

APPENDIX A



**Licensing Act 2003 – Draft Statement
of Licensing Policy 2022 - 2027**

Notes

The Licensing Act 2003 (“the Act”) came into force in 2005. It introduced a new comprehensive licensing regime for the sale and supply of alcohol, the provision of regulated entertainment and the provision of late-night refreshment.

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

The Barking and Dagenham Statement of Licensing Policy was first published in 2005 and it has been regularly updated since. The current version of the policy received approval by the Council Assembly on 25 January 2017 and came into effect on 3 March 2017. This revision was compiled with public consultation in 2021 and is intended for consideration and adoption in 2022.

The licensing policy has been prepared with regard had to the Act: secondary regulations; the Home Office Guidance issued to Local Licensing Authorities under s182 of the Act (April 2018 edition); and responses received from a public consultation exercise. Consultees are listed in Appendix 4.

It is intended that the policy will be kept under review and further revised as and when necessary. Where revisions are made to the s182 Guidance by the Secretary of State, it is for the licensing authority to determine whether revisions to the policy statement are necessary.

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

Executive summary

This Council recognises the important role that a diverse and vibrant range of, hospitality, entertainment and leisure facilities play within the local community. Aside from providing important economic, employment and leisure opportunities, such facilities provide opportunity for relaxation; for people to meet and build relationships; to promote cultural activities and support community cohesion. Our shared experience of living through the covid-19 pandemic has increased the importance of all of these factors.

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

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

And so, this licensing policy intends to support a licensing process which, in turn, supports responsible operators and promotes the licensing objectives but provides adequate protections for the local community where these are necessary.

Central to this policy are sections 4 and 5 which provide advice and guidance on compiling an operating schedule as part of a licence application. This forms a crucial part of the business planning and licence application process, enabling risk factors to be identified and appropriate control measures to be set. It provides pointers toward sound management planning and best practice. These sections are supported by appendices which consider some of the most important issues in more detail and the appendices which provide suggested model licence conditions, alongside mandatory licence conditions, and a model risk-assessment for child protection issues. These are the recommended starting points for new (and existing operators).

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

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

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Section 1 – Introduction

About Barking and Dagenham

1. The London Borough of Barking and Dagenham is located at heart of the Thames Gateway, just a 15-minute train journey from central London. The borough borders the London Boroughs of Newham, Redbridge and Havering with Greenwich and Bexley to the south of the Thames. The borough's three main towns are Barking, Chadwell Heath and Dagenham.
2. The Office for National Statistics mid-2019 population estimates estimated Barking and Dagenham's population at 212,906 residents, an increase of 908 since 30 June 2018. It has a young population with an estimated 57,981 children (persons aged between 0 and 15), the highest proportion in London and the UK.
3. Barking and Dagenham also has a diverse, multi-cultural community. The borough's Black and Minority Ethnic population represents 66% of the total population. Nigeria is the most common birthplace of residents from outside of the UK followed by India and Pakistan.
4. Barking and Dagenham has its challenges. Both male and female life expectancy (58.4 and 59.2 respectively) are below the London average. The numbers of people who have no qualifications (9.2%); who are unemployed (7.9%); and who are Income Support claimants (0.6%) are all above the London average.
5. However, with a proud history of manufacturing, industrial excellence and a strategic location linking it to major markets in the South East (and on to Europe), Barking and Dagenham has real potential and aspires to become a destination of choice, where people stay and feel welcome.
6. Barking and Dagenham is at the heart of London's eastward growth, attracting developers and investors to the most affordable and accessible opportunities in the whole of the Southeast.
7. With 400 hectares of development land, we plan to provide 50,000 high quality new homes and 20,000 new jobs within the next 20 years.
8. With its excellent transport links, Barking and Dagenham is already one of London's best-connected boroughs. Connections are set to improve further, however, with new transport links currently under construction and in the pipeline, all intended to support the capital's eastward growth. This includes:
 - Crossrail will operate from Chadwell Heath in 2022
 - The London Overground will be extended to Barking Riverside by Autumn 2022
 - A new C2C station will open at Beam Park in 2022
 - Improvements to the A13
 - Plans for the new River Thames crossings serving east London are under consideration.
9. As a legacy from Barking and Dagenham's involvement as a host borough in the London Olympics in 2012, there has been significant investment in leisure,

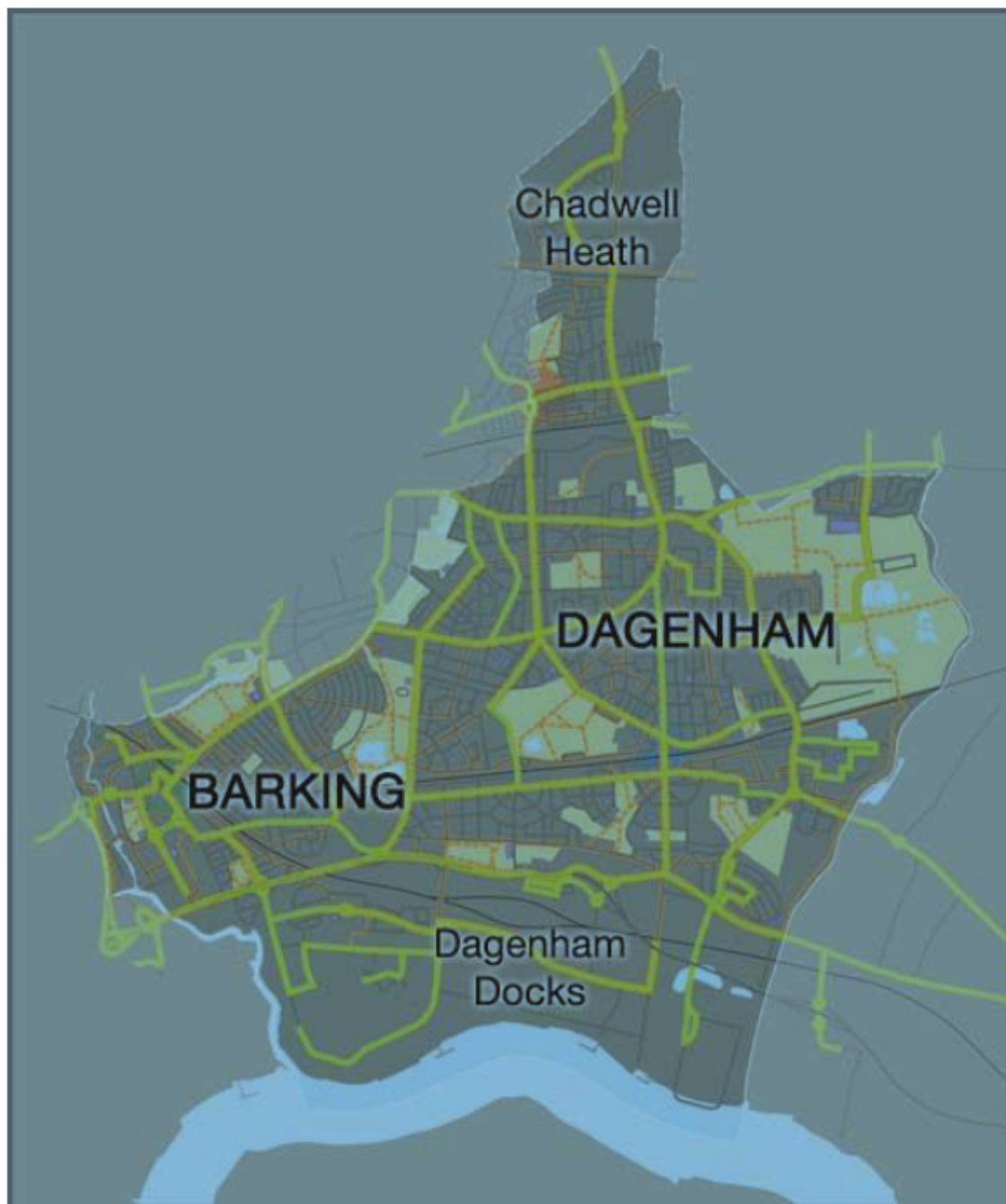
recreational and sporting facilities. The Council has agreements in place with Hackman Capital Partners to build London's largest film and TV production centre in Dagenham with additional studios on a second site in Barking.

