

## **Appendix 1**

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

## **Draft Statement of Licensing Policy**

**2017 - 2022**

# London Borough of Barking and Dagenham Licensing Policy – 2017 - 2022

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## **Cabinet Member Introduction**

(To be added following completion of public consultation)

## **1 Purpose of this policy**

This licensing policy sets out how we will meet the requirements of the Licensing Act 2003 (the Act). It is the statement we must publish every five years under section 5 of the Act. This policy takes account of the guidance issued by the Secretary of State under section 182 of the Act.

The policy aims to:

- Set out how the Licensing Authority will promote the 4 Licensing Objectives when making its decisions.
- ensure that the Council fulfils its duties under the Licensing Act in a way that benefits residents and businesses;
- boost the local economy; and
- encourage a range of licensed premises within the borough.

To achieve these aims, we will work with others with an interest in licensing (including the police, the fire service, local businesses, licence holders, local residents and others) to promote our objectives as set out in this policy. We will work with applicants to enable them to make applications that meet the spirit of the policy; with residents who wish to make representation against applications and with Councillors in fulfilling their community leadership role.

This policy is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. This policy and the Licensing law is not the primary way for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises, and therefore beyond the direct control of the licence/certificate/authorisation holder. However, it does form a key part of such control and will always be part of a holistic approach to the management of the evening and night-time economy within the borough.

This policy will not:

- reduce anyone's right to apply for a licence/certificate/authorisation under the Act and to have their application considered on its individual merits; or
- prevent anyone from making a representation on an application, or to seek a review of a licence/certificate where provision has been made for them to do so in the Act.

## **2 The Licensing Objectives**

The 2003 Act requires the Licensing Authority to carry out its various licensing functions so as to promote the four licensing objectives. These are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

In respect of each of the four licensing objectives, applicants will need to provide evidence to the Licensing Authority that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made to 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.

## **3 Our objectives and community priorities**

We aim to provide a licensing service which:

- is fair and honest, and seen to be so;
- is easily accessible to all businesses, residents and people who are interested in licensing (stakeholders);
- sets and maintains a high standard of service;

- deals effectively with all applications and enquiries; and
- avoids repeating the work of other regulators wherever possible.

The Councils vision for the Borough is:

**One borough; One Community; London's growth opportunity.**

The three corporate priorities that support the vision are:

**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

We welcome applications for licences that support this vision and priorities, but these will not outweigh the need to promote the Licensing objectives.

#### **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 reviewing this Policy Statement, the Licensing Authority consulted widely. Along with the statutory consultees (the Chief Police Officer for the borough and the London Fire Brigade), the views of existing licence holders, businesses, voluntary groups and residents were also taken into account. Due consideration was given to the views of all those who responded to that consultation process.

A list of stakeholder consultees can be found at Appendix 6.

#### **5 Representations**

The Licensing Authority, the Chief Officer of Police, the Fire Authority, the Enforcing Authority for health and safety purposes, the local Planning Authority, the authority responsible for minimising or preventing the risk of pollution, the local Health Body and the Child Protection Authority are all known as 'Responsible Authorities'. These responsible authorities may make representations on applications, so far as they relate to the promotion of the four licensing objectives, and request reviews once licences have been granted.

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. A representation would only be 'relevant' if it relates to the effect of the grant of the licence on the promotion of at least one of the four licensing objectives. The representation must not be frivolous or vexatious, and in the case of reviews, in addition, not repetitious.

It is only when relevant representations are received that the Licensing Authority may hold a hearing. It will pay particular attention at any hearing whether to impose extra conditions in addition to any which may already be included in the operating schedule, with a view to promoting the objectives.

Where no representations are received, the application must be granted on the terms sought by the applicant.

Appendix 2 gives details of all Responsible Authorities in relation to the Act, with contact details for each where copies of applications should be served.

## **6 Applications**

When considering applications, the Licensing Authority will have regard to:

- the Licensing Act 2003 and the licensing objectives
- Government guidance issued under Section 182 of the Licensing Act 2003
- any supporting regulations
- this statement of licensing policy

This does not, however, undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, nor



does it 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 2003 Act.

When the Licensing Authority is considering any application, it will avoid duplication with other regulatory regimes, so far as possible, and does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation. In particular, the Council's licensing functions will be discharged separately from the Council's functions as the local planning authority. **However, it is recommended that applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned.** (Other permissions may be applicable to licensed premises, such as building control approval, and applicants are expected to ensure that such permissions are obtained where necessary.)

Where a licence holder wishes to amend the licence, in most cases an application for variation can be made, rather than an application for a new premises licence. This would include:

- varying the hours during which a licensable activity is permitted
- adding or removing licensable activities
- amending, adding or removing conditions within a licence
- altering any aspect of the layout of the premises which is shown on the plan.

The Licensing Authority will consider whether there is any likely impact on the promotion of the licensing objectives when deciding whether there is a need for an application to vary in relation to features which are not required to be shown on the plan but have, nevertheless, been included.

An application for a Minor Variation may be considered for minor changes to the structure or layout of a premises; small adjustments to licensing hours; removal of out of date, irrelevant or unenforceable conditions or adding certain licensable activities.

When one part of the Council seeks a premises licence from the Licensing Authority, the Licensing Committee 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 the Committee. 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.

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.

Supporting information which provides applicants with the details of the application process, having regard to the Licensing Act 2003, the regulations, statutory guidance and local practice and procedures, may be found in Appendix 4 of the Supplementary Information. Every effort will be made to keep the application process as simple as possible. Help will be given to all applicants, particularly those from voluntary groups.

