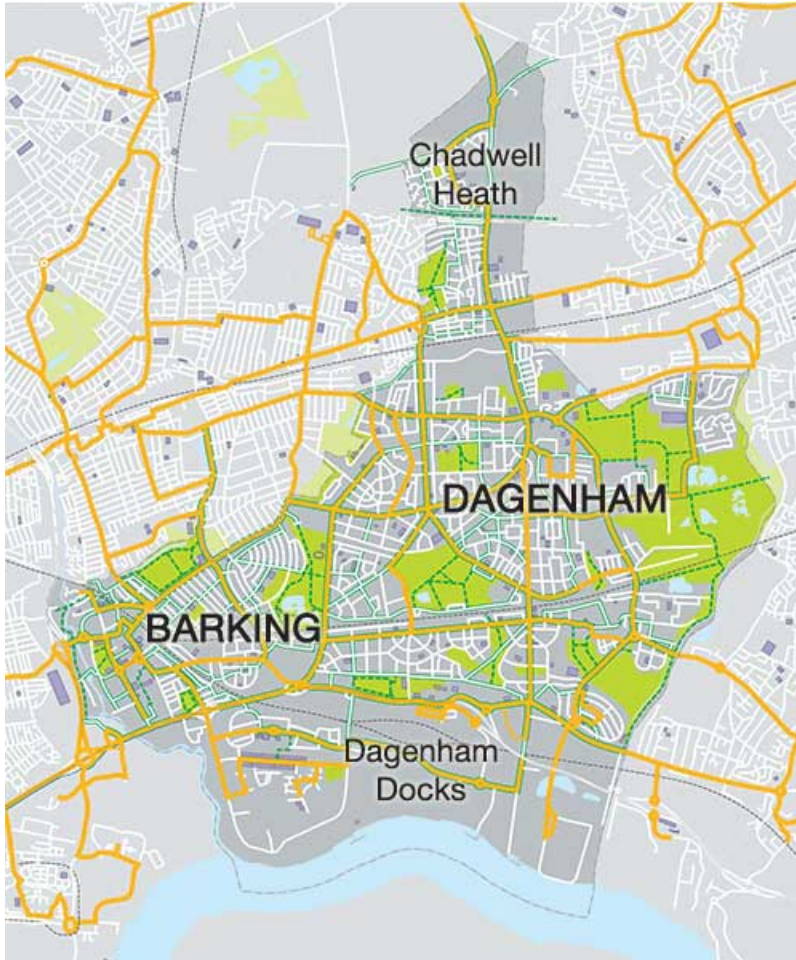
<sup>2</sup> As above

7. As a legacy from Barking and Dagenham's involvement as a host borough in the London Olympics in 2012, there has been significant investment in leisure, recreational and sporting facilities.
8. The borough has an incredible 530 hectares of green belt land, plus 25 parks and open spaces and tree lined streets.
9. A map of the geographic area comprising Barking and Dagenham is shown in Figure 1 on the following page.

### **Vision and priorities**

10. This Council's vision for the borough is "One Borough; One Community; London's Growth Opportunity".
11. Three corporate priorities support the vision. Each of the priorities has a set of objectives which define the areas of focus for the Council, partners, and community.
  - Encouraging civic pride
    - Build pride, respect and cohesion across our borough
    - Promote a welcoming, safe, and resilient community
    - Build civic responsibility and help residents shape their quality of life
    - Promote and protect our green and public open spaces
    - Narrow the gap in attainment and realise high aspirations for every child.
  - Enabling social responsibility
    - Support residents to take responsibility for themselves, their homes and their community
    - Protect the most vulnerable keeping adults and children healthy and safe
    - Ensure everyone can access good quality healthcare when they need it
    - Ensure children and young people are well-educated and realise their potential
    - Fully integrate services for vulnerable children, young people and families
  - Growing the borough
    - Build high quality homes and a sustainable community
    - Develop a local, skilled workforce and improve employment opportunities
    - Support investment in housing, leisure, the creative industries and public open spaces to enhance our environment
    - Work with London partners to deliver homes and jobs across our growth hubs
    - Enhance the borough's image to attract investment and business growth

Figure 1 - Map of the borough



## **Section 2 – Purpose and Scope of the Policy**

### **Our Aims and Objectives**

12. This statement of licensing policy sets out how the Council intends to fulfil its licensing responsibilities under the Licensing Act 2003 (the Act).
13. This policy aims to:
  - Promote the four licensing objectives
  - Benefit all sections of the Barking and Dagenham community
  - Boost the local economy
  - Encourage a broad range of licensed premises across the borough
  - Support consistent licensing decisions
  - Support licensing decisions that may be subject of appeal.
14. To achieve these aims, the Council intends to work together with all relevant stakeholders (including partner responsible authorities and service agencies; local licence holders and licensed business operators; local residents; and those who use licensed facilities) to promote the aims objectives set out in this policy.
15. In doing so, the Council will provide a licensing service which
  - Sets and maintains a high standard of service
  - Provides easy access for local businesses, residents and others who are interested in licensing
  - Provides an efficient and effective service
  - Operates in a fair, consistent and transparent and honest manner

### **Licensable activities**

16. This policy is concerned with the following licensable activities:
  - The sale by retail of alcohol
  - The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
  - The provision of regulated entertainment
  - The provision of late night refreshment
17. 'Regulated entertainment' includes each of the listed activities
  - A performance of a play

- A film exhibition
- A performance of live music
- The playing of recorded music
- A performance of dance
- An indoor sporting event
- A boxing or wrestling entertainment
- Entertainment of a similar description to a performance of live music; any playing of recorded music or a performance of dance.

When one or more of the listed activities are provided (at least partly) for the purpose of entertaining an audience, upon premises made available for the purpose of enabling that activity and also

- Takes place in the presence of a public audience, or
  - Where that activity takes place in private, be the subject of a charge made with a view to a profit.
18. The licensing of regulated entertainments has been subject of a programme of deregulation in recent years. Several exemptions now exist. For up to date information on these please contact the licensing team (contact details provided in Appendix 2).
19. 'Late night refreshment means the provision of hot food and / or drink between the hours of 23.00 and 05.00. A licensing authority may take a decision to exempt the activity of providing late night refreshment from the need for a licence. However, it should be noted that late night refreshment is not exempt from the need for a licence within Barking and Dagenham.

### **Authorisations or permissions**

20. The Act provides for four different types of authorisation or permission, as follows:
- Premises licences
  - Club premises certificates
  - Personal licences
  - Temporary event notices (TENs)

### **The licensing objectives**

21. The Act requires every licensing authority to promote the four statutory licensing objectives in carrying out its licensing responsibilities



- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
22. Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

### **Other key aims and objectives**

23. However, the Act supports many other key aims and objectives that are vitally important:
- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises
  - Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and to take action against those premises that are causing problems
  - Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises management
  - Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area
  - Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

### **General principles to be applied**

24. This policy is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. The Council acknowledges that neither the Act nor this policy are the primary means for the general control of nuisance and / or anti-social behaviour caused by individuals once they are beyond the direct control of the licence / certificate / authorisation holder. However, both are intended to play a key part in such control and will always be part of a holistic approach to the management of the day, evening and night-time economy within the borough.
25. Other mechanisms may also be utilised, where appropriate, to tackle the unruly or unlawful behaviour of consumers when beyond the control of the individual,

club or business holding the licence, certificate or authorisation concerned.  
These include:

- Planning controls
  - Positive measures to create a safe and clean town environment in partnership with local businesses, transport operators and other departments of the local authority
  - The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
  - Powers of local authorities to designate places where restrictions on public drinking apply
  - Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
  - The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
  - The confiscation of alcohol from children and adults in designated areas
  - Police and/or local authority powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
  - The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question
26. Nothing in this policy is intended to undermine the rights of any person to apply under the 2003 Act for any of the variety of permissions and have that application considered on its individual merits.
27. Equally, nothing in this policy is intended to override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.
28. In carrying out its licensing responsibilities the Council will avoid duplication with other regulatory or statutory regimes, so far as is possible. Also, the Council does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation.

#### Determining applications for licences made in respect of council premises

29. When one part of the Council seeks a premises licence from the Licensing Authority, the Licensing and Regulatory Board and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly by a

Sub-Committee of the Board. Those making representations genuinely aggrieved by a positive decision in favour of a local authority application by the licensing authority may be entitled to appeal to the Magistrates' Court and thereby receive an independent review of any decision made.

30. In all cases, applicants and those making representation in respect of applications to the Licensing Authority have a right to appeal the Council's decision to the Magistrates' Court

### **Section 3 – Administration, Process and Delegation**

31. While it is the Council's intention to keep the licence application processes as simple as possible, this policy is not intended to provide detailed guidance on licensing process and practice.
32. Instead, a range of other supporting information and guidance documents are provided for this purpose and advice and assistance is offered to all applicants, particularly those from the voluntary sector. Published guidance is available upon request from the licensing service covering:
  - The applications processes
  - Objections, representations and reviews
  - Public hearing procedure
33. However, there are several administrative matters and arrangements the Council would wish to draw attention to here.