10. The borough has an incredible 530 hectares of green belt land, plus 25 parks and open spaces and tree lined streets.
11. A map of the geographic area comprising Barking and Dagenham is shown in Figure 1 on the following page.

The Borough Manifesto and Corporate Plan

12. The **Borough Manifesto** sets out the long-term, 20-year vision for the future of Barking and Dagenham. It describes how the council, our partners and the whole community are working together in order to realise our shared vision of a more powerful, resilient, connected community; 'one borough; one community; no-one left behind'.
13. The council's approach to achieving this vision is set out in **The Corporate Plan**. This describes our approach to the work we do with residents every day and explains our four key strategic priorities:
 - Inclusive growth – Harnessing the growth potential that arises from our people, our land and our location in ways that protect the environments and enhance prosperity, wellbeing and participation for all residents.
 - Participation and engagement – Empowering residents by enabling greater participation in the community and in public services.
 - Prevention, independence and resilience – Children, families and adults in Barking and Dagenham living safe, happy, healthy and independent lives.
 - Well-run organisation – Focusing on the efficient and effective operation of the Council itself.

Fig. 1 - Map of Barking and Dagenham



Section 2 – Purpose and Scope of the Policy

Our Aims and Objectives

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

Licensable activities

18. This policy is concerned with the following licensable activities –
 - The sale by retail of alcohol
 - The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
 - The provision of regulated entertainment
 -
 - The provision of late-night refreshment
19. 'Regulated entertainment' includes each of the following activities –
 - A performance of a play
 - A film exhibition
 - A performance of live music
 - The playing of recorded music
 - A performance of dance
 - An indoor sporting event
 - A boxing or wrestling or mixed martial arts entertainment
 - Entertainment of a similar description

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

- Takes place in the presence of a public audience, or
- Where that activity takes place in private, be the subject of a charge made with a view to a profit.

21. The licensing of regulated entertainments has been subject of a programme of deregulation in recent years. Several exemptions now exist. For up to-date information on these please contact the licensing team (contact details provided in Appendix 2).

22. 'Late night refreshment means the provision of hot food and / or drink between the hours of 23.00 and 05.00. A licensing authority may take a decision to exempt the activity of providing late night refreshment from the need for a licence. However, it should be noted that late night refreshment is not exempt from the need for a licence within Barking and Dagenham.

23. Authorisations or permissions

24. The Act provides for four different types of authorisation or permission, as follows:

- Premises licences
- Club premises certificates
- Personal licences
- Temporary Event Notices

The licensing objectives

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

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

26. Each objective is of equal importance. There are no other statutory licensing objectives. The promotion of the four objectives is a paramount consideration at all times.

Other key aims and objectives

27. However, the Act supports many other key aims and objectives that are vitally important:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises.

- Giving the police and licensing authorities the necessary powers to effectively manage and police the night-time economy and to take action against those premises that are causing problems.
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises management.
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area.
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

General principles

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

29. Other mechanisms may also be utilised, where appropriate, to tackle the unruly or unlawful behaviour of consumers when beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned. These include:

- Planning controls
- Positive measures to create a safe and clean town environment in partnership with local businesses, transport operators and other departments of the local authority
- The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- Powers of local authorities to designate places where restrictions on public drinking apply
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- The confiscation of alcohol from children and adults in designated areas
- Police and/or local authority powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
- The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question

30. Nothing in this policy is intended to undermine the rights of any person to apply under the 2003 Act for any of the variety of permissions and have that application considered on its individual merits.
31. Equally, nothing in this policy is intended to override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.
32. In carrying out its licensing responsibilities the Council will avoid duplication with other regulatory or statutory regimes, so far as is possible. Also, the Council does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation.

Determining applications for licences made in respect of Council premises

33. When one part of the Council seeks a premises licence from the Licensing Authority, the Licensing and Regulatory Board and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly by a Sub-Committee of the 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.
34. In all cases, applicants and those making representation in respect of applications to the Licensing Authority have a right to appeal the Council's decision to the Magistrates' Court.

Section 3 – Administration, Process and Delegation

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

Applications

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

Plans

41. Plans submitted together with applications for new and varied premises licences and club premises certificates should normally be drawn to scale 1:100. Alternative scales may be acceptable, but applicants should contact the Licensing Service to discuss this before submitting.
42. Plans do not need to be professionally drawn but must include all relevant detail and clearly enable the dimensions of the premises; licensed areas and escape routes to be clearly understood.

Entitlement to work in the UK

43. Since April 2017 licensing authorities must be satisfied that an individual who applies for a premises licence is entitled to work in the UK. This includes applications made by more than one individual applicant. An application made by an individual without the entitlement to work in the UK must be rejected.