## **7 Tourism and employment**

A well run licensed premises can help to promote tourism and encourage visitors to the borough. They also provide employment opportunities for the local community.

Applicants are advised to refer to the Barking and Dagenham Growth Strategy 2013 – 2023, before submitting applications. Whilst we would welcome applications that support this strategy, this would not take preference over the promotion of the Licensing Objectives.

## **8 Transport**

Good public transport is essential so people can leave licensed premises and the surrounding areas quickly without causing a disturbance or nuisance to local residents.

We will consider this when we process licences. We expect applicants to 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.

## **9 Planning and building control**

Licensing will be treated separately from planning permission and building control approval, the licensing committee will not be bound by planning restrictions.

It is recommended that applicants for licences consult with planning and building control before a licence application is submitted to see if any other applications may be required.

There can 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-licence. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy, and we will not take need into account when making decisions on licence applications.

## **10 ‘Saturation’ policies and ‘cumulative impact’**

“Cumulative impact” means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. 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.

The Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night with the potential impact of an increase in crime,

anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in littering or fouling. In such cases the amenity of local residents can be placed under severe pressure but may not be attributable to any individual premises.

The Licensing Authority should only 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.

The Licensing Authority, having had regard to the evidence currently available, considers that there is no particular part of the borough causing a cumulative impact on any of the licensing objectives.

However, the cumulative impact of licensed premises in a particular area may, at a future time, on representation from residents or businesses or a responsible authority, trigger the consideration of 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.

## **11 Proximity to Schools**

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

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

When applications are made for new off-licences within 400 metres of a secondary

school, applicants are strongly encouraged to include the following controls in their operating schedules. If such controls are not included, and if relevant representations are made, the council's policy is to include the controls as conditions on the licences except in very exceptional circumstances.

The controls are:

- a. Alcohol should not be advertised in the shop window.
- b. All alcohol should be stored behind the shop counter.
- c. No display boards or other advertising should be shown on the shop floor.
- d. No alcohol should be capable of purchase through self-service check-outs.
- e. The licensee shall operate a Challenge 25 policy
- f. All tills should be fitted with a till prompt requiring authorisation by a supervisor for the sale of controlled products.
- g. All supervisors should hold a personal licence.
- h. The licensee should maintain a refusals register which should be kept at the premises and produced to the police and licensing authority forthwith on request.
- i. All cashiers permitted to sell alcohol should receive training in relation to underage sales which should be refreshed at 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.

j. Cans of alcohol should not be sold singly.

k. Bottles of beer under 1 litre should not be sold singly.

l. No beer or cider over 5.5% ABV should be sold.

m. No alcopops should be sold.

## **12 Other policies, strategies and initiatives**

Before submitting an application we would encourage applicants to refer to other policies, strategies and initiatives, although they may not be directly related to the promotion of licensing objectives, but may indirectly impact on them. These may include:

- the Community Safety Strategy;
- the Community Safety Plan
- the Crime and Disorder Strategy;
- cultural and tourism strategies;
- drug and alcohol strategies
- the drug and alcohol Treatment Plan
- the Enforcement Policy;
- the Environmental Strategy;
- the Corporate Equalities Policy Statement
- the Leisure Strategy;
- the Regulatory Code
- the Neighbourhood Renewal Strategy;
- the Regeneration Strategy;
- the Transport Plan;

- Core Strategies and Borough Wide Development Policies of the Local Development Framework;
- the Waste Strategy.
- the Health and Wellbeing Strategy

On 24 March 2010 this Council adopted the provisions of section 13(2) of the Criminal Justice and Police Act 2001 to make the whole borough a Designated Public Place and subsequently a Designated Public Place Order (DPPO) was enacted to create a borough-wide alcohol control zone. This designation does not have any bearing on the ability of individuals, companies or relevant organisations from applying for a premises licence or club premises certificate. The Council will expect licence holders to trade responsibly and in particular not to sell alcohol to those who are visibly drunk regardless of the time of day. We will be working with the Police and the Community Safety Team to encourage responsible trading.

### **13 Licence terms and conditions**

If we receive relevant objections to a licence application, we may attach conditions to the licence to control activities associated with licensed premises and activities. When setting the conditions, we will make sure that they:

- are appropriate;
- are proportionate;
- are reasonable; and
- are enforceable.

Licensing is about the regulation of licensable activities at licensed premises, qualifying clubs and temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act. Where relevant representations are made, the Licensing Authority will seek to make objective judgements as to whether conditions may need to be attached to various authorisations and others in possession of relevant

authorisations, to secure achievement of the licensing objectives. We will ensure that any conditions attached to a licence:

- are necessary;
- are in proportion to the activity being licensed;
- are reasonable;
- can be met by the people or business being licensed (the licensees); and
- can be enforced.

Any conditions arising from the operating schedule or 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.

The Licensing Authority acknowledges that the licensing function cannot be used for the general control of the anti-social behaviour of individuals once they are beyond the direct control of the licensee of any premises concerned. However, other mechanisms may be utilised, where appropriate, to tackle 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

If an applicant volunteers a prohibition or restriction in their operating schedule because their own risk assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will become conditions attached to the licence, or certificate and will be enforceable as such.

The Licensing Authority recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premises, in order to avoid the imposition of disproportionate and other burdensome conditions on those premises. Standard conditions will therefore be avoided and no condition will be imposed that cannot be shown to be appropriate for the promotion of the licensing objectives.