#### **Applications**

34. Applications for any of the various authorisations or permissions offered should be made on the appropriate form, completed in full, signed and dated and paid for at the time of application.
35. Electronic applications will be accepted where made online via the Government website at <https://www.gov.uk/apply-for-a-licence/premises-licence/barking-and-dagenham/apply-1>
36. No application will be progressed until all sections of the relevant form have been correctly completed; all necessary accompanying documentation has been received and the relevant fee paid in full.

#### **Plans**

37. Plans submitted together with applications for new and varied premises licences and club premises certificates should normally be drawn to scale 1:100. Alternative scales may be acceptable but applicants should contact the Licensing Service to discuss this before submitting.

38. Plans do not need to be professionally drawn but must include all relevant detail and clearly enable the dimensions of the premises; licensed areas and escape routes to be clearly understood.

## **Variations**

39. Applications to licence additional buildings, floors or licensed areas are likely to require a new premises licence application. However, where a licence holder wishes to amend the terms, conditions and restrictions of his / her licence, an application for a variation of the licence can often be made, rather than a full application for a new premises licence being necessary. This might include amendments to:
- The licensable activities named upon the licence
  - The days and / or hours during which a licensable activity is permitted
  - The conditions within a licence
  - Any aspect of the layout of the premises which is shown on the plan submitted to the Licensing Authority
40. In cases where a licence holder wishes to vary features shown on a submitted premises plan which are not required to have been included, the Council will consider whether there is any likely impact on the promotion of the licensing objectives.
41. There is also a minor variations process intended for changes to a licence that will not have an adverse impact on the licensing objectives. Examples might include cosmetic changes to the layout arrangements of a premises; small adjustments to licensing hours; the removal of out of date, irrelevant or unenforceable conditions; or adding certain licensable activities. The Council will consult with appropriate responsible authorities to make such assessment.

## **Responsible authorities**

42. Each of the bodies listed below are named as 'responsible authorities' under the Act. These responsible authorities may make representations on applications, as far as they relate to the promotion of the four licensing objectives. They may also request a review of a premises licence or club certificate.
- The Metropolitan Police Service
  - The London Fire and Emergency Planning Authority
  - The Licensing Authority itself
  - Trading Standards (as the local weights and measures authority)

- Environmental Health (as both the enforcing authority for health and safety purposes and the authority responsible for minimising or preventing the risk of pollution of the environment or risk to human health)
  - Planning
  - Public Health
  - Any other licensing authority in whose area part of the premises is situated
43. Additionally, the London Borough of Barking and Dagenham Child Protection Team is recognised as the competent authority to advise on matters relating to the protection of children from harm.
44. The licensing authority responsible authority role will be undertaken within the Licensing Service. Where it is decided appropriate to act in the capacity of responsible authority, arrangements will be put in place to provide a separation of duties to ensure procedural fairness and eliminate conflicts of interest.
45. Contact details for responsible authorities are given in Appendix 3. Responsible authorities will also provide advice and information on established best management practice. Some information on preparing an operating schedule is contained within this policy but applicants may also wish to consult with the authorities directly.

### **Other persons**

46. Any other person, including any individual, body or business entitled to make representation, may also comment on an application, regardless of their geographic proximity to the premises to which the application relates. Any other person can make the representation or they may ask for a representative to make it on their behalf. Members of the Licensing Authority may also make representations as interested parties.

### **Representations**

47. A representation can only be considered 'relevant' if it relates to the effect of the grant of the licence on the promotion on one or more of the four licensing objectives. Representations must not be frivolous or vexatious, and in the case of reviews, repetitious.
48. Representations must be received in writing at the licensing service office by the last date set for representations. Representations must be
- Signed
  - Dated

- Provide the grounds of representation in full
  - Include the name and address of the person / body making the representation.
49. Where a notice of a hearing is given to an applicant, the Licensing Authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made. In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as names and address, are divulged to the applicant.
50. Where this Council considers that the person concerned has a genuine and well-founded fear and may be deterred from making a representation on this basis, alternative approaches will be considered. Where circumstances justify such actions the Council may either provide only minimal details (such as street name or general location in a street) or withhold details.

### **Conciliation**

51. Where relevant representations are received, the Council offers a conciliation service intended to bring the applicant and 'objectors' together to discuss the application and concerns raised in more detail. Conciliation meetings aim to explore the issues involved with a view to identifying whether a negotiated conclusion may be reached to the satisfaction of all parties involved.

### **Public hearings**

52. It is only when relevant representations are received that a licensing authority may hold a public hearing to determine an application. Where no representations are received, the application must be granted in full, upon the terms, conditions and restrictions sought by the applicant, subject to the mandatory licence conditions and conditions consistent with the steps proposed to be taken by the applicant under the Operating Schedule.
53. When considering applications, the Council will have regard to:
- the Licensing Act 2003 and the licensing objectives
  - Government guidance issued under Section 182 of the Licensing Act 2003
  - Secondary regulations
  - This statement of licensing policy

### **The Licensing and Regulatory Board**

54. In accordance with section 6 of the Licensing Act 2003, the Council's Licensing and Regulatory Board will form Licensing Sub-Committees to perform all functions relating to licensing.
55. The Council will annually appoint 10 members to sit on the Licensing and Regulatory Board. From this overall membership, any 3 members may sit as a licensing sub-committee to determine contested applications. Only councillors who have received relevant licensing training will take part in decisions on licensing matters.
56. Members of the Licensing and Regulatory Board will not take part in any licensing decisions concerning premises that they have an interest in. A member of the Licensing and Regulatory Board may not hear an application that is in their own ward, but may observe the meeting as a member of the public.
57. At public hearings, members will consider applications on their own merits with all relevant matters taken into account. They will pay particular attention to promoting the licensing objectives and consider whether concerns raised may be alleviated by appropriate conditions, imposed in addition to any which may already be included in the operating schedule.
58. The full table of delegation, identifying which decisions will be made by the Licensing Sub-Committee, and which matters will be confirmed or made by council officers through delegated authority, is provided at Appendix 5.

### **Licence reviews**

59. A review of a premises licence may be called by any responsible authority or other person at any time, where there are relevant concerns relating to the licensing objectives. However, such reviews should, where possible, be supported by evidence to be presented to the licensing authority.
60. In addition, a licensing authority must review a premises licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder, and the magistrates' court has sent the authority the relevant notice of its determination. A review must also be undertaken if the police have made an application for a summary review of a licence on the basis that the premises are associated with serious crime and/or disorder.
61. Where possible and appropriate any responsible authority will give early warning to the relevant licence holder of any concerns about problems identified at premises and of the need for improvement.



62. No more than one review per premises will normally be permitted from other persons within any 12-month period on similar grounds, except in exceptional and compelling circumstances.
63. Applications for review made to this Council will be dealt with fairly at a public hearing in front of a Licensing Sub-Committee. The Sub-Committee will take particularly seriously situations where a licensed premises is used for the following criminal activities:
- For the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 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 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 racist activity or the promotion of racist attacks
  - For unlawful gaming and gambling
  - For the sale of smuggled tobacco and alcohol
  - For knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter.

#### **Payment of annual licence maintenance fee**

64. All premises licences and club premises certificates issued are subject to an annual maintenance fee. These are payable on the anniversary of the grant of the licence.
65. The Act provides for the automatic suspension of any licence or certificate where the fee is not paid on time. The Council will provide a reminder when a fee is due and sufficient time for the payment to be made but, if the money due is not received by the date required, the authorisation will be suspended and no licensable activities may be provided at the premises until the fee is paid in full.

#### **Temporary event notices (TENs)**

66. Certain temporary events are not required to be licensed but must be subject of a notification (a 'Temporary Events Notice' (TENs)) given to the Licensing Authority, the Metropolitan Police, and the Council's Environmental Health Service.
67. However, while the TENs process is intended to provide a fast track process for 'one-off' or irregular small scale community events, such occasional activities

may still have implications for each of the four licensing objectives. For this reason, both the police and environmental health may give 'counter-notices' if they have concerns about a particular event relevant to the licensing objectives.

68. So, although the legislation requires a minimum of ten clear working days' notice to be given (five clear working days' notice in the case of Late Temporary Event Notices), event organisers are encouraged to submit their notification as soon as reasonably practicable to enable the responsible authorities to work with them to identify and reduce the risk to the licensing objectives.
69. If TENs must be made with the minimum amount of permitted notice given, it must be understood that the requirements for 10 clear working days' notice means, for example, that a TENs intended to cover an event on a Saturday night must be given 3 Fridays prior to this. If the period includes a bank holiday, then the notice given must be extended by 1 working day for each bank holiday falling in the period. The Council has no ability to waive or reduce the legal notification periods.
70. TENs are subject to limitations on the numbers of permitted uses of a premises; the numbers of notifications that may be given by a person; and the duration and size of the event. Full information is given in the Guidance Note produced by the Licensing Service.