Variations

44. Applications to licence additional buildings, floors or licensed areas are likely to require a new premises licence application. However, where a licence holder wishes to amend the terms, conditions and restrictions of his / her licence, an application for a variation of the licence can often be made, rather than a full application for a new premises licence being necessary. This might include amendments to:

- The licensable activities named upon the licence
- The days and / or hours during which a licensable activity is permitted
- The conditions within a licence
- Any aspect of the layout of the premises which is shown on the plan submitted to the Licensing Authority.

45. In cases where a licence holder wishes to vary features shown on a submitted premises plan which are not required to have been included, the Council will consider whether there is any likely impact on the promotion of the licensing objectives.

46. There is also a minor variations process intended for changes to a licence that will not have an adverse impact on the licensing objectives. Examples might include cosmetic changes to the layout arrangements of a premises; small adjustments to licensing hours; the removal of out of date, irrelevant or unenforceable conditions; or adding certain licensable activities. The Council will consult with appropriate responsible authorities to make such assessment.

Responsible authorities

47. Each of the bodies listed below are named as 'responsible authorities' under the Act. These responsible authorities may make representations on applications, as far as they relate to the promotion of the four licensing objectives. They may also request a review of a premises licence or club certificate.

- The Metropolitan Police Service
- The London Fire and Emergency Planning Authority
- The Licensing Authority itself
- Trading Standards (as the local weights and measures authority)
- Environmental Health (as both the enforcing authority for health and safety purposes and the authority responsible for minimising or preventing the risk of pollution of the environment or risk to human health)
- Planning (Be First & Planning Enforcement)
- Public Health
- Any other licensing authority in whose area part of the premises is situated

48. Additionally, the London Borough of Barking and Dagenham Child Protection Team is recognised as the competent authority to advise on matters relating to the protection of children from harm.

49. The licensing authority responsible authority role will be undertaken within the Licensing Service. Where it is decided appropriate to act in the capacity of responsible authority, arrangements will be put in place to provide a separation of duties to ensure procedural fairness and eliminate conflicts of interest.

50. Contact details for responsible authorities are given in Appendix 3. Responsible authorities will also provide advice and information on established best management practice. Some information on preparing an operating schedule is contained within this policy but applicants may also wish to consult with the authorities directly.

Other persons

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

Representations

52. A representation can only be considered 'relevant' if it relates to the effect of the grant of the licence on the promotion on one or more of the four licensing objectives. Representations must not be frivolous or vexatious, and in the case of reviews, repetitious.

53. Representations must be received in writing at the licensing service office by the last date set for representations. Representations must be –

- Signed
- Dated
- Provide the grounds for the representation in full
- Include the name and address of the person or the body making the representation

54. Where a notice of a hearing is given to an applicant, the Licensing Authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made. In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as names and address, are divulged to the applicant.

55. Where this Council considers that the person concerned has a genuine and well-founded fear and may be deterred from making a representation on this basis, alternative approaches will be considered. Where circumstances justify such actions, the Council may either provide only minimal details (such as street name or general location in a street) or withhold details.

Conciliation

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

Public hearings

57. It is only when relevant representations are received that a licensing authority may hold a public hearing to determine an application. Where no representations are received, the application must be granted in full, upon the terms, conditions and restrictions sought by the applicant, subject to the mandatory licence conditions and conditions consistent with the steps proposed to be taken by the applicant under the Operating Schedule.

58. When considering applications, the Council will have regard to:

- The Licensing Act 2003 and the licensing objectives
- Government guidance issued under Section 182 of the Licensing Act 2003
- Secondary regulations
- This statement of licensing policy

The Licensing and Regulatory Committee

59. In accordance with section 6 of the Licensing Act 2003, the Council's Licensing and Regulatory Committee will form Licensing Sub-Committees to perform all functions relating to licensing.

60. The Council will annually appoint 10 members to sit on the Licensing and Regulatory Committee. From this overall membership, any 3 members may sit as a licensing sub-committee to determine contested applications. Only councillors who have received relevant licensing training will take part in decisions on licensing matters.

61. Members of the Licensing and Regulatory Committee will not take part in any licensing decisions concerning premises that they have an interest in. A member of the Licensing and Regulatory Committee may not hear an application that is in their own ward, but may observe the meeting as a member of the public.

62. At public hearings, members will consider applications on their own merits with all relevant matters taken into account. They will pay particular attention to promoting the licensing objectives and consider whether concerns raised may be alleviated by appropriate conditions, imposed in addition to any which may already be included in the operating schedule.

63. The full table of delegation, identifying which decisions will be made by the Licensing Sub-Committee, and which matters will be confirmed or made by council officers through delegated authority, is provided at Appendix 5.

Licence reviews

64. A review of a premises licence may be called by any responsible authority or other person at any time, where there are relevant concerns relating to the licensing objectives. However, such reviews should, where possible, be supported by evidence to be presented to the licensing authority.
65. In addition, a licensing authority must review a premises licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder, and the magistrates' court has sent the authority the relevant notice of its determination. A review must also be undertaken if the police have made an application for a summary review of a licence on the basis that the premises are associated with serious crime and/or disorder.
66. Where possible and appropriate any responsible authority will give early warning to the relevant licence holder of any concerns about problems identified at premises and of the need for improvement.
67. No more than one review per premises will normally be permitted from other persons within any 12-month period on similar grounds, except in exceptional and compelling circumstances.
68. Applications for review made to this Council will be dealt with fairly at a public hearing in front of a Licensing Sub-Committee. The Sub-Committee will take particularly seriously situations where a licensed premise 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 evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected
 - For prostitution or the sale of unlawful pornography
 - By organised groups of paedophiles to groom children
 - As the base for the organisation of criminal activity, particularly by gangs
 - For the organisation of racist activity or the promotion of racist attacks
 - For unlawful gaming and gambling
 - For the sale of smuggled tobacco and alcohol
 - For knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter.
 - For the sale and distribution of illegal firearms

Payment of annual licence maintenance fee

69. All premises licences and club premises certificates issued are subject to an annual maintenance fee. These are payable on the anniversary of the grant of the licence.
70. The Act provides for the automatic suspension of any licence or certificate where the fee is not paid on time. The Council will provide a reminder when a fee is due and sufficient time for the payment to be made but, if the money due is not

received by the date required, the licence will be suspended, and no licensable activities may be provided at the premises until the fee is paid in full.