## **14 Operating schedule**

The following sections set out the Licensing Authority's Policy relating specifically to the four licensing objectives:

- the prevention of crime and disorder
- public safety

- the prevention of public nuisance
- the protection of children from harm

In each section relating to the objectives, the Licensing Authority has defined its intended outcome (in bold type). Each section then lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive and the examples given will not be applicable in all cases. **Applicants should know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.** Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

Further, in each section, a list of possible control measures is provided, to be of assistance to applicants, but again is not intended to be an exhaustive list and the examples given will not be applicable in all cases. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.

**The selection of control measures, referred to in 2.3 above, should be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.).** Whilst the Licensing Authority cannot require such risk assessments to be documented, (other than where required by other legislation), it considers such documentation to be 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).

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.**

The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most important control measures for the promotion of all the licensing objectives. **For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.**

In addition, the occupancy capacity for premises, and events as appropriate, is also considered to be an important factor in the promotion of the four licensing objectives, (except in respect of premises licensed for the consumption of food and/or alcohol off the premises). **The Licensing Authority expects the issue of occupancy capacity to be considered and addressed, where necessary, within an applicant's operating schedule and, in appropriate instances, will agree a maximum occupancy capacity, based on the applicant's assessment within their operating schedule.**

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 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

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. The Licensing Authority recognises 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.**

The licensing authority will consider applications for minor variations to premises licences, providing that the authority is satisfied that the variation will not adversely impact on the licensing objectives and the licensing authority will consult with responsible authorities whom they deem necessary to make such assessment.

## **15 PREVENTION OF CRIME AND DISORDER**

London Borough Barking and Dagenham Council is committed to further improving the quality of life for the people of London Borough Barking and Dagenham by continuing to reduce crime and the fear of crime.

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 London Borough Barking and Dagenham Council, Metropolitan Police, and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.

The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in promoting this objective. **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 on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.**

When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact on crime and disorder have been considered. These factors may include:

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Drugs
- Violent behaviour
- Anti-social behaviour
- Theft of Alcohol

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
- Documented staff training
- Supervision of staff
- Number of personal licence holders present
- 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)

- Acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards and/or 'new type' driving licences with photographs and/or passports
- Adoption of a 'Challenge 25' policy whereby an approved ID must be produced to prove the customer is over 18 years of age
- Provision of effective CCTV in and around premises with the retention of images for a suitable period
- Design and seating layout
- Employment of Security Industry Authority licensed door staff
- Provision of toughened or plastic drinking vessels
- Provision of secure, deposit boxes for confiscated items ('sin bins')
- Provision of litterbins and other security measures, such as lighting, outside premises
- Membership of local 'Pub watch' schemes or similar organisations

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

Within the operating schedule for premises from which alcohol will be sold, with the exception of qualifying community premises, a Premises Supervisor must be designated ('Designated Premises Supervisor' (DPS)). The Licensing Authority will normally expect the DPS to have been given the day to day responsibility for running the premises by the premises licence holder, and, as such, would normally be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, the Licensing Authority 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.

Certain temporary events are not required to be licensed but can be notified to the Licensing Authority, Metropolitan Police and Environmental Health using the Temporary

Event Notice procedure. However, depending on the nature and location of such events, these can have serious implications on all four licensing objectives. Although the legislation requires a minimum of ten working days' notice to be given (five working days' notice in the case of Late Temporary Event Notices), organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police, Environmental Health and the Licensing Authority to work with them to identify and reduce the risk to the licensing objectives.

Please see Appendix 4 of the supplementary information for details regarding the application process and timescales for the submission of Temporary Event Notices.

## **16 PUBLIC SAFETY**

The Licensing Authority 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.**

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)

- customer profile (e.g. age, disability)
- the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.

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
- Provision of toughened or plastic drinking vessels
- Implementation of crowd management measures
- Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety

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

## **17 PREVENTION OF PUBLIC NUISANCE**

Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Licensing Authority 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.

The Licensing Authority 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.

Applicants need to be clear that the Licensing Authority 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.

In the case of shops, stores and supermarkets selling alcohol, the Licensing Authority 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 to disturbance or disorder.

**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.**

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 presence of noise limiting features
- provision of facilities for smokers in line with Health Act 2006
- the occupancy capacity of the premises
- the availability of public transport
- 'wind down period' between the end of the licensable activities and closure of the premises
- last admission time
- measures for orderly and safe dispersal of customers

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 deliveries
- 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.

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

## **18 PROTECTION OF CHILDREN FROM HARM**

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.

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.

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 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. This vulnerability includes their susceptibility to suggestion, peer group

influences, inappropriate example, the unpredictability of their age and the lack of understanding of danger.

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.

The Licensing Authority 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 Licensing Authority 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.

**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.**

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, and

- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

The following examples of control measures are given to assist applicants and are considered to be 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

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.

**In the case of film exhibitions, the Licensing Authority 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 classified according to the recommendations of the British Board of Film Classification or the Licensing Authority. In the case of a film exhibition that has not been classified, the Licensing Authority will expect the licensee to conduct an assessment of the suitability of the film for exhibition to children and to implement measures that restrict viewing by children if necessary.**

If considered appropriate, the Licensing Authority 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 Licensing Authority may also attach conditions relating to searches carried out on children and young persons.

The Licensing Authority 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.

