

Responsible Authorities

Name	Address	Subject	Comment	Response
Introduction				
Richard Parkins	Licensing RA	Introduction to the borough	The policy would be strengthened by including an introduction to the borough at the start of the document, together with a map of the local authority's area and an introduction to the local authority itself. This could incorporate reference to the council's objectives and community priorities currently set out in section 3 of the draft policy.	Noted. An introduction to the borough, including map and council objectives and community priorities will be incorporated.
Section 1 - Purpose of this policy				
Richard Parkins	Licensing RA	Types of licences and consents	For purpose of clarity, this section should set out the types of licence, licensable activity and application dealt with by the policy	Noted. This section will be expanded.
Richard Parkins	Licensing RA	Other mechanisms for controlling nuisance and anti-social behaviour	The policy should make clear that licensing is not the main mechanism for controlling nuisance and anti-social behaviour caused away from licensed premises.	A note will be included to this effect.
Section 2 - The Licensing Objectives				
Richard Parkins	Licensing RA	Objectives of equal importance	Section 2 of the policy correctly establishes the four licensing objectives early on. The policy should go on to state that all objectives are of equal importance and that there are no other statutory licensing objectives. (s1.4 HO Guidance)	Noted. Will be included.
Richard Parkins	Licensing RA	Other key aims and purposes	Policy should also reference other key aims and purposes behind the governing legislation as set out in s1.5 of the HO Guidance. (Guidance 1.5)	Noted. Will be included.
Section 3 - Our objectives and community priorities				
Richard Parkins	Licensing RA	Reference to Introduction	See notes of introduction previously	As above

Section 4 - Consultation

Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	Error	List of stakeholders is appendix 7	All formatting will be checked for final version.
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Section 5 - Representations

Richard Parkins	Licensing RA	Body competent to advise on safeguarding	Section 5 lists the bodies and agencies that are deemed to be 'responsible authorities' under the Act. This includes the Child Protection Team, having been deemed the competent authority in relation to the protection of children. The policy must include a declaration to this effect (Guidance 13.54)	Noted. Declaration and principles will be included.
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Section 6 - Applications

Richard Parkins	Licensing RA	Applications not subject to representations	Policy should confirm that applications that are not subject of representations should be granted in full subject only to mandatory conditions and conditions consistent with the operating schedule (Guidance 1.15)	Noted. Will be included.
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Section 9 - Planning and building control

Troy Healy	Building Control and Planning Enforcement Team Leader Regulatory Services		I have reviewed it from a Planning Enforcement perspective and find no issues. Thanks for highlighting the Planning aspects.	Noted.
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Section 10 - Cumulative impact

Mick McManus	Alcohol Co-ordinator, Adults' Care & Support	Cumulative impact	There should be something in there to say that cumulative impact zones could be instigated if it is deemed that the health of the boroughs residents is being adversely affected by alcohol and the number of alcohol licenses is considered to be detrimental and a "contributory factor"	Section to be expanded.
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Section 11 - Proximity to schools

Richard Parkins	Licensing RA	Protection of children from harm	Suggest this part is incorporated into section on fourth licensing objective re protection of children from harm	Noted. Section will be relocated under the fourth licensing objective.
Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	Gramma	First sentence ... alcohol 'have' many ... either 'may have' or 'has'	Noted. Gramma will be corrected for final version.
Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	Controls	Controls are strong for an off licence 400 metres from a school i.e. all alcohol behind the counter / larger supermarkets tend to have self-service checkouts / what counts as a 'supervisor' in f and g? and in section (i) training should be refreshed at regular intervals (what length of time ... 3 months, 6 months, yearly). Alcohol strength should be 6.5% ABV to be consistent to the condition already on some of the licences. No alcopops should be sold This is a bit extreme.	Various points raised will all be reviewed and clarified. The level of 6.5% ABV will be incorporated as the standard recommendation.
Mick McManus	Alcohol Co-ordinator, Adults' Care & Support	Suggested controls	11 a and c. how about no advertising boards for alcohol outside, either free standing or affixed to the shop.	Noted. Advertising boards will be incorporated
Mick McManus	Alcohol Co-ordinator, Adults' Care & Support	Alcopops	m. shouldn't that be no alcopops should be sold individually?	Noted.
Mick McManus	Alcohol Co-ordinator, Adults' Care & Support	Extension to other places popular with youths	On section 11 in general. I would also like to have these controls in place in premises that are within 400 metres of places popular with youth such as parks and youth clubs/organisations. After all these places are popular with children during summer times, and schools are closed.	Noted. Consideration will be given to extension of policy