Temporary event notices (TENS)

71. Certain temporary events are not required to be licensed but must be subject of a notification (a 'Temporary Events Notice' (TENS)) given to the Licensing Authority, the Metropolitan Police, and the Council's Environmental Health Service.
72. However, while the TENS process is intended to provide a fast-track process for 'one-off' or irregular small scale community events, such occasional activities may still have implications for each of the four licensing objectives. For this reason, both the police and environmental health may give 'counter-notices' if they have concerns about a particular event relevant to the licensing objectives.
73. So, although the legislation requires a minimum of ten clear working days' notice to be given (five clear working days' notice in the case of Late Temporary Event Notices), event organisers are encouraged to submit their notification as soon as reasonably practicable to enable the responsible authorities to work with them to identify and reduce the risk to the licensing objectives.
74. If TENSs must be made with the minimum amount of permitted notice given, it must be understood that the requirements for 10 clear working days' notice means, for example, that TENSs intended to cover an event on a Saturday night must be given 3 Fridays prior to this. If the period includes a bank holiday, then the notice given must be extended by 1 working day for each bank holiday falling in the period. The Council has no ability to waive or reduce the legal notification periods.
75. TENSs are subject to limitations on the numbers of permitted uses of a premises; the numbers of notifications that may be given by a person; and the duration and size of the event. Full information is given in the Guidance Note produced by the Licensing Service.

Other Policies, Strategies and Initiatives

76. Before applying, applicants are encouraged to refer to other relevant policies, strategies, and initiatives. Although they may not be directly related to the promotion of licensing objectives, they may have an indirect impact on them. These may include:
 - The Corporate Plan
 - Children and Young People's Plan
 - Health and Wellbeing Strategy
 - Community Safety Strategy
 - Housing Strategy
 - Tobacco Harm Reduction Strategy
 - Flooding Strategy
 - Culture Strategy
 - Education Strategy
 - Our Strategy for Growth

- Equality and Diversity Strategy
- Voluntary, Community and Social Enterprise Strategy
- Cohesion and Integration Strategy
- Faith Builds Community Policy
- Social Values Policy
- Customer Services Standards
- Gender Equality Charter
- Roads and Transport Strategy
- Parking Policy
- Debt Management Policy
- Library Strategy
- Childcare Sufficiency Strategy
- Gambling Policy
- Regulatory Services Policy
- Modern Slavery Strategy

The Equality Act 2010

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

Public Spaces Protection Order (PSPO)

78. The Anti-Social Behaviour, Crime and Policing Act 2014 introduced several new tools and powers that can be used by councils and partners to address anti-social behavior (ASB) in their local areas. PSPOs came into force in October 2014 and have been an effective tool to address a range of ASB issues that were identified. The orders allow councils to introduce restrictions on reasonable behavior's that can help improve the quality of life of their residents. As a minimum, each PSPO must set out:

- What the detrimental activities are
- What is being prohibited and/or required, including any exemptions
- The area covered
- The consequences for breach
- The period for which it has effect.

79. To determine whether the Council will implement a new PSPO or replace an existing PSPO, the Council will follow a full consultation process to understand local partner and residents' views and determine the best way forward.

80. At the time of writing of this policy the Council has 4 PSPOs in place. These are in:

- Broad Street
- Barking Town Centre
- Heathway
- Dog fouling order

81. More information on local PSPOs can be found on the Council website at <https://www.lbbd.gov.uk/public-spaces-protection-orders-pspos>

Planning and Building Control

82. Licensing will be treated separately from planning permission and building control approval. The Licensing Sub-Committee will not be bound by planning restrictions.

83. Nor may a licensing authority consider matters of 'need'. It is recognized that there may be confusion about the difference between "need" and the "cumulative impact" of premises on the licensing objectives. "Need" concerns the commercial demand for another pub or restaurant or off-licensed premises. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy, and this Council will not take need into account when making decisions on licence applications.

84. While it is understood that refusal of a planning consent is not in itself a valid reason for refusal of a licence application, the Council expects that applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned.

85. It is recommended that applicants for licences consult with planning and building control before a licence application is submitted to see if any other consents may be required. No licensing decision overrides the need for an operator to obtain all necessary lawful consents before commencing licensed operations. Operators should take care to ensure that all relevant consents have been firstly obtained. A premises operation may be restricted by the terms of a lease or other lawful agreement for occupancy and other permissions may be necessary, such as building control approval. Applicants are expected to ensure that such permissions are obtained where necessary.

Sports grounds

86. 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.

'Saturation policy' and cumulative impact

87. This Council recognises that a concentration of licensed premises, located in close proximity, can have a 'cumulative impact'. The "cumulative impact" refers

to the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For instance, an increased number of people passing through an area or congregating in streets during the night can give rise to issues of crime and disorder, anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in littering or fouling. The amenity of residents can be placed under severe pressure without this being attributable to any individual premises.

88. 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.
89. It is open to a licensing authority to adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area is resulting in unacceptable levels of crime and disorder or public nuisance.
90. Currently there is insufficient evidence to support that any particular part of this borough suffers from cumulative impact.
91. However, the potential for a special policy on 'saturation' remains and the situation will be reviewed if evidence arises or is submitted that indicates that residents are suffering from cumulative impact at any time.
92. The cumulative impact of licensed premises in a particular area may be raised as an issue through representations from residents or businesses or a responsible authority. Where 'cumulative impact' is formally raised, consideration may be given to whether any additional licences or substantial variations to existing licences, to increase such aspects as capacity or operating hours, would lead to an unacceptable saturation in an area. The onus will be on the objector to provide evidence that additional licences or the variation of existing licences will produce the cumulative impact claimed.