## **19 Standard licence conditions**

We will develop, maintain and regularly review a “pool of standard licence conditions” which we may use when considering applications. However, conditions applied will always be relevant to each application and relating to one or more of the Licensing Objectives

A pool of conditions can be found at Appendix 9

## **20 Premises licensed for gambling**

The Act covers activities within casinos and bingo clubs and other gambling premises, which are also subject to the Gambling Act 2005, no condition attached to a premises licence will prevent a licence holder complying with the requirements of the Gambling legislation.

## **21 Sports grounds**

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

## **22 Enforcing licenses**

The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The Council has adopted the Regulators' Code designed to ensure effective and efficient public protection services. Specifically, the Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.

The following enforcement principles requires businesses to:

- receive clear explanations from enforcers of what they need to do and by when
- have opportunities to resolve differences before enforcement action is taken - unless immediate action is needed
- receive an explanation of their rights of appeal

The Licensing Authority recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the four licensing objectives it seeks to promote. However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law. The Licensing Authority has set clear standards of service and performance that the public and businesses can expect. In particular, 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 Section, 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)

## **23     Reviews**

Where possible and appropriate any responsible authority will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

Responsible authorities and/or persons who live or are involved in a business in the relevant Licensing Area can trigger a review of a premises licence. However, such reviews should, where possible, be supported by evidence to be presented to the Licensing Authority.

No more than one review from persons who live or are involved in a business in the relevant Licensing Area will be normally permitted within any 12 month period on similar grounds except in exceptional and compelling circumstances

Applications for review made to the Licensing Authority will be dealt with fairly by a hearing of the 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; and
- 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.

#### **24 Start date and reviews**

This policy is effective from xxxx 2016. It will stay in force for five years and we will review and revise it, as necessary, during that period. We will publish a new licensing policy at the end of the five-year period.

## SUPPLEMENTARY INFORMATION

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

- ⇒ Guidance issued under Section 182 of the Licensing Act 2003 [www.gov.uk](http://www.gov.uk)
- ⇒ Regulators Code [www.cabinet-office.gov.uk](http://www.cabinet-office.gov.uk)
- ⇒ Enforcement Policy [www.lbbd.gov.uk](http://www.lbbd.gov.uk)
- ⇒ Licensing Enforcement Protocol [www.lbbd.gov.uk](http://www.lbbd.gov.uk)
- ⇒ Safer Clubbing [www.drugs.gov.uk](http://www.drugs.gov.uk)
- ⇒ The National Alcohol Harm Reduction Strategy Toolkit [www.hmso.gov.uk](http://www.hmso.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 [www.communities.gov.uk](http://www.communities.gov.uk)
- ⇒ 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 [www.portman.group.org.uk](http://www.portman.group.org.uk)  
The Retailer Alert Bulletin
- ⇒ British Institute of Innkeepers [www.bii.org](http://www.bii.org)  
Best Practice Qualification  
Door Supervisors  
Personal Licence Holders  
Other Bar Staff

## **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	Child Protection Team, 3rd Floor, Roycraft House, 15 Linton Road, Barking IG11 8HE Email: <a href="mailto:@lbbd.gov.uk">@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	Andrew Martin Environmental Protection and Noise Nuisance Enforcement Services, Pondfield House, 100 Wantz Road, Dagenham, RM10 8PP Email: <a href="mailto:@lbbd.gov.uk">@lbbd.gov.uk</a>
Trading Standards	Theo Lamptey Trading Standards Service, Email: <a href="mailto:trading@lbbd.gov.uk">trading@lbbd.gov.uk</a> Pondfield House, 100 Wantz Road, Dagenham, RM10 8PP. <a href="mailto:standards@lbbd.gov.uk">standards@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: Team Leader 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  
14 Great Peter Street  
London  
SW1P 3NQ

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  
9b Walpole Court  
Ealing Studios  
London W5 5ED

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  
Market Towers  
1 Nine Elms Lane  
London  
SW8 5NQ

Tel: 020 7627 9191  
Email: [web@beerandpub.com](mailto:web@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  
Wessex House  
80 Park Street  
Camberley  
Surrey  
GU15 3PT  
Tel: 01276 684449  
Email: [reception@bii.org](mailto:reception@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 3117 0235  
Email:  
Web: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)
7. Institute of Acoustics  
77a St Peters Street  
St Albans  
Hertfordshire  
AL1 3BN  
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  
60-62 Clapham Road  
London  
SW9 0JJ  
Tel: 020 7840 5537  
Email: [eastsoutheast@musiciansunion.org.uk](mailto:eastsoutheast@musiciansunion.org.uk)  
Web: [www.musiciansunion.org.uk](http://www.musiciansunion.org.uk)

9. Security Industry Authority  
PO Box 8  
Newcastle upon Tyne  
NE82 6YX

Tel: 08702 430 100

Email: [info@the-sia.org.uk](mailto:info@the-sia.org.uk)

Web: [www.the-sia.org.uk](http://www.the-sia.org.uk)

10. The Portman Group  
7-10 Chandos Street  
Cavendish Square  
London  
W1G 9DG

Tel: 020 7907 3700

Email: [info@portmangroup.co.uk](mailto:info@portmangroup.co.uk)

Web: [www.portmangroup.org.uk](http://www.portmangroup.org.uk)



## **APPENDIX 4 - APPLICATION PROCESS**

**Applications for all licences should be made to the following address:**

Licensing Service  
London Borough of Barking and Dagenham  
Pondfield House  
100 Wantz Road  
Dagenham, RM10 8PP

Alternatively, applications can be submitted online at [www.lbbd.gov.uk](http://www.lbbd.gov.uk)

### **Electronic Applications**

- ◆ The EU Service Directive is intended to develop a single market for services by breaking down barriers to cross border trade within the EU and making it easier for service providers within scope to set up businesses or offer their services in other EU countries. In light of the changes to the law regarding the EU Services Directive for online applications the Licensing Authority will accept online and electronic applications, however all relevant documents must be supplied together with the appropriate fee. All hard copy applications will be treated in line with the relevant regulations and all applications and relevant documentation must continue to be submitted in their entirety and not in stages to avoid the potential for any errors.
- ◆ Where applications have been submitted online through GOV.UK or the Authority's own facility, the Licensing Authority is responsible for sending copies of the application to the Responsible Authorities for consultation. However, if any part of the application is submitted in writing, the applicant must send copies of these parts to the Responsible Authorities.