### **Other Policies, Strategies and Initiatives**

71. Before applying, applicants are encouraged to refer to other relevant policies, strategies and initiatives. Although they may not be directly related to the promotion of licensing objectives, they may have an indirect impact on them. These may include:
  - The Community Safety Strategy
  - The Community Safety Plan
  - The Crime and Disorder Strategy
  - The Cultural and Tourism strategies
  - Drug and Alcohol strategies
  - The Drug and Alcohol Treatment Plan
  - The Regulators Compliance Code and the Council's Enforcement Policy
  - The Environmental Strategy
  - The Corporate Equalities Policy Statement
  - The Leisure Strategy
  - 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
- The Health and Wellbeing Strategy

### The Equality Act 2010

72. The Equality Act 2010 places a legal obligation on public authorities to have due regard to unlawful discrimination, harassment, and victimisation. This obligation is understood and will be a consideration throughout all licensing process and practice. Barking and Dagenham became the first Council in the country to adopt a Gender Equality Charter on 10 March 2016. The Charter is a commitment on behalf of the Council and our partners to create a fair and just society where people are treated equally, discrimination is tackled and the barriers to achieving equality removed. This policy has been subject of an Equality Impact Assessment accordingly.

### Designated Public Place Order

73. On 24 March 2010, this Council adopted the provisions of section 13(2) of the Criminal Justice and Police Act 2001. This made 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 is currently in place until September 2017. While this designation does not have any direct impact on the ability of individuals, companies or relevant organisations when applying for a premises licence or club premises certificate, licence holders are expected to have regard to the designation and trade responsibly. 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.

### Tourism and employment

74. 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.
75. Applicants are advised to refer to the Barking and Dagenham Growth Strategy 2013 – 2023, before submitting applications. Whilst the Council welcomes applications that support this strategy, this does not take preference over the promotion of the licensing objectives.

### Planning and building control

76. Licensing will be treated separately from planning permission and building control approval. The Licensing Sub-Committee will not be bound by planning restrictions.
77. Nor may a licensing authority consider matters of 'need'. It is recognized that there may be confusion about the difference between "need" and the "cumulative impact" of premises on the licensing objectives. "Need" concerns the commercial demand for another pub or restaurant or off-licensed premises. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy, and this Council will not take need into account when making decisions on licence applications.
78. While it is understood that refusal of a planning consent is not in itself a valid reason for refusal of a licence application, the Council expects that applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned.
79. It is recommended that applicants for licences consult with planning and building control before a licence application is submitted to see if any other consents may be required. No licensing decision overrides the need for an operator to obtain all necessary lawful consents before commencing licensed operations. Operators should take care to ensure that all relevant consents have been firstly obtained. A premises operation may be restricted by the terms of a lease or other lawful agreement for occupancy and other permissions may be necessary, such as building control approval. Applicants are expected to ensure that such permissions are obtained where necessary.

### Sports grounds

80. Any premises to which the Safety at Sports Ground Act 1974 and associated legislation applies is strictly controlled by the above legislation, and, for the purposes of the Licensing Act 2003, the Safety at Sports Ground Act 1974 will take precedence during the times that such activities controlled under Safety at Sports Ground Act 1974 take place

## **Section 4 - Preparing an Operating Schedule**

81. One of the most important sections of the premises licence application is the operating schedule. In this part of the application form, the applicant is asked, having set out the business proposal, to consider the risks that proposed operation offers under each of the four licensing objectives and state what steps are intended to be taken in mitigation.
82. If the application receives no representations then it will be granted in full made subject only to the mandatory licence conditions under the Act and to additional licence conditions that reflect the steps the applicant has stated will be taken to reduce risks, within the operating schedule.
83. We will expect that, once issued, the licence terms, conditions and restrictions will be complied with in full. Failure to comply could result in formal enforcement action and / or the loss of the licence. So it is very important that an applicant for a licence understands the implications of the steps offered within the operating schedule and is committed to ensuring that these are carried out in full. This is particularly important if the application is being completed by an agent or other person on behalf of the applicant. Once the process is successfully completed the licence holder will be responsible for compliance.
84. The following section of this policy is intended to help support the preparation of good operating schedules. It has been compiled in conjunction with the relevant responsible authorities and sets out the joint expectations of the authorities as to the types of considerations that should be had when preparing a thorough risk-assessment and compiling a detailed operating schedule.
85. Each section also offers advice on best management practice and model conditions are provided across Appendices 6 and 7 for some of the most common control measures. While each application will be considered on its own merits with all relevant matters taken into account, applicants are asked to have regard to the information offered.
86. However, the Council recognises that applicants should know their premises best. The selection of control measures should be based upon a full risk-assessment of the premises proposed method of operation, including the types of events, activities and intended custom group (e.g. age range, numbers,

catchment area). The steps proposed to be taken in mitigation of the risks identified should be specifically intended to reduce the identified risk and be reasonable, proportionate and within the applicant's ability to fulfil. Where help is required with developing a good, effective set of management controls we would advise that pre-application discussions are had with the relevant responsible responsibilities (contact details supplied at Appendix 3). The more careful consideration given to risk and how to mitigate that risk, the greater chance of securing a licence without representations being made.

87. When an application is submitted, the Council and responsible authorities will expect the operating schedule to demonstrate that suitable and sufficient measures will be implemented and maintained, relevant to the individual style and characteristics of the premises and activities proposed. Where appropriate, it should be made clear whether additional measures will be taken on an occasional or specific basis, such as when a special event or promotion is planned, which is intended to, or likely to attract, larger audiences.
88. Although the Council cannot require the risk assessments to be documented (other than where specified under legislation) this is considered good practice. Documented risk assessments can prove a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, (e.g. when making application for variation or in response to changing circumstances / conditions at the premises). Where risk-assessments are documented it is requested that these are submitted together with any application made, as this gives clear indication of how an operating schedule has been devised.
89. This Council welcomes applications for licences and consents that support the vision and priorities, as set out in section 1 of this policy. This will not, however, outweigh the need to promote the licensing objectives.

## **Section 5 – The Licensing Objectives**

90. This section deals in detail with each of the four licensing objectives:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
91. Some of the most important issues are covered here fully. Other potential areas of concern are raised and / or covered by model conditions in the accompanying appendices. Because of the wide variety of premises to which this policy applies, not all control measures are relevant in all circumstances. The control measures suggested are not intended to provide an exhaustive list. Many control measures achieve more than one objective but have not necessarily been repeated throughout. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.

### **First Licensing Objective – The Prevention of Crime and Disorder**

92. This Council is committed to further improving the quality of life for the people of the borough by continuing to reduce crime and the fear of crime.
93. Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on local licensing authorities, the police, and other partner agencies, to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.
94. The promotion of the prevention of crime and disorder licensing objective places an equal shared responsibility on licence holders to promote this objective.
95. 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 reduce or prevent crime and disorder inside of and in the vicinity of their premises.

96. When addressing the issue of crime and disorder, the applicant should be able to demonstrate that adequate consideration has been given to the range of factors that impact on crime and disorder. These factors may include:
- Anti-social behaviour
  - Drunkenness on the premises
  - Public drunkenness
  - Drugs
  - Violent behaviour
  - The possession of weapons
  - Harassment
  - Under-age drinking
  - Theft (of personal property or alcohol)
97. The following examples of control measures are suggested to assist applicants who may need to take account of them in their operating schedule. The control measures should be relevant to the particular type of premises and/or activities. The list is not exhaustive and the examples given will not be applicable in all cases:
- Established, effective and responsible management of premises
  - Appropriate numbers of staff with adequate supervision
  - Appropriate authorisation of alcohol sales with personal licence holder present whenever possible
  - Documented staff training appropriate for the roles staff are allocated
  - Carefully considered premises design and layout, including provision of adequate seating
  - The installation, maintenance and use of effective CCTV equipment with a 31-day library of recordings maintained
  - Employment of Security Industry Authority licensed door staff
  - Provision of search wands or arches where appropriate
  - Provision of secure deposit boxes for confiscated items ('sin bins')
  - Provision of toughened or plastic drinking vessels
  - Establishment of an age verification scheme using accredited PASS approved photographic 'proof of age cards' and / or driving licences
  - Adoption of a 'Challenge 25' principle under the age verification scheme
  - Introduction of a last admissions time
  - Establishment of a dispersals policy
  - Adoption of best practice guidance (e.g. Safer Clubbing, the Government's Alcohol Harm Reduction Strategy 'Safe. Sensible. Social.' and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point



of Sale Promotions published by BBPA, Security in Design published by BBPA and Drugs and Pubs, published by BBPA)

- Provision of secure cloakrooms
- Provision of external lighting
- Provision of litterbins
- Membership of local 'Pub watch' schemes or similar collaborative groups is recommended where these exist

98. Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

#### Responsible management

99. At all premises, the standard of management provided will be of paramount importance. A good, established management structure, with clear roles and responsibilities defined, supported by appropriate numbers of trained and supervised staff will provide a solid and stable basis for any successful premises operation.

#### The role of the Designated Premises Supervisor (DPS)

100. Except for 'qualifying community premises', a trained and qualified designated premises supervisor must be named within the operating schedule for any premises from which alcohol will be sold. It is anticipated that the DPS will normally have been given the day to day responsibility for running the premises by the premises licence holder and, as such, this key member of the management structure should be present on the licensed premises on a regular basis. The DPS will also be responsible for authorising alcohol sales and should have an established process of authorisation in place for all staff engaged in alcohol sales. The DPS will hold a personal licence, however, the Council would strongly encourage the DPS to undergo additional training, and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.
101. For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.
102. Note: Community premises may apply, under certain circumstances for an exemption to appoint a DPS. Where such application is made, this will be considered on a case by case basis.