Section 4 - Preparing an Operating Schedule

93. One of the most important sections of the premises licence application form is the operating schedule. In this part of the form, the applicant is asked after having set out the business proposal, to consider the risks that proposed premises operation offers in respect of each of the four licensing objectives and state what management controls are intended to be taken in mitigation of those risks.
94. If the application receives no representations, then it will be granted in full made subject only to the mandatory licence conditions under the Act and to additional licence conditions that reflect the management controls the applicant has stated will be taken to reduce risks, within the operating schedule.
95. We will expect that, once issued, the licence terms, conditions and restrictions will be complied with in full. Failure to comply could result in formal enforcement action and / or the loss of the licence. So, it is very important that an applicant for a licence understands the implications of the management controls offered within the operating schedule and is committed to ensuring that these are carried out in full. This is particularly important where the application is being completed by an agent or other person on behalf of the applicant. Once the process is successfully completed the licence holder will be responsible for compliance.
96. The following section of this policy is intended to help support the preparation of good operating schedules. It has been compiled in conjunction with the relevant responsible authorities and sets out the joint expectations of the authorities as to the types of considerations that should be taken into account when preparing a thorough risk-assessment and compiling a detailed operating schedule.
97. Each section also offers advice on best management practice and model conditions are provided across Appendices 6 and 7 for some of the most common control measures. While each application will be considered on its own merits with all relevant matters taken into account, applicants are asked to have regard to the information offered.
98. However, the Council recognises that applicants should know their premises best. The selection of control measures should be based upon a full risk-assessment of the premises proposed method of operation, including the types of events, activities, hours of operation and intended custom group (e.g. age range, numbers, catchment area). The steps proposed to be taken in mitigation of the risks identified should be specifically intended to reduce the identified risk and be reasonable, proportionate and within the applicant's ability to fulfil. Where help is required with developing a good, effective set of management controls we would advise that pre-application discussions are had with the relevant responsible authorities (contact details supplied at Appendix 3). The more careful consideration given to risk and how to mitigate that risk, the greater chance of securing a licence without representations being made.
99. When an application is submitted, the Council and responsible authorities will expect the operating schedule to demonstrate that suitable and sufficient measures will be implemented and maintained, relevant to the individual style and characteristics of the premises and activities proposed. Where appropriate, it should be made clear whether additional measures will be taken on an occasional

or specific basis, such as when a special event or promotion is planned, which is intended to, or likely to attract, larger audiences.

100. Although the Council cannot require the risk assessments to be documented (other than where specified under legislation) this is considered good practice. Documented risk assessments can prove a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, (e.g. when making application for variation or in response to changing circumstances / conditions at the premises). Where risk-assessments are documented, it is requested that these are submitted together with any application made, as this gives clear indication of how an operating schedule has been devised.
101. This Council welcomes applications for licences and consents that support the borough manifesto / corporate plan. This will not, however, outweigh the need to promote the licensing objectives.

Section 5 – The Licensing Objectives

102. This section deals in detail with each of the four licensing objectives:

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

103. The intention here is to highlight the types of issues that might be considered when compiling a risk-assessment and operating schedule. Some of the most important issues are covered in more detail. Other potential areas of concern are raised and / or covered by model conditions in the accompanying appendices. Because of the wide variety of premises to which this policy applies, not all control measures are relevant in all circumstances. The control measures suggested are not intended to provide an exhaustive list. Many control measures achieve more than one objective but have not necessarily been repeated throughout. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.

104. In all cases, it is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. Pre-application discussions with the relevant responsible authorities are also encouraged to assist applicants in developing their operating schedules.

First Licensing Objective – The Prevention of Crime and Disorder

105. This Council is committed to further improving the quality of life for the people of the borough by continuing to reduce crime and the fear of crime and anti-social behaviour.

106. Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on local licensing authorities, the police, and other partner agencies, to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.

107. The promotion of the prevention of crime and disorder licensing objective places an equal shared responsibility on licence holders to promote this objective.

108. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder inside of and in the vicinity of their premises. Conditions should be targeted on deterrence and preventing crime and disorder.

109. When addressing the issue of crime and disorder, the applicant should be able to demonstrate that adequate consideration has been given to the range of factors that impact on crime and disorder. These factors may include:

- Anti-social behaviour
- Drunkenness and drugs misuse

- Violent behaviour
- The possession of weapons
- Harassment
- Under-age drinking
- Theft (of personal property or alcohol)
- Illegal working

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

- Effective and responsible management of premises
- Appropriate numbers of staff with adequate supervision
- Appropriate authorisation of alcohol sales with personal licence holder present whenever possible
- Documented and appropriate staff training
- Carefully considered premises design and layout, including provision of adequate seating
- The installation, maintenance and use of effective CCTV equipment with a 31-day library of recordings
- Employment of Security Industry Authority licensed door staff
- Provision of search wands or arches where appropriate
- Provision of secure deposit boxes for confiscated items ('sin bins')
- Provision of toughened or plastic drinking vessels
- Establishment of an age verification scheme using accredited PASS approved photographic 'proof of age cards' and / or driving licences
- Adoption of a 'Challenge 25' principle under the age verification scheme
- Introduction of a last admissions time
- Establishment of a dispersals policy
- Adoption of best practice guidance (e.g. Safer Clubbing, the Government's Alcohol Harm Reduction Strategy 'Safe. Sensible. Social.' and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by BBPA, Security in Design published by BBPA and Drugs and Pubs, published by BBPA)
- Provision of secure cloakrooms
- Provision of external lighting
- Provision of litterbins
- Membership of local 'Pub watch' schemes or similar collaborative groups is recommended where these exist.

Responsible Management

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

The role of the Designated Premises Supervisor (DPS)

112. Except for 'qualifying community premises', a trained and qualified designated premises supervisor must be named within the operating schedule for any premises from which alcohol will be sold. The DPS will normally have the day-to-day responsibility for running the premises under the direction of the premises licence holder and, as such, this key member of the management structure should be present on the licensed premises on a regular basis. If the DPS cannot be present upon the premises throughout the hours of operation consideration must be given to who should be authorised to act in this role in their absence.
113. The DPS will also be responsible for authorising alcohol sales and should have an established process of authorisation in place for all staff engaged in alcohol sales. The DPS will hold a personal licence, however, the Council would strongly encourage the DPS to undergo additional training, and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.
114. For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.
115. Note: Community premises may apply, under certain circumstances for an exemption to appoint a DPS. Where such application is made, this will be considered on a case-by-case basis.

Working in partnership

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

CCTV

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

119. Where CCTV is installed then licence holders should ensure that there is a person present upon the premises who is trained in its operation at all times.

Hire of premises to third parties and ‘promoted events’

120. A recent growing concern has been with the hire of premises by third parties and the use of premises not normally used for the provision of licensable activities for private and / or promoted events.

121. It is advised that no premises are hired out to third parties unless a diligent and ‘robust’ booking procedure is put into place which establishes the identity of the proposed user and verifies and records their full contact details; the nature, timing and duration of the event that is proposed; and the arrangements.

122. It should be understood that the licensee retains responsibility for events staged in their premises and for any problems that may arise even when hired out to third parties. The licensee should always have senior staff present overseeing any external hire of the premises.

Illegal Working

123. The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities work with immigration officials and the police, in respect of these matters. Licence holders are required in law to carry out right to work checks on all staff employed at licensed premises. A condition requiring that a copy of any document checked as part of a right to check are retained at the premises would be good practice.