- ◆ Any advertising requirements must still be met whether the application is submitted electronically or in writing and this remains the responsibility of the applicant.
- ◆ This Authority will continue to assist the applicant in correcting any minor factual errors in their applications. However, the Licensing Authority shall not consider errors to fall within this category which, if permitted could potentially breach relevant regulations nor errors which could result in changes to consultation dates. The interpretation of obvious factual errors shall rest with the Licensing Authority.

## **PERSONAL LICENCE**

### **New Applications**

- ◆ To apply for a new Personal Licence, applicants must be over 18 years of age and will need to complete an application form and send it to the Licensing Authority together with two passport photographs (one of which must be certified as a true likeness), the original of the applicant's licensing qualification, a criminal conviction certificate, or a criminal record certificate, or the results of subject access search on the police national computer by National Intelligence Service, a declaration by the applicant that either he has not been convicted of a relevant offence or a foreign relevant offence or that he has been convicted of a relevant offence or a foreign offence accompanied by details of the nature and date of the conviction and any sentence imposed on him in respect of it and the appropriate licence fee. The criminal checks must not be more than 1 calendar month old when the application is received.

### **Renewals**

- ◆ Personal Licenses no longer require renewing; any licence that displays an expiry date is still valid.

## **PREMISES LICENCE/CLUB CERTIFICATES**

To apply for a Premises Licence/Club Premises Certificate under the provisions of Section 17/71 of the Licensing Act 2003. It should be noted that the forms are prescribed forms issued by the Government.

The application form must be completed in BLACK INK. Please read the instructions and guidance notes before completing the form. When submitting the application, the following must be enclosed,

- The appropriate application fee, if any. Please note the fee for a Premises Licence/Club Certificate is payable annually on the anniversary of the granting of the application. Non payment of this fee will be treated by the Licensing Authority as a serious matter and will result in the suspension of the licence.
- A plan of the premises at a scale of 1:100 which complies with the Regulations as detailed in the information sheet supplied by the Licensing Authority.
- If alcohol is to be sold, the consent form completed by the proposed Designated Premises Supervisor.

It is a requirement that copies of the application and supporting documentation are sent to the Responsible Authorities for consultation:

- Metropolitan Police
- London Fire Brigade
- Health and Safety Enforcing Authority
- Trading Standards
- Child Protection
- Planning Authority
- Environmental Health (Noise Pollution)

- Licensing Authority
- Public Health Body

This must be done on the same day that the application is given to the Licensing Authority. The contact addresses are detailed in Appendix 2 of this document.

The application must be advertised by publishing a notice in a local newspaper on at least one occasion during the period of ten working days after the day on which the application was given to the Licensing Authority. The published notice must contain the prescribed information as detailed in the information sheet supplied by the Licensing Authority.

Additionally, a notice must be displayed prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises. This notice must be in the prescribed format on pale blue paper and contain the required information. It must be displayed for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the Licensing Authority. To assist applicants, a template for the notice is included in the application pack.

Failure to comply with any of the above requirements will mean that the application is not valid and cannot be considered.

## **Variations**

Applications to vary a premises licence or club certificate should be made on the prescribed form and the same process for new applications regarding advertisements and notification of Responsible Authorities must be completed.

### Minor Variations

- Minor variations will generally fall into the following four categories:
  - i) Minor changes to the structure or layout of a premises;
  - ii) Small adjustments to licensing hours;

- iii) The removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and
- iv) The addition of certain licensable activities.

However variations to:

- extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
- to increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises

are excluded from the minor variations process and must be treated as full variations in all cases.

Applications to reduce licensing hours for the sale of alcohol or to move (without increasing) the licensed hours between 07.00 and 23.00 will be normally classed as minor variations.

It is strongly recommended that applicants for variations discuss their proposals with the Licensing Authority to ensure the correct application is made.

Applications for minor variations must be made on the prescribed form and be accompanied by the statutory fee and amended plans (if applicable).

The application must be advertised on a white A4 notice at the premises, and contain basic details such as a brief description of the proposed variation; name of the applicant or club; address of the premises; and date by which any interested party may make representations. This notice must remain on the premises for the consultation period of 10 working days.

During the consultation period, the Licensing Authority will consider the application and may consult with any of the Responsible Authorities.

## **Variation of Premises Licence (Designated Premises Supervisor)**

An application to vary a premises licence where there has been a change of the designated premises supervisor must be in the prescribed form and accompanied by the premises licence; a form of consent in the prescribed form given by the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor; the fee.

A copy of the application and all accompanying documents must also be sent to the police.