#### Working in partnership

103. It is this Council's and the partner authorities' intention to work together with and support responsible operators. Working in partnership presents the best opportunity to ensure that licensed venues and facilities in Barking and Dagenham are well managed and may operate in a safe and secure manner. Together, we will often support, advice and assistance but will expect that premises management and front of house security (where this is in place) work in co-operation with local authority officers, the police, and other partner agencies in circumstances where any concerns may arise.

### CCTV

104. CCTV installation makes a significant contribution to ensuring a safe environment in licensed premises. Consideration to the installation of CCTV is urged in all circumstances. Advice on installation and operation is available. CCTV provides security and peace of mind and can provide invaluable evidence in the event that an incident occurs.
105. All CCTV systems must be properly designed, installed, commissioned and maintained by a CCTV Installer in accordance with the Information Commissioner's (ICO) CCTV Code of Practice pursuant to the Data Protection Act first introduced in 2000, so that each and every CCTV system is "Fit for Purpose" by the Licensee for their premises and for the Police and Crown Prosecution Service (CPS) should CCTV evidence be required from a reported incident.

### Hire of premises to third parties and 'promoted events'

106. A recent growing concern has been with the hire of premises not normally used for the provision of licensable activities for private and / or promoted events.
107. It is advised that no premises are hired out to third parties unless a diligent and 'robust' booking procedure is put into place which establishes the identity of the proposed user and records their full contact details; the nature, timing and duration of the event that is proposed; and the arrangements for ensuring the event takes place safely. Care should be taken to ensure that no licensable activities take place without the necessary consent having been firstly obtained or notification given.
108. It should be understood that hirers retain a level of responsibility for events staged in their premises and for any problems that may arise.

### 'Saturation' policies and 'cumulative impact'

109. This Council recognises that a concentration of licensed premises, located in close proximity, can have a 'cumulative impact'. The "cumulative impact" refers to the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For instance, an increased number of people passing through an area or congregating in streets during the night can give rise to issues of crime and disorder, anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in littering or fouling. The amenity of residents can be placed under severe pressure without this being attributable to any individual premises.
110. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement.
111. It is open to a licensing authority to adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area is resulting in unacceptable levels of crime and disorder or public nuisance.
112. Currently, having had regard to the information available, there is insufficient evidence to support that any particular part of this borough suffers from cumulative impact.
113. However, the potential for a special policy on 'saturation' remains and the situation will be reviewed if evidence arises or is submitted that indicates that residents are suffering from cumulative impact at any time.
114. The cumulative impact of licensed premises in a particular area may be raised as an issue through representations from residents or businesses or a responsible authority. Where 'cumulative impact' is formally raised, consideration may be given to whether any additional licences or substantial variations to existing licences, to increase such aspects as capacity or operating hours, would lead to an unacceptable saturation in an area. The onus will be on the objector to provide evidence that additional licences or the variation of existing licences will produce the cumulative impact claimed.

#### Illicit Goods on Licensed Premises

115. The public expects and deserves to know the products they buy at licensed premises are genuine and sourced from reputable suppliers. Illicit tobacco and alcohol products present a real and substantial risk to public health due to their low price and the risk of toxins. To support the objectives of the Licensing Act 2003, the London Borough of Barking and Dagenham Trading Standards fulfils

the statutory duty for local weights and measures authorities to enforce the following provisions:

- Trade Marks Act 1994<sup>3</sup> – in relation to counterfeit cigarettes and illicit alcohol
  - General Product Safety Regulations 2005<sup>4</sup> - in particular in relation to fire-safety cigarettes
  - Consumer Protection from Unfair Trading Regulations 2008<sup>5</sup> - in relation to misleading and unfair business practices, including the placing on sale of illegal goods
  - Tobacco and Related Products Regulations 2016<sup>6</sup> - in relation to non-UK labelled/ standard tobacco products.
116. In addition, Trading Standards enforces the food traceability and safety provisions of the Food Safety Act 1990 and Food Regulations 2004 in relation to illicit alcohol.
117. Trading Standards conduct regular unannounced enforcement visits to licensed premises to detect the presence of illicit goods
118. It is an offence under section 144 of the Licensing Act 2003 for a license holder, designated premises supervisor, or any person who works at licensed premises, to allow the presence of smuggled goods on the premises. In addition, statutory guidance makes clear that where licensed premises are being used for the storage of smuggled tobacco and/or alcohol, review procedures should be used with revocation of the licence seriously considered.<sup>7</sup>
119. It is the responsibility of the licence holder and designated premises supervisor to ensure illicit products are not present. This may include regular bag checks of staff and monitoring of CCTV. All goods must be bought from reputable wholesalers, and be accompanied by complete numbered receipts listing the name and address of the wholesaler. Receipts must be kept in an ordered manner and be available for inspection. Where illicit goods are found on licensed premises both prosecutions and license reviews may be instituted in accordance with London Borough of Barking and Dagenham's enforcement policy.

#### Businesses buying alcohol from wholesalers – New provisions from 1 April 2017

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<sup>3</sup> <http://www.legislation.gov.uk/ukpga/1994/26/section/93> section 93 (1)

<sup>4</sup> <http://www.legislation.gov.uk/uksi/2005/1803/regulation/10/made> section 10 (1)

<sup>5</sup> <http://www.legislation.gov.uk/uksi/2008/1277/regulation/19/made> regulation 19 (1)

<sup>6</sup> <http://www.legislation.gov.uk/uksi/2016/507/regulation/53/made> section 53 (1)

<sup>7</sup> Home Office *Revised Guidance issued under section 182 of the Licensing Act 2003* March 2015  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418114/182-Guidance2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf) para. 11.27

120. From 1 April 2017 businesses that sell alcohol to the public will need to ensure that the UK wholesalers they buy alcohol from have been approved by HMRC under the [Alcohol Wholesaler Registration Scheme \(AWRS\)](#). They will need to check the wholesaler's Unique Registration Number (URN) against the HMRC online database which will be available from April 2017.
121. If a business is found to have purchased alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and have their alcohol stock seized.

### **The Second Licensing Objective – Public Safety**

122. The Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, 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, relevant to the individual style and characteristics of their premises and events.
123. When addressing the issue of public safety, an applicant should demonstrate that those factors that impact on the standards of public safety have been considered. These factors may include:
- The occupancy capacity of the premises
  - The age, design and layout of the premises, including means of escape in the event of fire
  - The nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
  - The hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
  - The customer profile (e.g. age, disability)
  - Means of escape from the premises
  - Measures to reduce the risk of customers becoming intoxicated on the premises
  - Measures to ensure that customers can leave the premises safely
  - The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.
124. The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to

their particular type of premises and/or activities. The list is not exhaustive and the examples given will not be applicable in all cases.

- Suitable and sufficient risk assessments
- Effective and responsible management of premises
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- Employment of Security Industry Authority licensed door staff
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
- Adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide)
- Provision of effective CCTV in and around premises
- Maintenance of clear, unobstructed and available escape routes with clear signage provided
- Provision of toughened or plastic drinking vessels
- Implementation of crowd management measures
- Provision of food and a good range of soft drinks to reduce the potential for excessive consumption of alcohol
- Provision of adequate seating
- Ensure all areas of the premises can be properly monitored
- Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety
- External lighting
- Arrangements with reputable cab companies for customers

125. Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

#### Safe permitted capacity

126. The maximum permitted occupancy capacity for premises and events is also considered to be an important factor in the promotion of the four licensing objectives within 'on sales' premises. This factor is considered important not only for the purpose of fire and other emergency situations but to ensure the comfort and welfare of customers and staff. We expect the issue of occupancy capacity to be considered and addressed, where necessary, within an applicant's operating schedule. In appropriate instances, we will agree a maximum occupancy capacity, based on the applicant's assessment within their operating schedule.

127. The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These factors may include:
- The nature of the premises or event
  - The nature of the licensable activities being provided
  - The internal layout of the premises including the provision or removal of such items as temporary structures, such as a stage, or furniture
  - The number of staff available to supervise customers both ordinarily and in the event of an emergency
  - The customer age profile
  - The attendance by customers with disabilities, or whose first language is not English
  - Availability of suitable and sufficient sanitary accommodation
  - Nature and provision of facilities for ventilation
128. The agreement to a capacity for premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records. It is recognised that the person in charge at the premises can often readily assess the capacity of premises without resort to such measures. However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded or localised overcrowding may occur in any internal area.