Section 12 - Other policies, strategies and initiatives

Richard Parkins	Licensing RA	DPPO	The policy references the Designated Public Places Order (DPPO). These became the Public Spaces Protection Order (PSPO) under the Anti-Social Behaviour, Crime and Policing Act in 2014	<p>Clarification provided by Katherine Gilcreest, Anti-Social Behaviour Manager - The introduction of the ASB Crime and Policing Act 2014 gave all existing DPPOs a 3 year end date. This means ours expires in September 2017, which is 3 years from commencement of the 2014 Act.</p> <p>Community Safety Partnership have discussed replacing the DPPO with a PSPO regarding alcohol consumption in public, but evidence is needed that this behaviour causes a detrimental impact on the local community. I do not think that I can evidence this across the whole borough. We get complaints about drinking (even with the DPPO) in Barking Town Centre, Heathway, Chequers Parade and most parks and open spaces, so in my view it would be reasonable to look at these for a PSPO to replace the DPPO with.</p>
Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	DPPO	DPPO is being or has been replaced.	See above clarification. Note will be incorporated into the policy.
Richard Parkins	Licensing RA	Integration	Policy should include clear indications as to how it intends to ensure proper integration with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and other plans introduced for the management of town centre and night time economies. (Guidance 13.56)	Noted. Will be incorporated.

Richard Parkins	Licensing RA	Equality Act 2010	Policy should recognise that the Equality Act 2010 places a legal obligation on public authorities to have due regard to unlawful discrimination, harassment and victimisation etc. (Guidance 13.59). Declaration needs to be added.	Noted. Declaration to be added.
Richard Parkins	Licensing RA	Equality duty	Policy should explain how the Equality Duty has been complied with. (Guidance 13.60)	Noted. Will be incorporated.
Section 13 - Licence terms, conditions and restrictions				
Richard Parkins	Licensing RA	Matters within the control of the licensee	Policy must make clear that that conditions attached to licences will be focussed on matters which are in the control of individual licence holders and others with relevant authorisations (i.e. the premises and its vicinity) (Guidance 13.13). This is inferred in draft but it is worth stating this in full.	Noted. To be specified within policy.
Section 14 - Operating schedule				
Richard Parkins	Licensing RA	Approach to risk-assessment	Policy should very clearly set out the approach an applicant should take to risk-assessment and compilation of the operating schedule and emphasise the importance of the information contained within the following four sections	Noted. Policy will provide clarification.
Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	Volunteered enforceable conditions	Expectations are to address the licensing objectives with volunteered enforceable conditions in the Operating Schedule. Applications are often generic from agents where I often feel the applicant hasn't even see the application and not knowing the implications of what is submitted.	Noted. Requirement for applicants to be fully understand and be committed to the conditions proposed within the operating schedule shall be included.
Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	Error	reference to 2.3. ... there is no 2.3!	Noted. Will be amended.

Section 15 - Prevention of crime and disorder

Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	Door supervisors	The expectation from door supervisors is assumedly covered by the SIA but could be put into the policy to reinforce their conduct. Main problem we have is that they are unwilling to make statements, so you could put in that where they are used they are expected to assist the police in the investigation of a crime / incident.	Noted. Need for co-operative approach to be included in policy.
Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	CCTV	I feel CCTV is an important asset and should be a requirement for all premises licence applications unless good reason is given for it not to be installed.	Noted. CCTV cannot be a requirement of all licensed premises but its installation and use will be promoted generally within policy.
Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	Promoted events	A big issue this summer was the use of unlicensed premises for 'promoted events' which actually require a licence. Church halls and other halls for hire should not just accept the payment without fully knowing the nature of the event. They should take responsibility to ensure the event being held does not require a licence for entertainment / sale of alcohol / late night refreshment and have a robust booking procedure. Private events are not advertised on the internet therefore more diligence should be undertaken by the hirers.	Noted. Section on 'private hire' of premises to be added to the policy.
Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	Pubwatch	Can't enforce membership of pubwatch as it is a voluntary organisation.	Noted. Membership of pubwatch where a local branch exists will be recommended as good practice.
Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	TENS	Bottom paragraph (certain temporary events ...) re TENS makes no sense.	Noted. Information regarding TENS will be reviewed.