## **Club Premises Certificate**

The process of applying for a Club Premises Certificate and / or for variation to that Certificate is similar to that for a Premises Licence except that, because there is no 'sale of alcohol' involved, only a 'supply' that is managed by or on behalf of the club; neither a Designated Premises Supervisor nor a Personal Licence Holder is required.

## **Temporary Event Notice (TEN)**

The Licensing Act 2003 provides for certain occasions when small, occasional events (no more than 499 people at a time and lasting no more than 168 hours) do not need a licence providing that a minimum of 10 working days notice is given to the Police, Environmental Protection Team and Licensing Authority. The aim of the system of Temporary Event Notices (TENs) is to minimise the regulatory burden on such events, many of which will be run by community groups.

The process involves sending notification of an event, in the form of a Temporary Event Notice (TEN), to the Police, Environmental Health Service and Council in whose area the event is being held at least 10 working days before the day on which the event begins.

The Council will issue an acknowledgement if the TEN is valid. Metropolitan Police and London Borough Barking and Dagenham Council's Environmental Protection Team can object to a TEN if the event is likely to undermine the licensing objectives. Where Metropolitan Police or the Environmental Protection Team submit an objection to the notice, the licensing authority will hold a hearing to consider the objection.

Licensing authorities will be given discretion to apply existing licence conditions to a TEN if there are objections from Metropolitan Police or the Council's Environmental Protection Team.

Activities that can be covered by a Temporary Event Notice are:

- **Provision of regulated entertainment**
- **Sale by retail of alcohol**
- **The supply of alcohol by or on behalf of a club**
- **Provision of late night refreshment**

To ensure TENs benefit small events only, they are subject to certain limitations. These are:

- No more than 499 people (including staff/organisers) attending at any one time.
- An individual is limited to giving 5 TENs in a calendar year, unless they are a personal licence holder, in which case they can give 50.
- A limit of 15 temporary event notices may be given in respect of any particular premises in a calendar year.
- An event may last no longer than 168 hours.
- The maximum aggregate duration of the periods covered by temporary event notices at any individual premises is 21 days.

Organisers of TEN's are strongly advised to contact the Licensing Authority, the Environmental Health Service and Metropolitan Police for advice at the earliest opportunity when planning events, to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed.

### **Late Temporary Event Notices (Late TEN)**

The Licensing Act 2003 allows event organisers to submit up to 10 "late notices" per year if they hold a personal licence and 2 "late notices" if they do not hold a personal licence. These "late notices" can be submitted to the Licensing Authority, Metropolitan Police and the Environmental Health Service between 5 and 9 working days before the event. However, the Secretary of State's Guidance states that "They should not be used save in exceptional circumstances". It should be noted that if either the Police or the Council's Environmental Protection team submits an objections to a late notice the Council will issue a counter notice prohibiting licensable activities for the duration of the TEN. Late TENs are included within the maximum allowance for a premises and person.

It should be noted that giving a Temporary Event Notice does not relieve the premises user from any requirement, under planning law, for appropriate planning permission where it is required. (Please contact the Planning Department to seek further guidance)

### **ADVERTISEMENT OF APPLICATIONS**

In the case of an application for a Premises Licence under Section 17, for a Provisional Statement under Section 29, to vary a Premises Licence under Section 34, for a Club Premises Certificate under Section 84, the person making the application shall advertise the application, in both cases in a prescribed format and contain the appropriate information. The format of advertisement and information to be included is:–



(A) For a period of no less than 28 consecutive days, starting on the day after the day on which the application was given to the relevant licensing authority, by displaying a notice:

- (i) which is -
  - a. of a size equal or larger than A4;
  - b. of a pale blue colour;
  - c. printed legibly in black, in a font of a size equal to or larger than 16.
  
- (ii) In all cases, prominently at or on the premises to which the application relates, where it can be conveniently read from the exterior of the premises, covering an area exceeding 50m square, a further notice in the same form and subjected to the same requirements, every 50m along the external perimeter of the premises abutting any highway; and

(B) By publishing a notice:

- (i) in a local newspaper, or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises;
  
- (ii) on at least one occasion during the period of ten working days, starting on the day after the day on which the application was given to the relevant licensing authority.

In the case of an application for a Premises Licence - Section 17, or a Club Premises Certificate - Section 71, the notices shall contain a statement of the relevant licensable activities or relevant qualifying club activities, as the case may require, which is proposed will be carried on or from the premises.

- (i) In the case of an application for a Provisional Statement, the necessary notices:
  - a) shall state that representatives are restricted after the issue of a Provisional Statement; and
  - b) where known, may state the relevant licensable activities which it is proposed will be carried out on or from the premises.
  
- (ii) In the case of an application to vary a Premises Licence or a Club Premises Certificate, the required notices shall briefly describe the proposed variation.
  
- (iii) In all cases the required notices shall state:
  - 1. the name of the applicant or club;
  - 2. the postal address of the premises or club premises, if any; or if there is not postal address for the premises, a description of those premises sufficient to enable the location and extent of the premises to be identified;
  - 3. the postal address and, where applicable, the worldwide web address where the register of the licensing authority is kept and where and when the record of the application may be inspected;
  - 4. the date by which an interested party or responsible authority may make representations to the licensing authority;
  - 5. that representations shall be made in writing;

6. that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence (level 5 on the standard scale).