#### Minimum alcohol price

129. It is a mandatory licence condition that no alcohol may be on sale for less than the duty price.<sup>8</sup> Any premises offering alcohol for sale at less than duty price, will, in effect, be operating outside their licence and committing an offence under section 136 of the Licensing Act. This may also result in a licence review or closure order.<sup>9</sup>

#### Availability of small measures

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<sup>8</sup> <http://www.legislation.gov.uk/ukxi/2014/1252/introduction/made>

<sup>9</sup> Home Office *Guidance on banning the sale of alcohol below the cost of duty plus VAT For suppliers of alcohol and enforcement authorities in England and Wales* May 2014  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/311735/Guidance\\_on\\_BBC\\_S\\_3.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311735/Guidance_on_BBC_S_3.pdf) page 12

130. To help reduce excessive drinking, it is a mandatory licence condition that where wine, beer, cider, gin, rum, vodka, or whisky are sold or supplied for consumption on on-licensed premises they are available in 125ml, half pint, and 25ml or 35ml measures as appropriate. To allow this to take place prices for smaller measures should be included in price lists, on menus, and electronic point of sale devices. In addition, licensees should make sure correctly stamped measures (i.e. half pint stamped glasses, stamped lined wine glasses, stamped “thimble” measures or optics) are available to serve 125ml, half pints and/or 25ml, 35ml. This condition does not apply where only pre-packed alcohol is supplied.<sup>10</sup>

### Transport

131. Good public transport is essential in order that people can leave licensed premises and the surrounding areas quickly without causing a disturbance or nuisance to residents. Transport may be a consideration in determining licence applications. It is expected applicants will take account of public transport provision when deciding on the detail of their applications particularly in relation to the arrival and dispersal of larger capacity events and venues.

### **The Third Licensing Objective – The Prevention of Public Nuisance**

132. Licensed premises have a significant potential to adversely impact on communities through public nuisance that may arise from their operation. The Council wishes to maintain and protect the amenity of residents and other businesses from the consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
133. The Council intends to interpret “public nuisance” in its widest sense, and takes it to include such issues as noise, light, odour, litter, and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
134. 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 prevent public nuisance, relevant to the individual style and characteristics of their premises and events.

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<sup>10</sup> Home Office *Guidance on Mandatory Licensing Conditions For suppliers of alcohol and enforcement authorities in England and Wales* September 2014  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/350507/2014-08-29\\_MC\\_Guidance\\_v1\\_0.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/350507/2014-08-29_MC_Guidance_v1_0.pdf) page 9



135. When addressing the issue of prevention of public nuisance, the applicant should demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These factors may include:

- The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship
- The hours of opening, particularly between 23.00 and 07.00
- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature, whether they are to be held inside or outside premises and their audibility at noise sensitive premises
- The design and layout of premises and in particular the positioning of sound equipment and the presence of noise limiting features
- The activities staged in and the control and timing of use of external areas
- Provision of facilities for smokers in line with Health Act 2006
- The occupancy capacity of the premises
- The availability of public transport
- Establishing a 'wind down period' between the end of the licensable activities and closure of the premises
- The last admission time
- Measures for orderly and safe dispersal of customers

136. The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities. The list is not exhaustive and the examples given will not be applicable in all cases:

- Effective and responsible management of premises
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly
- Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as timing of deliveries and external rubbish collection
- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Licensed Property: Noise, published by BBPA)
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises, including dispersal policies
- Liaison with public transport providers
- Siting of external lighting, including security lighting

- Management arrangements for collection and disposal of litter including smoking-related litter
- Effective ventilation systems to prevent nuisance from odour
- Siting of smoking areas in relation to adjoining residential areas
- Details of dispersal policy for customers leaving the venue.

137. Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

#### Operating hours

138. The Council and partner responsible authorities have no set policy on licensed operating hours. Applications will generally be considered on a case by case basis with all relevant matters taken into account. Applicants need to be clear, however, that the Council will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and relevant representations have been received. Conversely, premises with demonstrable effective measures planned to prevent public nuisance, may be suitable for longer opening hours.

139. In the case of shops, stores and supermarkets selling alcohol, the Council will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons relating, for instance, to disturbance or disorder.

#### **The Fourth Licensing Objective – The Protection of Children from Harm**

140. The protection of children from harm is a most important issue. It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.

141. The general relaxation in the 2003 Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family friendly leisure. Clearly this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.

142. The protection of children from harm includes the protection of children from moral, psychological, and physical harm and in relation to the exhibition of films, or transmission of programmes or videos, this includes the protection of children from exposure to strong language and sexual expletives. In certain circumstances children are more vulnerable and their needs will require special consideration. Examples would include where topless bar staff, striptease, lap,

table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language are provided. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and the lack of understanding of danger.

143. Premises which are classed as Sexual Entertainment Venues (SEV) are separately licensed under the Local Government (Miscellaneous Provisions) Act 1982 and are subject to additional regulation to protect children from harm.
144. The Council considers that, on the one hand, there should be no presumption of giving children access or, on the other hand, no presumption of preventing their access to licensed premises. The Council has no intention of imposing conditions requiring the admission of children and where no licensing restriction is necessary, admission of children will remain entirely a matter for the discretion of the individual licensee or club.
145. 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 protect children from harm, relevant to the individual style and characteristics of their premises and events.
146. Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant should demonstrate that those factors that impact on harm to children have been considered. Areas that will give particular concern in respect of children include:
  - Where entertainment or services of an adult or sexual nature are commonly provided
  - Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
  - With a known association with drug taking or dealing
  - Where there is a strong element of gambling on the premises
  - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
147. The following examples of control measures are given to assist applicants and are amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or

activities. The list is not exhaustive and the examples given will not be applicable in all cases.

- Effective and responsible management of premises
- Employment of Security Industry Authority licensed door staff
- Provision of a sufficient number of people employed or engaged to secure the protection of children from harm
- Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- Adoption of best practice guidance (Public Places Charter, The Portman Group Code of Practice on the Naming, Packaging, and Promotion of Alcoholic Drinks)
- Limitations on the hours when children may be present, in all or parts of the premises
- Limitations or exclusions by age when certain activities are taking place
- Imposition of requirements for children to be accompanied by an adult
- Acceptance of accredited 'proof of age' cards and/or 'new type' driving licences with photographs
- Measures to ensure children do not purchase, acquire or consume alcohol (e.g. 'Challenge 25' scheme)
- Measures to ensure children are not exposed to incidences of violence or disorder
- Appropriate siting and supervision of Amusements with Prizes machines

148. These examples can be adopted in any combination. Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

#### Underage Sales

149. To further the licence objective of protecting children from harm, Trading Standards conducts regular test purchase visits with volunteers to prevent the sale of age restricted goods to persons under the age of eighteen. The products tested include alcohol, tobacco, knives, fireworks, and butane cigarette lighter refills. For all age restricted offences there are statutory defences available where a sale has been made as the result of a genuine accident and not due to a business operator's failings. At a minimum licensees must take all reasonable precautions to prevent sales and be diligent the precautions are adhered to by staff. This will include regular documented training, instructions as to appropriate proof of age, use and monitoring of refusals registers, and monitoring of CCTV.

#### Proximity to Schools and other premises attended primarily by children and young people

150. 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.
151. The Council is particularly concerned about proximity of off-licences, convenience stores, supermarkets and similar premises to schools and other facilities attended primarily by children and young people.
152. When applications are made for licences in respect of such premises located within 400 metres of a 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.
153. The controls are:
- Alcohol should not be advertised outside of the premises in the street either in shop windows nor 'A' boards or other means
  - No display boards or other alcohol advertising should be shown on the shop floor
  - All alcohol should be stored behind the shop counter
  - No alcohol should be capable of purchase through self-service check-outs
  - The licensee shall operate a Challenge 25 policy
  - All tills should be fitted with a till prompt requiring authorisation by a supervisor for the sale of controlled products
  - All supervisors should hold a personal licence
  - 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
  - All cashiers permitted to sell alcohol should receive training in relation to underage sales which should be refreshed at regular intervals. 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
  - Cans of alcohol should not be sold singly
  - Bottles of beer under 1 litre should not be sold singly
  - No beer, perries or cider over 6.5% ABV should be sold
  - No alcopops should be sold

Film classification

154. In the case of film exhibitions, the Council will expect licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act to implement measures that restrict children from viewing age-restricted films in accordance with the classification given by the British Board of Film Classification or the Licensing Authority. No film that has yet to be classified should be shown without reference to the Licensing Service. Local film classifications may be given where good notice is given to the Council.

#### Child Sexual Exploitation

155. This Council is concerned to ensure that children, young and vulnerable people admitted to licensed premises remain safe and that no opportunity arises for their exploitation at any time. To help licensees ensure that proper consideration has been given to safeguarding concerns, the Council's Child Protection Team have prepared a detailed template risk-assessment for consideration. The risk-assessment is attached at Appendix 8 and is recommended for use by all licensees who admit children and young people to their premises. This should include children and young people admitted as customers, employees, residents, friends / relatives or other status. The principles may be equally applied to vulnerable people.
156. If considered appropriate, the Council may require that some adult supervisors undergo an enhanced Criminal Records Bureau check to ascertain that there is no known impediment to their working with children and young persons. In appropriate cases, the Council may also attach conditions relating to searches carried out on children and young persons.
157. The Council will rarely impose complete bans on access to premises by children. However, in exceptional circumstances, conditions restricting access or excluding children completely may be considered necessary.

## **Section Six – Licence Terms and Conditions**

158. There are three types of conditions that may be imposed on a premises licence or club premises certificate: mandatory, proposed and imposed.

### Mandatory conditions

159. A number of mandatory licence conditions are set down under the Act. These conditions are set out in Appendix 7 to this policy. The mandatory conditions must be attached to all licences issued under the category of operation the condition refers to.

### Proposed conditions

160. Proposed conditions emerge from the risk-assessment carried out by the prospective licensee or certificate holder prepared when compiling their operating schedule and licence application.