Illicit Goods on Licensed Premises

124. The public expects and deserves to know the products they buy at licensed premises are genuine and sourced from reputable suppliers. Illicit tobacco and alcohol products present a real and substantial risk to public health due to their low price and the risk of toxins. To support the objectives of the Licensing Act 2003, the London Borough of Barking and Dagenham Trading Standards fulfils the statutory duty for local weights and measures authorities to enforce the following provisions:

- Trade Marks Act 1994 – in relation to counterfeit cigarettes and illicit alcohol
- General Product Safety Regulations 20054 - in particular, in relation 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.

125. 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.

126. Trading Standards conduct regular unannounced enforcement visits to licensed premises to detect the presence of illicit goods.
127. It is an offence under section 144 of the Licensing Act 2003 for a license holder, designated premises supervisor, or any person who works at licensed premises, to allow the presence of smuggled goods on the premises. In addition, statutory guidance makes clear that where licensed premises are being used for the storage of smuggled tobacco and/or alcohol, review procedures should be used with revocation of the licence seriously considered.
128. It is the responsibility of the licence holder and designated premises supervisor to ensure illicit products are not present. This may include regular bag checks of staff and monitoring of CCTV. All goods must be bought from reputable wholesalers and be accompanied by complete numbered receipts listing the name and address of the wholesaler. Receipts must be kept in an ordered manner and be available for inspection. Where illicit goods are found on licensed premises both prosecutions and license reviews may be instituted in accordance with London Borough of Barking and Dagenham's enforcement policy.

Businesses buying alcohol from wholesalers

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

The Second Licensing Objective – Public Safety

131. The Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Licence holders have a responsibility to ensure the safety of those using their premises. 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.
132. A number of matters should be considered in relation to public safety. These may include
- Fire safety
 - Ensuring appropriate access for emergency services
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts
 - Ensuring the presence of trained first aiders on the premises with appropriate first aid kits

- Ensuring the safety of persons when leaving the premises (for example good information on local late-night transport)
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles
- Ensuring appropriate limits on the maximum capacity of the premises
- Considering how CCTV on the premises is best deployed upon the premises
- The use of special effects in clubs and events
- Safe evacuation

133. The measures that are appropriate to promote public safety will vary between premises. This will be affected by the type of use of the premises; its age, design and layout, including means of escape; the customer profile; hours of operation and the nature of the licensable activities to be provided.

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

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

Safe permitted capacity

135. The maximum permitted occupancy capacity for premises and events is an important factor in the promotion of the four licensing objectives within 'on sales' premises. This factor is considered important not only for the purpose of fire and other emergency situations but to ensure the comfort and welfare of customers and staff. We expect the issue of occupancy capacity to be considered and

addressed, where necessary, within an applicant's operating schedule. In appropriate instances, we will agree a maximum occupancy capacity, based on the applicant's assessment within their operating schedule.

136. The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These factors may include:

- The nature of the premises or event
- The nature of the licensable activities being provided
- The internal layout of the premises including the provision or removal of such items as temporary structures, such as a stage, or furniture
- The number of staff available to supervise customers both ordinarily and in the event of an emergency
- The customer age profile
- The attendance by customers with disabilities, or whose first language is not English
- Availability of suitable and sufficient sanitary accommodation
- Nature and provision of facilities for ventilation

137. The agreement to a capacity for premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records. It is recognised that the person in charge at the premises can often readily assess the capacity of premises without resort to such measures. However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded or localised overcrowding may occur in any internal area.

Minimum alcohol price

138. 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, will, in effect, be operating outside their licence and committing an offence under section 136 of the Licensing Act. This may also result in a licence review or closure order.

Availability of small measures

139. To help reduce excessive drinking, it is a mandatory licence condition that where wine, beer, cider, gin, rum, vodka, or whisky are sold or supplied for consumption on on-licensed premises they are available in 125ml, half pint, and 25ml or 35ml measures as appropriate. To allow this to take place prices for smaller measures should be included in price lists, on menus, and electronic point of sale devices. In addition, licensees should make sure correctly stamped measures (i.e. half pint stamped glasses, stamped lined wine glasses, stamped

“thimble” measures or optics) are available to serve 125ml, half pints and/or 25ml, 35ml. This condition does not apply where only pre-packed alcohol is supplied.

Safe for all

140. Our aim is that all venues in Barking and Dagenham should be safe and secure, free from discrimination and enjoyed by all. To this end there are several initiatives that this Authority supports and would recommend to operators

Women’s Safety Charter

141. The Women’s Safety Charter was created by the Mayor of London in order to make London a city where all women feel confident and welcome at night. It forms part of the Mayor’s Tackling Violence Against Women and Girls Strategy and London’s commitment to the UN Women Safe Cities and Safe Public Spaces global initiative.

142. To support the Women's Night Safety Charter, we ask all organisations that operate at night to sign-up to some simple pledges. These are:

- Nominate a champion in your organisation who actively promotes women’s night safety
- Demonstrate to staff and customers that your organisation takes women’s safety at night seriously, for example through a communications campaign
- Remind customers and staff that London is safe, but tell them what to do if they experience harassment when working, going out or travelling
- Encourage reporting by victims and bystanders as part of your communications campaign
- Train staff to ensure that all women who report are believed
- Train staff to ensure that all reports are recorded and responded to
- Design your public spaces and workplaces to make them safer for women at night

143. A toolkit has been produced in conjunction with the Good Night Out Campaign which offers simple ideas, inspiration, information and resources to help organisations meet the seven pledges. It advises on possible courses of action, some changes that may need to be made and how organisations can upskill their staff.

144. More information is available on the Mayor’s web site. Contact details are provided in Appendix 1.

Ask Angela & WAVE training

145. Supporting the Charter, the Metropolitan Police is working with venues across London to help prevent and reduce sexual violence and vulnerability. As part of this, the safety initiative ‘Ask for Angela’ is being rolled out to bars, clubs and other licensed businesses across London. At venues where this initiative has been adopted, people who feel unsafe, vulnerable or threatened can discreetly seek help by approaching venue staff and asking them for ‘Angela’. This code-phrase will indicate to staff that they require help with their situation and a trained member of staff will then look to support and assist them. This might be through reuniting

them with a friend, seeing them to a taxi, or by calling venue security and/or the police.

146. Venues that support 'Ask for Angela' have been given Welfare and Vulnerability Engagement (WAVE) training. Delivered by the Met's licensing officers and the Safer Sounds Partnership, it gives staff the ability to help customers who may be in a situation that makes them vulnerable or unsafe.