## **ADVERTISEMENT OF APPLICATIONS BY THE LICENSING AUTHORITY**

The Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Amendment) Regulations 2012, which came into effect on 25 April 2012 introduced a new requirement for a Licensing Authority to advertise, by way of a notice of its website, all applications for Premises licences under section 12, for provisional statements under section 29, variation of a premises licence under section 34 (except where the only variation sought is the inclusion of an alternative licence condition), for club premises certificate under section 71 or to vary a club premises certificate under section 84. This notice must remain on the website for a period no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority

## **APPENDIX 5 - OBJECTIONS/REPRESENTATIONS/REVIEWS/HEARINGS/APPEALS**

### **Who can make representations or seek reviews?**

'Other Persons' and 'Responsible Authorities' may make 'relevant representations' in respect of applications made for the grant or variation of a Premises Licence or Club Premises Certificate and may seek a review of licences and certificates granted.

#### **'Other Persons' are defined as: -**

- ♦ a member of the relevant licensing authority (elected Councillors);
- ♦ any person;
- ♦ a body representing any persons;
- ♦ any person involved in a business;
- ♦ a body representing any person involved in such businesses.

#### **'Responsible Authority' is defined as any of the following: -**

- ♦ the chief officer of Police;
- ♦ the Fire Authority;
- ♦ the enforcing authority for Health and Safety at Work;
- ♦ the local planning authority;
- ♦ the local authority responsible for environmental health;

- ◆ the body that represents those who are responsible for, or interested in, matters relating to the protection from harm
- ◆ the local weights and measures authority (Trading Standards);
- ◆ a navigation authority, the Environment Agency, or the British Waterway Board in relation to a vessel.
- ◆ the Licensing Authority
- ◆ the local Health Body

**What are relevant representations?**

**'Relevant representations' is the term used for comments and objections that: -**

- ◆ are about the likely effect of the grant of the premises licence or premises certificate on the promotion of the licensing objectives;
- ◆ are made by 'any person' or 'Responsible Authority' within the prescribed period and have not have been withdrawn;
- ◆ in the opinion of the Licensing Authority, are not frivolous or vexatious; and in the case of a review, repetitious.
- ◆ if they relate to the identity of the proposed premises supervisor, are made by the chief officer of Police and include a statement that his/her designation would undermine the crime prevention objective.

The terms 'frivolous' and 'vexatious' have their normal meanings.

In the case of a review of a premises licence or certificate, a representation will be repetitious if: -

(a) it is identical or substantially similar to: -

- ◆ grounds in an earlier application for review made in respect of the same premises and already determined, or
- ◆ representations considered by the Licensing Authority in granting the premises licence or certificate, or
- ◆ representations which would have been considered except they were excluded representations following a provisional statement, and

(b) a reasonable interval has not elapsed since the earlier application for review or grant of the licence or certificate.

### **Time Limits on Representations**

Any person or a responsible authority making representations to a relevant licensing authority may make these representations:—

- (A) In the case of a review of previous licence following a closure order, at any time up to and including seven days, starting on the day after the day on which the authority received the notice under Section 165(4) of the Licensing Act 2003, in relation to the closure order and any extension to it.

- (B) In the case of a Summary Review or Minor Variation at any time up to 10 days, starting on the day after the application was made.
- (C) In any other case, at any time during a period of 28 consecutive days, starting on the day after the day on which the application to which it relates was given to the authority by the applicant.

## **Reviews**

The Licensing Authority must hold a hearing to review a premises licence or club premises certificate where either: -

- ◆ representations are made in the prescribed form by a Responsible Authority or Interested Party seeking a review of the licence or certificate on one or more of the licensing objectives; or
- ◆ a Magistrate's Court issues a notice under section 165 (4) of the Act, following consideration of a Closure Order issued by the police in respect of the licensed premises.

## **Hearings**

A hearing must be held within a prescribed period of time where relevant representations are made in respect of any licensing application or issue of a Temporary Event Notice and notices must be sent to each party informing them of the date.

The table below lists those provisions, the timescales within which hearings have to be held and those persons to whom notices must be given.

<b>Provision under which hearing is held</b>	<b>Period of time in which hearing must be held</b>	<b>Persons to whom notices must be sent</b>
Application for premises licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Persons who have made relevant representations.
Application for a provisional statement	20 working days beginning with the day after the end of the period for making representations.	Applicant. Persons who have made relevant representations.
Application to vary premises licence	20 working days beginning with the day after the end of the period for making representations.	Holder of premises licence. Persons who have made relevant representations.
Application to vary premises licence to change DPS	20 working days beginning with the day after the end of the period for making representations.	Holder of premises licence. Chief of police Proposed Designated Premises Supervisor
Application for transfer of premises licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police Holder of premises licence.
Cancellation of interim authority notice	5 working days beginning with the day after the end of the period for making	Applicant. Chief of police



	representations.	
Application for review of premises licence	20 working days beginning with the day after the end of the period for making representations.	Holder of premises licence. Persons who have made relevant representations. Applicant.
Application for club premises certificate	20 working days beginning with the day after the end of the period for making representations.	Applicant (the club). Persons who have made relevant representations.
Application to vary club premises certificate	20 working days beginning with the day after the end of the period for making representations.	Applicant (the club). Persons who have made relevant representations.
Application for review of club premises certificate	20 working days beginning with the day after the end of the period for making representations.	The club holding the club premises certificate. Persons who have made relevant representations. Applicant.
Counter notice following Police/environmental health objection to a Standard TEN	7 days beginning with the day after the end of the period for making representations.	The premises user. Chief of police Environmental Health
Counter notice following	No provision for hearing	The premises user.