161. It should be understood that it is not acceptable for a licensing authority to simply replicate the wording from an applicant's operating schedule. Conditions will be interpreted in accordance with the applicant's intentions.

### Imposed conditions

162. In cases where a licensing authority's discretion is engaged following receipt of relevant representations, that authority may impose conditions upon a licence or certificate in order to promote the licensing objectives.

163. Where relevant representations are made, this Council will seek to make objective judgements as to whether it is appropriate to attach additional conditions to a licence or certificate to secure achievement of the licensing objectives.

164. Conditions will be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. They will be determined on a case by case basis.
165. This Council will make sure that conditions imposed upon licences are
- Appropriate
  - Proportionate
  - Reasonable
  - Clear
  - Enforceable.
166. Any proposed conditions arising from the operating schedule or imposed conditions, as a result of representations, will primarily focus on the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters that are within the control of individual licensees.
167. Additional measures may be necessary on an occasional or specific basis such as when a special event or promotion is planned (e.g. popular live band or during major sporting occasions), which is intended to, or likely to attract larger audiences and/or audiences of a different nature, and which can have a significant impact on the achievement of the licensing objectives. Reference should be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned in order to promote the licensing objectives.

#### Standard licence conditions

168. A pool of model conditions can be found at Appendix 7. The pool of model conditions will be regularly reviewed and developed to ensure it is up to date and relevant. The Council's Licensing Sub-Committee may refer to this when considering applications. However, the model conditions are not intended as standard conditions and will not be used as such. Conditions applied will always be relevant to each application and relating to one or more of the licensing objectives.

#### Premises licensed under the Gambling Act 2005

169. The Licensing Act 2003 covers activities which may be provided within casinos, bingo clubs and other gambling premises, which are also subject to the provisions of the Gambling Act 2005. No condition attached to a 2003 Act



premises licence will prevent a licence holder complying with the requirements of the Gambling legislation.

## **Section Seven - Enforcement**

170. The Council delivers a wide range of enforcement services aimed at safeguarding the local community and environment and at providing a 'level playing field' on which businesses can trade fairly. The administration and enforcement of the licensing regime is one of these services.
171. Each of the Council's regulatory services are subject to the provisions of Regulators' Compliance Code, which is 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, transparent and consistent manner.
172. Our resources will be 'intelligence led' and directed to where they are needed most. Responsible business operators, with proven operating history, can expect a light touch enforcement approach, enabling resources to be directed to supporting new operators and dealing with irresponsible and illegal operations.
173. Licensed premises may be subject of 'during performance' or 'during operation' visits but these will be conducted on a risk-assessed basis, having regard to the premises previous operating history and confidence in management
174. We intend to regulate in a proportionate, fair, consistent and transparent manner. Where it is necessary to take enforcement action officers will normally
  - Be clear about the issue(s) that have made enforcement action necessary and why
  - Provide a clear explanation as to what action is necessary to resolve the concern and by when
  - Allow opportunity for appropriate alternative steps to address the concern where this is possible
  - Provide an explanation of any rights of appeal

175. The Council and partner agencies recognise the interests of both citizens and businesses and will work together to assist licence holders to comply with the law and the four licensing objectives it seeks to promote.
176. We will support responsible operators and provide education and advice where this is required. However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law.
177. The Council has set clear standards of service and performance that the public and businesses can expect. An enforcement policy has been created that explains how the Council will undertake its role as Licensing Authority and how the principles of effective enforcement will be achieved. This policy is freely available from the Licensing Service, as are details of the Council's corporate complaints procedures. These documents can also be viewed on the Council's website: [www.lbbd.gov.uk](http://www.lbbd.gov.uk) .

## **APPENDIX 1 - REFERENCES TO GUIDES AND BEST PRACTICE**

- ⇒ Guidance issued under Section 182 of the Licensing Act 2003 <https://www.gov.uk/guidance/alcohol-licensing>
- ⇒ Regulators Code <https://www.gov.uk/government/publications/regulators-code>
- ⇒ Enforcement Policy [www.lbbd.gov.uk](http://www.lbbd.gov.uk)
- ⇒ Safer Clubbing [www.drugs.gov.uk](http://www.drugs.gov.uk)
- ⇒ The Point of Sale Promotions [www.beerandpub.com](http://www.beerandpub.com)
- ⇒ Security in Design [www.beerandpub.com](http://www.beerandpub.com)
- ⇒ Drugs and Pubs [www.beerandpub.com](http://www.beerandpub.com)
- ⇒ Fire Safety Risk Assessment Guides:  
Guide 6 – Small and Medium Places of Assembly  
Guide 7 – Large Places of Assembly  
Guide 9 – Open Air Events and Venues <https://www.gov.uk/workplace-fire-safety-your-responsibilities>
- ⇒ The Event Safety Guide [www.hse.gov.uk](http://www.hse.gov.uk)
- ⇒ Good Practice Guide on the Control of Noise from Pubs and Clubs [www.ioa.org.uk](http://www.ioa.org.uk)

- ⇒ Licensed Property: Noise [www.beerandpub.com](http://www.beerandpub.com)
  
- ⇒ The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks  
The Retailer Alert Bulletin <http://www.portmangroup.org.uk/codes/alcohol-marketing/code-of-practice/code-of-practice>
  
- ⇒ British Institute of Innkeepers [www.bii.org](http://www.bii.org)  
Best Practice Qualification  
Door Supervisors  
Personal Licence Holders  
Other Bar Staff

Example premises risk assessments

Produced by the HSE <http://www.hse.gov.uk/risk/casestudies/>

## **APPENDIX 2 - CONTACT DETAILS FOR RELEVANT RESPONSIBLE AUTHORITIES**

<b>Responsible authority</b>	<b>Contact details</b>
London Borough of Barking and Dagenham Licensing Service	Pondfield House, 100 Wantz Road, Dagenham, RM10 8PP Email: <a href="mailto:licensing@lbbd.gov.uk">licensing@lbbd.gov.uk</a>
Child Protection	FAO Teresa Devito, Children's Services, Barking Town Hall Email: <a href="mailto:Teresa.devito@lbbd.gov.uk">Teresa.devito@lbbd.gov.uk</a>
Planning and Development control	FAO Group Manager Planning Department, Barking Town Hall, 1 Town Square, Barking IG11 7LU. Email: <a href="mailto:planning@lbbd.gov.uk">planning@lbbd.gov.uk</a>
Environmental Health	Environmental and Noise Protection Pondfield House, 100 Wantz Road, Dagenham, RM10 8PP Email: <a href="mailto:@lbbd.gov.uk">@lbbd.gov.uk</a>
Trading Standards	Vincent Searle Trading Standards Service, Pondfield House, 100 Wantz Road, Dagenham, RM10 8PP  Email: <a href="mailto:Vincent.searle@lbbd.gov.uk">Vincent.searle@lbbd.gov.uk</a>
Public Health	Matthew Cole, Director of Public Health Health Authority, Barking Town Hall, 1 Town Square, Barking IG11 7LU
London Fire Brigade	Team Leader for Barking and Dagenham Fire Safety Regulation – North, 169 Union Street London SE1 0LL. Email: <a href="mailto:fsr-adminsupport@london-fire.gov.uk">fsr-adminsupport@london-fire.gov.uk</a>
Police Licensing	Corinne Holland Police Licensing Officers, Dagenham Police Station, 561 Rainham Road South, Dagenham RM10 7TU Email: <a href="mailto:corinne.holland@met.pnn.police.uk">corinne.holland@met.pnn.police.uk</a>
If premises are enforced by Local Authority	FAO: Kelly Francis / Laurence Kamm Health and Safety, Pondfield House, 100 Wantz Road, Dagenham, RM10 8PP
If premises are enforced by Health and Safety Executive	Stephen Hartley HSE, Rose Court, 2 Southwark Bridge, London SE1 9HS Email: <a href="mailto:stephen.hartley@hse.gsi.gov.uk">stephen.hartley@hse.gsi.gov.uk</a>

### **APPENDIX 3 - CONTACT DETAILS AND USEFUL ADDRESSES**

1. Arts Council England  
London Office  
21 Bloomsbury Street  
London, WC1B 3HF

Tel: 0845 300 6200  
Email: [enquiries@artscouncil.org.uk](mailto:enquiries@artscouncil.org.uk)  
Web: [www.artscouncil.org.uk](http://www.artscouncil.org.uk)
  
2. Association of Licensed Multiple Retailers  
9 Central Chambers  
Ealing  
London W5 2NR

Tel: 020 8579 2080  
Email: [info@almr.org.uk](mailto:info@almr.org.uk)  
Web: [www.almr.org.uk](http://www.almr.org.uk)
  
3. British Beer & Pub Association  
Ground Floor  
Brewers Hall  
Aldermanbury Street  
London, EC2V 7HR

Tel: 020 7627 9191  
Email: [contact@beerandpub.com](mailto:contact@beerandpub.com)  
Web: [www.beerandpub.com](http://www.beerandpub.com)
  
4. British Board of Film Classification  
3 Soho Square  
London  
W1D 3HD

Tel: 020 7440 1570  
Email: [helpline@bbfc.co.uk](mailto:helpline@bbfc.co.uk)  
Web: [www.bbfc.co.uk](http://www.bbfc.co.uk)
  