Cenred Elworthy

Trading Standards

Illicit goods on licensed premises

The public expects and deserves to know the products they buy at licensed premises are genuine and sourced from reputable suppliers. Illicit tobacco and alcohol products present a real and substantial risk to public health due to their low price and risk of toxins. In order to support the objectives of the Licensing Act 2003, the London Borough of Barking and Dagenham Trading Standards fulfills the statutory duty for weights and measures authorities to enforce the following provisions * Trade Marks Act 1994 - In relation to counterfeit cigarettes and illicit alcohol * General Product Safety Regulations 2005 - In particular to fire safety cigarettes * Consumer Protection from Unfair Trading Regulations 2008 - In relation to misleading and unfair business practices, including the placing on sale of illegal goods * Tobacco and Related Products Regulations 2016 - In relation to non UK labelled / standard tobacco products. In addition, Trading Standards enforces the food traceability and safety provisions of the Food Safety Act 1990 and Food Regulations 2004 in relation to illicit alcohol. Trading Standards conduct regular unannounced enforcement visits to licensed premises to detect the presence of illicit goods. It is an offence under section 144 of the Licensing Act 2003 for a licence holder, designated premises supervisor, or any person who works at licensed premises, to allow the presence of smuggled goods on the premises. In addition, statutory guidance makes clear that where licensed premises are being used for the storage of smuggled tobacco and / or

Noted. Section on illicit goods on licensed premises to be added

Section 16 - Public Safety

Cenred Elworthy

Trading Standards

Minimum price alcohol

It is a mandatory licence condition that no alcohol may be on sale for less than the duty price. Any premises offering alcohol for sale at less than duty price, for example two for £5 wine offers, are in effect operating outside their licence and committing an offence under section 136 of the Licensing Act. This may also result in a licence review or closure order.

Noted. Reference to be included.

Cenred Elworthy

Trading Standards

Availability of small measures

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

Noted. Section on small measures to be added.

Section 17 - Prevention of nuisance

Andrew Martin

Environmental Health, Regulatory Service, Pondfield

Typo

Typos - Para 11 - proximity to schools have (has)?. Para 13 - where relevant objections (representations)?

Noted. Errors to be amended

Andrew Martin

Environmental
Health, Regulatory
Services, Pondfield

Additional noise
condition

Suggested additional noise condition (a close variation of this has been imposed on several planning permissions).
*"Noise from licensable activities taking place in the premises including live and amplified music shall be controlled so as to be inaudible inside adjoining and other noise-sensitive premises in the vicinity of the use. The initial test for compliance with the 'inaudibility' criterion will be that noise should be no more than barely audible outside those noise sensitive premises. In the event there is a disagreement as to whether entertainment noise is or is not audible the following numerical limits shall be used to determine compliance with this condition: * the LAeq (PN) 5 minute shall not exceed LA90 (WPN) 5 minute and: * the L10 (PN) 5 minute shall not exceed 90 (WPN) 5 minute in any 1/3 octave band between 40Hz and 160 Hz. PN = Premises noise level (arising from licensable activities). WPN = Representative background noise level without the premises noise, both measured 1m from the facade of the noise-sensitive premises.*

Information will be added though in light of response from Musicians Union clarification on use will be added.

Section 18 - Protection of children from harm

Richard Parkins

Licensing RA

Access of children

The policy must not seek to limit the access of children to any premises unless it is appropriate for the prevention of physical, moral or psychological harm. The policy should make clear the range of alternatives which may be considered for limiting the access of children where appropriate and make clear that conditions requiring the admission of children cannot be attached to licences and consents. The approach set out in the policy could be developed further.

Noted. Section will be reviewed.