Police/Environmental Health objection to a Late TEN		Chief of police Environmental Health
Application for grant of personal licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police
Application for renewal of personal licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police
Convictions coming to light after grant or renewal of personal licence	20 working days beginning with the day after the end of the period for making representations.	Holder of personal licence. Chief of police
Review of premises licence following closure order	10 working days beginning with the day after the day the Licensing Authority receives the court notice.	Holder of premises licence. Chief of police

### **Appeals Against Decisions**

Any person aggrieved by the decision of the Licensing Committee can appeal to the Magistrates' Court within 21 days of the written decision notice.

## **Appendix 6 - Licensing and Regulatory Board**

- a Under section 6 of the Licensing Act 2003, our Licensing and Regulatory Board will form Licensing Sub-committees to perform all our functions relating to licensing, as laid out in appendix 7.
  
- b We will annually appoint 10 members to sit on the Licensing and Regulatory Board. From which 3 members will sit as a Licensing Sub-committee, Only councillors who have received relevant licensing training will take part in decisions on licensing matters.
  
- c Members of the Licensing and Regulatory Board will not take part in any licensing decisions about premises they have an interest in. A Licensing and Regulatory Board Member may not hear an application that is in their own ward, but may observe the meeting as a member of the public.
  
- d Some licensing decisions will be made by the Licensing Sub-committee, and some by council officers through delegated authority, in line with the table set out in appendix 8.

## **Appendix 7 – Consultation Stakeholders**

Stakeholders we consulted when preparing this policy

- The Responsible Authorities
- All Councillors
- Barking and Dagenham Alcohol Alliance
- Barking and Dagenham Health and Wellbeing Board
- Barking and Dagenham Safeguarding Children Board
- Barking and Dagenham Safer, Stronger Communities Board
- Barking & Dagenham Chamber of Commerce
- All Premises Licence Holders
- All Club Premises Certificate Holders
- Association of Licensed Multiple Retailers
- British Beer and Pub Association
- Barking and Dagenham Drug and Alcohol Action Team
- The Probation Service
- Barking and Dagenham Disabilities Form
- Barking and Dagenham Black, Asian and Minority Ethnic forum
- Barking and Dagenham Lesbian, Gay, Bisexual and Transgender Forum
- Barking and Dagenham Faith Forum
- Barking and Dagenham Public Health Directorate
- London Borough of Newham
- London Borough of Redbridge
- London Borough of Havering

## Appendix 8 – 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 ‘designated premises supervisor’</b>		All cases

<b>An application for a premises licence to be transferred</b>	If a police objection	All other cases
<b>An application 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 9 – Pool of Licence Conditions**

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

- All instances of crime and disorder shall be reported to the Police
- An incident book must be used to record all instances of public disorder
- The holder of the premises licence must subscribe to and participate fully in the local pub/club/shop watch scheme (*where this is in place*)
- When alcohol and/or regulated entertainment is provided by way of music and dancing and continues past (*stated time*) then SIA registered door supervisors will be employed to control admissions and departures to and from the premises from (*stated time*) until closing time at the rate of one door supervisor for every one hundred customers.
- The licensee must provide a sufficient number of door supervisors to prevent the admission of, and ensure the departure from the premises of drunk and disorderly people or other people displaying signs of other substance abuse, without causing further disorder.
- CCTV must be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.
- 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.
- 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.
- 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.
- 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
- 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.

## SECOND LICENSING OBJECTIVE - PROMOTION OF PUBLIC SAFETY

- 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
- All exit routes must be kept unobstructed, and maintained with non-slippery and even surfaces.
- The edges of the treads of steps and stairways must be maintained so as to be in good condition and be conspicuous.
- Where chairs and tables are provided, internal gangways shall be kept unobstructed
- Exit doors shall be regularly checked to ensure that they function satisfactorily and a record of the check shall be kept.
- 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.
- All exits doors shall be maintained easily operable without the use of a key, card, code or similar means.
- When disabled people 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. Disabled people on the premises must be made aware of such arrangements by staff and by the use of appropriate signage.
- In the absence of adequate daylight, the lighting in any area accessible to the public shall be fully in operation when they are present.
- Adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times
- Emergency lighting batteries are fully charged before the admission of the public.
- Access for emergency vehicles must be kept clear and free from obstruction.
- 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.
- Special effects must not be used without the prior consent of the licensing authority.
- That the maximum number of persons that may be accommodated upon the premises at any one time shall not exceed (*stated number*).



### **THIRD LICENSING OBJECTIVE - PREVENTION OF PUBLIC NUISANCE**

- Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties
- Regulated entertainment must not be provided in any outside area after (*stated time*) hours
- The beer garden/outside drinking area shall be cleared of customers by (*stated time*) hours
- 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
- 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
- A dedicated licensed taxi/mini cab service shall be available with the premises for customers.
- 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.
- If 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.
- 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.
- Refuse such as bottles must be placed into receptacles outside the premises at times that will minimise the disturbance to nearby properties.

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

- The licensee shall adopt the Challenge 25 and the BII National Standards Proof of Age Scheme
- The scheme shall require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol
- That “Challenge 25” notices be displayed informing customers and staff that sales of alcohol will not be made to anyone appearing to be under 25 unless they can prove they are 18 or over
- The Licensee shall ensure that staff are trained about age-restricted products and ensure that they sign to confirm that they have understood the training. The licensee shall keep records of training and instruction given to 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.
- That an incident log book shall be maintained and details of all age related refusals recorded. This log book shall be checked and signed monthly by the DPS. This must be made available for inspection by the Licensing Officer, Police or Trading Standards Officer

## **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