5. British Institute of Inn keeping  
Infor House  
1 Lakeside Road  
Farnborough  
Surrey  
GU14 6XP

Tel: 01276 684449  
Email: [enquiries@bii.org](mailto:enquiries@bii.org)  
Web: [www.bii.org](http://www.bii.org)

6. Equality & Human Rights Commission  
Fleetbank House  
2-6 Salisbury Square  
London  
EC4Y 8JX  
Tel: 020 7832 7800  
Fax: 020 7832 7801  
Web: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)
7. Institute of Acoustics  
3<sup>rd</sup> Floor  
St Peters House  
45-49 Victoria Street  
St Albans  
Hertfordshire  
AL1 3WZ  
Tel: 01727 848195  
Email: [ioa@ioa.org.uk](mailto:ioa@ioa.org.uk)  
Web: [www.ioa.org.uk](http://www.ioa.org.uk)
8. Musicians Union  
London Branch  
60-62 Clapham Road  
London  
SW9 0JJ  
Tel: 020 7840 5540  
Email: [london@musiciansunion.org.uk](mailto:london@musiciansunion.org.uk)  
Web: [www.musiciansunion.org.uk](http://www.musiciansunion.org.uk)
9. Security Industry Authority  
PO Box 49768  
London  
WC1V 6WY  
Tel: 08702 430 100  
Email: [info@the-sia.org.uk](mailto:info@the-sia.org.uk)  
Web: [www.sia.homeoffice.gov.uk](http://www.sia.homeoffice.gov.uk)
10. The Portman Group  
4<sup>th</sup> Floor  
20 Conduit Street  
London  
W15 2XW  
Tel: 020 7290 1460  
Email: [info@portmangroup.or.uk](mailto:info@portmangroup.or.uk)  
Web: [www.portmangroup.org.uk](http://www.portmangroup.org.uk)

## **Appendix 4 – Consultation Stakeholders**

### **4 Consultation**

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 as part of the licensing function and promotion of the licensing objectives.

In recognition of this, the Licensing Authority consulted widely on this latest draft revision.

The following statutory consultees and other parties were contacted directly

- Responsible authorities (including the police and fire service)
- Representatives of Premises Licence and Club Premises Certificate holders
- Representatives of Personal Licence holders
- Representatives of the local community
- Ward councillors
- Other known stakeholders and interest groups

The consultation was also advertised on the council's web site and in the borough e-newsletter.

An electronic questionnaire was provided on the web site for ease of response.

All responses received were considered in the preparation of the final draft.

A summary of the responses together with commentary is available upon request from the Licensing Service.



## Appendix 5 – Delegation of Authority

**Table of who makes licensing decisions**

<b>Decisions made by:</b>	<b>Licensing Sub Committee</b>	<b>Council officers</b>
<b>Matter being decided:</b>		
<b>An application for a personal licence</b>	If a police objection	If no relevant representation made
<b>An application for a personal licence with unspent convictions</b>	All cases	
<b>An application for a premises licence or club premises certificate</b>	If a relevant representation made	If no relevant representation made
<b>An application for a provisional statement</b>	If a relevant representation made	If no relevant representation made
<b>An application to vary a premises licence or a club premises certificate</b>	If a relevant representation made	If no relevant representation made
<b>An application to change a 'designated premises supervisor'</b>	If a police objection	All other cases
<b>A request to be removed as a</b>		All cases

<b>'designated premises supervisor'</b>		
<b>An application for a premises licence to be transferred</b>	If a police objection	All other cases
<b>An applications for interim authorities</b>	If a police objection	All other cases
<b>An application to review a premises licence or a club premises certificate</b>	All cases	
<b>Whether a complaint is irrelevant, frivolous, vexatious etc</b>		All cases
<b>Decision to object when local authority is a consultee and not the relevant authority considering the application</b>	All cases	
<b>Determination of objection to a temporary event notice</b>	All cases	
<b>Determination of application to vary premises licence at community premises to include alternative licence condition</b>	If a police objection	All other cases
<b>Decision whether to consult other responsible authorities on minor variation application</b>		All cases
<b>Determination of minor variation application</b>		All cases

## Appendix 6 – Pool of Model Licence Conditions

### FIRST LICENSING OBJECTIVE -. PREVENTION OF CRIME AND DISORDER

- **CCTV** - A CCTV system shall be installed, kept and maintained in good working order at all times. If the CCTV system breaks down then the police should be informed immediately and the system repaired within 2 days. The CCTV system shall
  - Make and retain clear images
  - The CCTV recordings shall show an accurate date and time that the recordings were made and all recordings shall be retained for a period of not less than 31 days
  - The original, or a copy of the CCTV recording, will be available on request to the Police and Local Authority within 48 hours
  - Copies of CCTV recordings shall be provided in a format that can be viewed on readily available equipment without the need for specialist software
  - There shall be at all times when alcohol is available for sale, a member of staff on the premises who has access to and be able to fully operate the CCTV equipment
  - CCTV must cover all entrance and exit points where door staff are employed (Note: May not be relevant to off-licensed premises)
  - CCTV must cover points of sale of alcohol and facial images of the purchasers (off-licensed premises and similar)
  
- **Consumption of alcohol** - Alcoholic drinks may only be consumed within the premises. The premises licence holder must ensure that no alcohol is consumed outside the premises at any time.
  
- **Door supervisors** - When SIA registered door staff are employed they shall be employed on a ratio of one door supervisor per 100 patrons or part thereof, whichever is the greater.
  - Door supervisors shall be in position early enough in the evening to ensure that procedures for promoting public safety are effective, and shall remain on duty until the premises are closed and patrons have dispersed from outside the premises
  - SIA staff on duty shall wear high visibility clothing
  - A log of SIA door staff on duty shall be maintained at the premises and are to be kept for at least three years and be made available to police and council officers upon request
  - Metal detecting wands should be used in the searching of customers by door supervisors
  - Any searching by door staff must be done within view of a CCTV camera.
  
- **Drugs/weapons box** - A secure storage box is to be located at the premises in which all drugs and offensive weapons found or seized at the club are stored to await collection by the police. This box should be kept locked and secure and only accessed when depositing items or when being emptied by police.

- **Incident log** - An incident log will be kept at the premises and made available upon request to any police officer or authorised local authority officer. The incident log shall record:
  - All crimes reported at the venue
  - All ejections of patrons
  - Any complaints received
  - Any incidents of disorder
  - All seizures of drugs or offensive weapons
  - Any faults in the CCTV system
  
- **Prohibition on bringing alcohol onto licensed premises** - No customers carrying open or sealed bottles shall be allowed to enter the premises at any time that the premises are open to the public.
  
- **Prohibition on removal of alcohol** - Alcoholic and other drinks purchased from the premises may not be taken away from the immediate curtilage of the premises in open containers such as glasses or opened bottles
  
- **Prohibition on use of glass containers** - Drinks shall not be served in regular glass containers or bottles. All drinks must be served in polycarbonate, plastic or paper cups, or cups made from toughened glass.
  
- **Public notices** - Clear and prominent notices shall be displayed on the premises warning customers of the need to guard their property and to be aware of the operation of pickpockets, bag snatchers, etc. The notices shall advise customers to report concerns to the designated premises supervisor or the person in charge of the licensed premises.
  
- **Pubwatch** - The holder of the premises licence will subscribe to and participate fully in the local pub/club/shop watch scheme (*where this is in place*)
  
- **Reporting** - All instances of crime and disorder shall be reported to the Police
  
- **Restaurants** - Alcohol shall only be purchased for consumption on the premises when it is an accompaniment to a sit down substantial plated meal served at a table.
  
- **Refusals book** - A refusals book shall be kept at the premises, in which must be recorded the date, time and circumstances under which any sale of alcohol is refused. This book must be made available for inspection by any police officer, police community support officer or authorised officer of the local authority. Entries in this book must be made as soon as practicable after the refusal of the sale. The DPS should check and sign the entries on at least a weekly basis.
  
- **Signage – For admissions** - The premises shall prominently display signage at all entrances informing customers:
  - All persons entering this premise are liable to be searched. Agreement to search is a condition of entry. If persons do not consent, entry will be refused. Police may be called if drugs or weapons are found

- CCTV is in operation throughout this premises and is made available to the police.
  - Any person found carrying weapons or illegal drugs will be permanently excluded and the police will be informed.
  - Management reserve the right to refuse entry
- **Staff training - Continuation training** - All staff shall receive continuation training regarding their responsibilities under the Licensing Act 2003 at least every six months. Such training shall be recorded in a Staff Training Log showing what training has been given to whom by whom and on what date. This should be signed by the DPS as correct. These records shall be available on request to any Police Officer, Police Community Support Officer or an authorised officer of the Local Authority.
  - **Staff training – New staff** - All new members of staff shall, before first starting to sell alcohol, be trained as to their responsibilities under the Licensing Act 2003, namely sales to underage, persons already intoxicated, sales by proxy, licensable hours, conditions attached to the premises licence. This training should be recorded in a staff training log and be made available on demand to any Police Officer, Police Community Support Officer or an authorised officer of the Local Authority.
  - **Super Strength Alcohol Ban:** - All beers, perries and ciders with an ABV of 6.5% and above will not be sold on these premises.