147. We encourage licence holders to find out more about this scheme and sign up and support it at licensed premises. Contact details for the Safer Sounds Partnership in Appendix 1.

Ask for Clive

148. Ask for Clive is a charity that partners with venues to promote inclusion and to create welcoming environments for the LGBT+ community, working directly with local communities and venues and collaborating with law enforcement on training and reporting initiatives.

149. Operators that adopt Ask for Clive are required to

- Put stickers on their door to let people know that 'Everyone is Welcome Here' and that discrimination will not be tolerated
- Train staff (using a briefing pack provided) so they may deal with circumstances where discrimination or hate crime is observed or reported.

150. Again, contact details are provided in Appendix 1.

Ensuring safe departure

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

152. It is also important to ensure there is adequate lighting provided outside of premises particularly on paths leading to and from premises and in car parks.

Covid-19

153. At the time of writing of this revision of the policy, society is coming to terms with living with covid-19. Operators are reminded to be aware of the continued risks to public health posed by the pandemic. Appropriate risk-assessments must be undertaken and re-assessed at regular intervals to ensure safe, secure venues are provided. Regard must be had to any changes in published government guidance.

Security and Terrorism

154. In advance of the introduction of the 'Protect Duty' and particularly, as licensing operators have explored ways of expanding business operations onto the high street, considerations around security and terrorism have become of increasing importance. In recognition of this, Counter-Terrorism Policing have produced the ACT Awareness e-learning tool, a new counter-terrorism product designed for all UK based organisations and individuals. It provides nationally accredited, corporate counter-terrorism guidance to help industry better understand and mitigate against current terrorist methodology.
155. A link to the web site giving more details is provided in appendix 1. The training incorporates the following e-learning modules:
- Introduction to terrorism
 - Identifying security vulnerabilities
 - How to identify and respond to suspicious behaviour
 - How to identify and deal with a suspicious item
 - What to do in the event of a bomb threat
 - How to respond to a firearms or weapons attack

The Third Licensing Objective – The Prevention of Public Nuisance

156. When determining licence applications this Authority is conscious of the need to strike a balance between what may be the conflicting needs of our residents and those of our business community. We must ensure our residents can peacefully enjoy their homes and environment whilst also encouraging responsible and positive investment and economic growth.
157. Therefore, this Council as Licensing Authority will not grant applications that do not promote the prevention of public nuisance licensing objective. We expect the operation of licensed premises not to unreasonably interfere with the personal comfort or amenity of immediate neighbours or the nearby community.
158. It is important to note that Public Nuisance can include low-level nuisance, perhaps affecting a few people locally, as well as larger scale nuisance affecting the whole community.
159. In determining applications when relevant representations have been received for new and varied licences, regard will be made to
- the location of premises,
 - the type and construction of the building
 - the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, or as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g., in order to smoke).

160. New licences applications or for the extension in size of licensed premises submitted by way of a variation, providing relevant representations have been received, should not normally be granted if the premises will use amplified or live music and operate within or abutting known noise-sensitive premises containing residential accommodation except that occupied by staff of the licensed premises. A requirement may be imposed on new licences that entertainment noise shall not be clearly audible in any residence. Noise originating from within licensed premises should not normally affect those nearby. In such cases, applicants will be encouraged to provide an acoustic report proving that there will be no noise breakout from the premises likely to cause a public nuisance to persons living or working near the licenced premises.

Outside areas

161. The need for social distancing due to the covid-19 pandemic has seen an increase in the use of outside areas for alcohol consumption, food and in some cases entertainment. While this has assisted business operation in many cases the use of outside areas will raise the potential for nuisance and disturbance caused to local residents and visitors to the area. Premises operators are reminded to ensure that all external areas are properly managed with regard had to others. Consideration should be given in particular to the appropriate permitted hours of operation of these areas. Operators should also note that the placing of furniture on the public highway requires separate consent. Currently a pavement licensing scheme operates in law until September 2022.

The Fourth Licensing Objective – The Protection of Children from Harm

162. 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.

163. 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.

164. The protection of children from harm includes the protection of children from moral, psychological, and physical harm and in relation to the exhibition of films, or transmission of programmes or videos, this includes the protection of children from exposure to strong language and sexual expletives. In certain circumstances children are more vulnerable and their needs will require special consideration. Examples would include where topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language are provided. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and the lack of understanding of danger.

165. 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.
166. Council considers that, on the one hand, there should be no presumption of giving children access or, on the other hand, no presumption of preventing their access to licensed premises. The Council has no intention of imposing conditions requiring the admission of children and where no licensing restriction is necessary, admission of children will remain entirely a matter for the discretion of the individual licensee or club.
167. Applicants must be clear in their operating schedules about the activities and times at which activities will take place upon the premises to help determine when it is not appropriate for children to be present. Applicants will also 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.
168. Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant should demonstrate that those factors that impact on harm to children have been considered. Areas that will give particular concern in respect of children include:
- Where entertainment or services of an adult or sexual nature are commonly provided
 - Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
 - With a known association with drug taking or dealing
 - Where there is a strong element of gambling on the premises
 - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
169. The following examples of control measures are given to assist applicants and are amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities. The list is not exhaustive and the examples given will not be applicable in all cases.
- Effective and responsible management of premises
 - Employment of Security Industry Authority licensed door staff
 - Provision of a sufficient number of people employed or engaged to secure the protection of children from harm
 - Appropriate instruction, training, and supervision of those employed or engaged to secure the protection of children from harm
 - Adoption of best practice guidance (Public Places Charter, The Portman Group Code of Practice on the Naming, Packaging, and Promotion of Alcoholic Drinks)

- Limitations on the hours when children may be present, in all or parts of the premises
- Limitations or exclusions by age when certain activities are taking place
- Imposition of requirements for children to be accompanied by an adult
- Acceptance of accredited 'proof of age' cards and/or 'new type' driving licences with photographs
- Measures to ensure children do not purchase, acquire, or consume alcohol (e.g. 'Challenge 25' scheme)
- Measures to ensure children are not exposed to incidences of violence or disorder
- Appropriate siting and supervision of Amusements with Prizes machines

170. These examples can be adopted in any combination.

Under-age sales

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

Challenge 25

172. Challenge 25 is adopted as the Council's standard for age verification policies. The Challenge 25 scheme encourages anyone who is over 18 but looks under 25 to carry acceptable ID when they want to buy alcohol. Challenge 25 builds on the Challenge 21 campaign introduced by the British Beer and Pub Association in 2005, who represent the beer and pub sector. It's now run by the Retail of Alcohol Standards Group, which represents alcohol retailers.