Richard Parkins	Licensing RA	Age-restricted films	Policy must make clear that in the case of premises giving film exhibitions the LA will expect licence holders to include in their operating schedule arrangements for restricting children from age-restricted films. (Guidance 13.55) The policy makes reference to this. It would be worth, however, noting the local authorities film classification role and the required notice periods.	Noted. Will be added including local licensing authority film classification role.
Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	Convictions	Convictions of members of staff. Does it need to be convictions, could it include cautions, PNDs, fixed penalty tickets etc.)	The issue here is whether staff /entertainers / volunteers at the premises pose a threat to children – could their role bring them in proximity to children or allow them to behave inappropriately without raising suspicion? The expectation is that operators should use safe recruitment practices that give confidence that risk will be safely controlled. This is dealt with within the model risk-assessment provided by safeguarding which will be promoted by the policy.
Cenred Elworthy	Trading Standards	Under age sales	In order to further the licensing objective of protecting children from harm, Trading Standards conducts regular test purchase visits with volunteers to prevent the sale of age restricted goods to persons under the age of eighteen. The products tested include alcohol, tobacco, knives, fireworks and butane lighter refills. For all age restricted offences there are statutory defences available where a sale has been made as the result of a genuine accident and not due to the business operator's failings. At a minimum licensees must take all reasonable precautions to prevent sales and be diligent the precautions are adhered to by staff. This will include regular documented training, instructions as to appropriate proof of age, use and monitoring of refusals registers, and monitoring of CCTV.	Noted. Additional information to be incorporated.

Teresa Devito	Safeguarding & Quality Assurance	Risk-assessment tool	Provided a risk-assessment tool for use by licensees to assess a broad range of safeguarding issues relevant to licensed premises. The tool notes that "this risk assessment must consider ALL children under the age of 18, who have may have access to the premises including children as customers, employees, residents, friends/relatives or other children who access the premises."	This helpful document is welcomed. The policy will highlight the risk-assessment and promote its use within relevant premises. Field officers will be made aware of the tool and asked to provide copies where they encounter relevant circumstances.
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Section 19 - Standard licence conditions

Richard Parkins	Licensing RA	General principles	Policy should set out the general principles applying to licence condition setting as stated in the Guidance (Guidance 1.16)	Noted. General principles to be included in full.
Richard Parkins	Licensing RA	Determining community premises	Policy should deal with how LA will determine whether application premises qualifies as 'community premises' for purpose of disapplication of relevant mandatory conditions (Guidance 4.33)	Noted. 'Community premises' to be defined.
Corinne Holland	Barking and Dagenham OCU, Dagenham Police Station	Standard wording for conditions	Useful to have standard wording for specific premises to help enforcement officers. I have attached our usual wording for specific conditions.	Standard wording cannot be adhered to as conditions must be applicable to specific puposes. Use of model conditions will be promoted by the policy as far as is possible however.

Section 22 - Enforcing licences

Richard Parkins	Licensing RA	Targetting	Enforcement protocols should provide for targeting of agreed problem and high risk premises which require greater attention, while providing a lighter touch for low risk premises. The principles of risk-assessment and targeted inspection should prevail (Guidance 13.17)	Noted. Policy to reflect this approach.
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Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	Under age sales	Regarding enforcement for test purchase visits. Although we do get intelligence on some licensed premises regarding under age sales this is few and far between. I feel that we should be able to 'spot check' premises with a test purchase program in order to keep licence holders vigilant. Our other visits in the main are intelligence led as a result of information received or crimes that have occurred.	Noted. Policy outlines general approach that should be taken. Such approach helps to ensure that operators are treated consistently and that no operator suffers from undue and unnecessary interference. However, it remains that enforcement teams must be free to direct activities as required having regard to the methodology provided here.
Contacts				
Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	Email addresses	Most emails are missing. If putting emails police one should be a group rather than individual licensing.kg@met.pnn.police.uk	Noted. Information provided by individual responsible authorities will be included. Group email will be included for MPS licensing office.
Other				
Richard Parkins	Licensing RA	Approach to operating hours	Policy should set out the LA approach regarding licensed operating hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area (s13.45). Policy only partially covers this.	Policy will confirm that there are no established 'standard recommended hours' but emphasise that the Authority will have regard to the level of residential accommodation immediately around a venue or along the main routes to and from the premises, when considering later operating venues and facilities.
Richard Parkins	Licensing RA	Departure from the policy	Policy should recognise that LA may depart from the policy but should give full reasons where doing so (Guidance 1.15)	Noted. Will be incorporated early in policy.
Richard Parkins	Licensing RA	Other relevant legislation	Policy should confirm that the LA will have regard to other relevant legislation as set out in the Guidance (Guidance 1.19)	Noted. Will be incorporated.
Richard Parkins	Licensing RA	Garages	Policy should include information about how decision will be taken as to whether it is appropriate to grant a licence (Guidance 5.21)	Noted. Information will be incorporated.