## **SECOND LICENSING OBJECTIVE - PROMOTION OF PUBLIC SAFETY**

- **Alcohol suppliers** - All alcoholic goods to be bought from reputable wholesalers. The Premises Licence Holder, or Designated Premises Supervisor, shall ensure that all receipts for alcoholic goods bought include the following details:
  - Seller's name and address
  - Seller's company details, if applicable
  - Seller's VAT details, if applicable.
  - Copies of the documents referred to shall be kept in an ordered manner and made available within seven days upon request.
- **Door to door sellers** - No alcoholic goods shall be bought from door to door sellers.
- **Emergency lighting** - Emergency lighting will be provided sufficient to illuminate all exit routes, signage and exit doors in the event of mains supply failure. The emergency lighting provided will be maintained fully operational with batteries fully charged before the admission of the public.
- **Emergency vehicle access** - Access for emergency vehicles must be kept clear and free from obstruction.
- **Exit doors – Available for use** - All exits doors shall be maintained readily available for use while members of the public, staff and performers are upon the premises and easily operable without the use of a key, card, code or similar means.

- **Exit doors – Maintenance** - Exit doors shall be regularly checked to ensure that they function satisfactorily and a record of the check shall be kept.
- **Exit doors – Removable fastenings** - Any removable security fastenings must be removed from doors on any exit routes whenever the premises are open to the public or occupied by staff.
- **Exit routes** - All exit routes must be kept unobstructed, and maintained with non-slippery and even surfaces. Where chairs and tables are provided, internal gangways shall be kept unobstructed
- **First aid equipment** - Adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times
- **First aiders** - There must be at least one suitably trained first-aider on duty when the public are present, and if more than one suitably trained first-aider is available, their respective duties must be clearly defined.
- **Lighting** - In the absence of adequate daylight, the lighting in any area accessible to the public shall be fully in operation when they are present.
- **Permitted accommodation** - That the maximum number of persons that may be accommodated upon the premises at any one time shall not exceed (*stated number*). Within the premises staff shall ensure that no area is subject to local overcrowding.
- **Pre-opening safety checks** - Safety checks must be carried out before the admission of the public. Details of safety checks must be kept in a log-book on the premises. The log-book must be available for inspection
- **Special effects** - Special effects must not be used without the prior consent of the licensing authority.
- **Staff provision – People with disabilities** - When people with disabilities are present, there must be sufficient numbers of staff and adequate arrangements must be in place to enable their safe evacuation in the event of an emergency. People with disabilities on the premises must be made aware of such arrangements by staff and by the use of appropriate signage.
- **Steps and stairways** - The edges of the treads of steps and stairways must be maintained in good condition and be conspicuous.

### THIRD LICENSING OBJECTIVE - PREVENTION OF PUBLIC NUISANCE

- **Beer gardens and other external areas** - The beer garden/outside drinking area shall be cleared of customers by (*stated time*) hours
- **Contact telephone number** - The contact telephone number for the premises licence holder/designated premises supervisor/duty manager shall be displayed inside the premises or immediately outside the premises such that it is clearly visible from outside without the need to enter the premises.

- **Doors and windows** - Doors and windows to the premises will be kept closed, so far as practicable, at all times when noise generating regulated entertainment is taking place i.e. live and recorded music
- **Inaudibility** - Noise from licensable activities taking place in the premises including live and amplified music shall be controlled so as to be inaudible inside adjoining and other noise-sensitive premises in the vicinity of the use. The initial test for compliance with the 'inaudibility' criterion will be that noise should be no more than barely audible outside those noise sensitive premises. In the event that there is a disagreement as to whether entertainment noise is or is not audible the following numerical limits shall be used to determine compliance with this condition: \* the LAeq (PN) 5 minute shall not exceed LA90 (WPN) 5 minute and: \* the L10 (PN) 5 minute shall not exceed 90 (WPN) 5 minute in any 1/3 octave band between 40Hz and 160 Hz. PN = Premises noise level (arising from licensable activities). WPN = Representative background noise level without the premises noise, both measured 1m from the facade of the noise-sensitive premises.
- **Noise consultants & scheme of sound insulation** - The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, which may include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music from the premises. The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, prior to the premises being used for regulated entertainment.
- **Noise and vibration** - Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties
- **Public notices** - Prominent and clear notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly
- **Refuse clearance** - Refuse such as bottles must be placed into receptacles outside the premises at times that will minimise the disturbance to nearby properties.
- **Regulated entertainment in outside areas** - Regulated entertainment must not be provided in any outside area after (*stated time*) hours
- **Taxi / mini cab provision** - A dedicated licensed taxi/mini cab service shall be available with the premises for customers.
- **Noise limiting devices** - Where a noise limiting device or devices are installed then the entertainment noise control system shall be monitored, checked and calibrated as necessary, so that the approved levels by the Council, are not exceeded. The controls for the entertainment noise control system shall be located in a secure, lockable cupboard or similar location. The entertainment noise control system is to be independent of control by persons other than the licensee. Access to the entertainment noise control system is to be restricted to the Licensee or a designated manager.

#### **FOURTH LICENSING OBJECTIVE - PROTECTION OF CHILDREN FROM HARM**

- **Authorisations for alcohol sales** - A written record of those authorised to make sales of alcohol shall be kept, this should be endorsed by the DPS with the date such an authorisation commences. This record shall be available to Police Officer, Police Community Support Officer, or an authorised officer of the Local Authority.
- **Challenge 25** - The licensee shall adopt the Challenge 25 scheme. The scheme shall operate on the basis that whilst alcohol may be sold to persons aged 18 years and over, anyone who appears under 25 years of age will be asked for ID. Notices to this effect should be displayed in a clear and prominent position at the premises. The only proof of age accepted in respect of the sale of alcohol shall be photo driving licence, passport and other approved photographic ID bearing the PASS hologram
- **Monitoring of staff** - The licensee should regularly monitor staff to check how they are dealing with young people who ask for alcohol and other age restricted products.
- **Refusals book** - A refusals book shall be kept at the premises, in which must be recorded the date, time and circumstances under which any attempted purchase by a young customer has been refused. This book must be made available for inspection by any police officer, police community support officer or authorised officer of the Licensing Authority. Entries in this book must be made as soon as practicable after the refusal of the sale. The DPS should check and sign the entries on at least a weekly basis.

Notes: See also model conditions for other objectives for issues such as CCTV provision and staff training.



## **APPENDIX 7 - MANDATORY CONDITIONS**

### **Mandatory Conditions set out within Licensing Act 2003**

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.
3. All door supervisors shall be licensed by the Security Industry Authority.
4. The admission of children to the exhibition of a film shall be restricted in accordance with the recommendation of a film classification body as defined in the Video Recordings Act 1984 or Islington Council acting as the licensing authority where it has given notice in section 20(3) of the Licensing Act 2003.

### **Additional Mandatory Conditions**

#### **Additional Mandatory Conditions**

5. (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
  - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

- (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;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) 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.
6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
8. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) 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 a holographic mark.
9. The responsible person shall 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; and
  - (b) customers are made aware of the availability of these measures.

NB 5, 6, 7 and 9 do not apply to “off licence” premises

## **APPENDIX 8 – SAFEGUARDING RISK ASSESSMENT**

See separate document.

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## LICENSING AND REGULATORY BOARD

26 April 2017

<b>Title:</b> Applications and Appeals	
<b>Report of the Operational Director, Enforcement Service</b>	
<b>Open Report</b>	<b>For Information</b>
<b>Wards Affected:</b> None	<b>Key Decision:</b> No
<b>Report Author:</b> Theo Lamptey, Service Manager Public Protection	<b>Contact Details:</b> Tel: 020 8227 5655 E-mail: theo.lamptey@lbbd.gov.uk
<b>Accountable Director:</b> Claire Symonds, Strategic Director Customer, Commercial and Service Delivery	
<b>Summary</b>	
The report provides an update on all licensing matters dealt with by the licensing team since the Licensing and Regulatory Board held on 19 October 2016.	
<b>Recommendation(s)</b>	
The Licensing and Regulatory Board is asked to note the report.	
<b>Reason(s)</b>	
The Council, in achieving its priority of “Enabling social responsibility”, must consider objections to applications and respond to appeals on decisions made.	

### 1. Introduction and Background

- 1.1 The Licensing and Regulatory Board are provided with updates on appeals and applications made to the Council at each meeting.
- 1.2 The Licensing Team have provided the following updates on work undertaken since the last meeting of the Board in October 2016:
- The Statement of Licensing Policy 2017 – 2022 completed;
  - The Statement of Gambling Policy 2017 -2020 – currently under review;
  - Seven Reviews;
  - 112 Temporary Event Notices (TENs) processed;
  - Zero Appeals;
  - 200 Applications received and processed;
  - 114 Test purchases of alcohol which resulted in 11 failures; and
  - Immigration Act 2016 in progress.

- 1.3 The Immigration Act provisions which relates to licensing came into effect 6 April 2017. The changes mean that every applicant for personal licence and late night refreshment will be checked for eligibility to work in the UK. All processes have been put in place to accommodate the smooth transition and cope with the changes.
- 1.4 The team continue to be very busy and ensuring the service to the public is provided to a high standard.

**Public Background Papers Used in the Preparation of the Report: None**

**List of appendices: None**