Richard Parkins	Licensing RA	Reasons for decisions	Policy should emphasise that it is important that a licensing authority gives comprehensive reasons for its decisions in anticipation of appeals (Guidance 12.10)	Noted. Will be incorporated early on.
Richard Parkins	Licensing RA	Suspension of licences	Policy should emphasise that licences are automatically suspended in event of failure to pay annual fee (Guidance 14.4)	Noted. Will be incorporated.
Richard Parkins	Licensing RA	Types of regulated entertainment	Policy should outline activities that constitute regulated entertainment and acknowledge deregulatory changes (Guidance 15.1)	Noted. Will be incorporated.
Richard Parkins	Licensing RA	Scheme of delegation	The inclusion of considerable information, particularly around licensing process, within accompanying guidance notes is supported as this allows revisions to be made without requiring the overall policy to go out to consultation. Matters such the scheme of delegation and information relating to the operation of the Licensing & Regulatory Board should by right be included within the policy proper, however	Scheme of delegation to be relocated within body of the main policy.
Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	Suggested conditions	Appended	Will be built into appended model conditions
Cenred Elworthy	Trading Standards	Suggested conditions	Appended	Will be built into appended model conditions
Neighbouring Authorities Name	Address		Comment	Response
Trudi Penman	Licensing and Health and Safety Divisional Manager, London Borough of Havering, Town Hall, Main Road, Romford, RM1 3BB	Cross border issues	I can't think of any cross border issues currently. The kids from B&D come into Romford for the night time economy but there isn't much in the way of licensed premises on the border. There are plans to build a housing estate in the south of the borough which will cross over the boundary so that is worth noting.	Noted. London Borough of Havering is a included within the public consultation for all new and varied applications and so will be afforded the opportunity to respond on applications with potential cross-border impacts.

Trudi Penman	Licensing and Health and Safety Divisional Manager, London Borough of Havering	Boot fairs	We also have the issue of Bonzer boot fair. We don't licence boot fairs and the boot fair is in Havering but the access is in B&D so I know there has been some friction about that.	Noted. While of interest boot fairs are not licensed under the Licensing Act 2003 and so are not covered by the terms of this policy.
Other Involved Agencies				
Jessica Milne	Strategy and Performance	Equalities impact assessment	Re EIA. Thank you for sending us this EIA in regard to the licensing policy revision. I can confirm that myself and Sal have reviewed this, and it looks fine. One consideration may be if there is anything that may prevent/restrict a particular group applying for a licence (just as an example, if applications were solely online. It may be harder for some disabled or elderly residents to apply) but that could be overcome with mitigating actions.	Noted. Contact with the service is offered by a range of options - through the web; by email; by telephone and (by arrangement) face to face.
Other persons				
Sam Jordan	Musicians Union London	Noise limitation devices	The only thing that stood out for us was on page 26 where it refers to the use of 'noise limitation devices'. We do not approve of such devices and believe they do nothing to encourage live music. They limit the public enjoyment and stifle the art form as to have power cut off when performing is punitive. We would ask that this reference could be removed.	Comment provided by Andrew Martin EHO. I don't agree that seeking to ensure that in appropriate cases measures are in place to prevent public nuisance is a punitive or onerous requirement. Indeed in sensitive cases, the use of a noise limiter may permit an otherwise problematic venue to continue to provide the community benefits of live music. There are available noise limiters which do not cut the power supply but rather act to put a ceiling on the sound output of an amplification system installed at the venue.