173. Acceptable ID under the Challenge 25 scheme comprises passports, driving licences and PASS approved hologram marked identity cards. All of these forms of ID carry validated photographs and birth dates.

174. We encourage take-up of the Challenge 25 scheme and urge licence holders to advertise the fact the scheme is in use at their premises and train staff in its use. Refusals should be recorded in a refusals book.

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

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

176. The Council is particularly concerned about proximity of off-licences, convenience stores, supermarkets and similar premises to schools and other facilities attended primarily by children and young people.

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

178. The controls are:

- Alcohol should not be advertised outside of the premises in the street either in shop windows nor 'A' boards or other means
- No display boards or other alcohol advertising should be shown on the shop floor
- All alcohol should be stored behind the shop counter
- No alcohol should be capable of purchase through self-service check-outs
- The licensee shall operate a Challenge 25 policy
- All tills should be fitted with a till prompt requiring authorisation by a supervisor for the sale of controlled products
- All supervisors should hold a personal licence
- The licensee should maintain a refusal register which should be kept at the premises and produced to the police and licensing authority forthwith on request
- All cashiers permitted to sell alcohol should receive training in relation to underage sales which should be refreshed at regular intervals. The content of the training should be documented and records of training shall be kept. The content and records should be kept at the premises and produced to the police and licensing authority forthwith on request
- Cans of alcohol should not be sold singly
- Bottles of beer under 1 litre should not be sold singly
- No beer, perries or cider over 6.5% ABV should be sold
- No alcopops should be sold

Film classifications

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

Child Sexual Exploitation

180. This Council is concerned to ensure that children, young and vulnerable people admitted to licensed premises remain safe and that no opportunity arises for their exploitation at any time. To help licensees ensure that proper consideration has

been given to safeguarding concerns, the Council's Child Protection Team have prepared a detailed template risk-assessment for consideration. The risk-assessment is attached at Appendix 8 and is recommended for use by all licensees who admit children and young people to their premises. This should include children and young people admitted as customers, employees, residents, friends / relatives, or other status. The principles may be equally applied to vulnerable people.

181. If considered appropriate, the Council may require that some adult supervisors undergo an enhanced Criminal Records Bureau check to ascertain that there is no known impediment to their working with children and young persons. In appropriate cases, the Council may also attach conditions relating to searches carried out on children and young persons.
182. The Council will rarely impose complete bans on access to premises by children. However, in exceptional circumstances, conditions restricting access or excluding children completely may be considered necessary.

Section 6 – Licence Terms Conditions and Restrictions

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

Mandatory conditions

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

Proposed conditions

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

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

Imposed conditions

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

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

189. Conditions will be tailored to the individual type, location and characteristics of the premises or event concerned. They will be determined on a case by case basis.

190. This Council will make sure that conditions imposed upon licences are -

- Appropriate for the promotion of the licensing objectives
- Precise and enforceable
- Clear and unambiguous
- Proportionate, justifiable and capable of being met
- Written in a prescriptive form

191. Any proposed conditions arising from the operating schedule or imposed conditions, as a result of representations, will primarily focus on the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters that are within the control of individual licensees.

192. Additional measures may be necessary on an occasional or specific basis such as when a special event or promotion is planned (e.g. popular live band or during major sporting occasions), which is intended to, or likely to attract larger audiences and/or audiences of a different nature, and which can have a significant impact on the achievement of the licensing objectives. Reference should be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned in order to promote the licensing objectives.

Standard conditions

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

Premises licensed under the Gambling Act 2005

194. The Licensing Act 2003 covers activities which may be provided within casinos, bingo clubs and other gambling premises, which are also subject to the provisions of the Gambling Act 2005. No condition attached to a 2003 Act premises licence will prevent a licence holder complying with the requirements of the Gambling legislation.

Section 7 - Enforcement

195. The Council delivers a wide range of enforcement services aimed at safeguarding the local community and environment and at providing a 'level playing field' on which businesses can trade fairly. The administration and enforcement of the licensing regime is one of these services.
196. Each of the Council's regulatory services are subject to the provisions of Regulators' Code, which is designed to ensure effective and efficient public protection services. Specifically, the Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open, transparent, and consistent manner.
197. Our resources will be 'intelligence led' and directed to where they are needed most. Responsible business operators, with proven operating history, can expect a light touch enforcement approach, enabling resources to be directed to supporting new operators and dealing with irresponsible and illegal operations.
198. Licensed premises may be subject of 'during performance' or 'during operation' visits but these will be conducted on a risk-assessed basis, having regard to the premises previous operating history and confidence in management.
199. We intend to regulate in a proportionate, fair, consistent, and transparent manner. Where it is necessary to take enforcement action officers will normally –
- Be clear about the issue(s) that have made enforcement action necessary and why
 - Provide a clear explanation as to what action is necessary to resolve the concern and by when
 - Allow opportunity for appropriate alternative steps to address the concern where this is possible and
 - Provide an explanation of any rights of appeal.
200. The Council and partner agencies recognise the interests of both citizens and businesses and will work together to assist licence holders to comply with the law and the four licensing objectives it seeks to promote.
201. We will support responsible operators and provide education and advice where this is required. However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law.
202. The Council has set clear standards of service and performance that the public and businesses can expect. An enforcement policy has been created that explains how the Council will undertake its role as Licensing Authority and how the principles of effective enforcement will be achieved. This policy is freely available from the Licensing Service, as are details of the Council's corporate complaints procedures. These documents can also be viewed on the Council's website: www.lbbd.gov.uk

APPENDIX 1

References to Guides and Best Practice

Home Office Guidance issued to local licensing authorities under Section 182 of the Licensing Act 2003 -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

The Regulators Code - <https://www.gov.uk/government/publications/regulators-code>

London Borough of Barking and Dagenham Enforcement Policy

<https://www.lbbd.gov.uk/sites/default/files/attachments/LBBB-Enforcement-Policy-2019.pdf>

Drugs Misuse and dependency - www.drugs.gov.uk

Fire Safety in the workplace - <https://www.gov.uk/workplace-fire-safety-your-responsibilities>

The Event Safety Guide- www.hse.gov.uk

Guidance on running events safely - <https://www.hse.gov.uk/event-safety/>

HSE - Example risk-assessments

<https://www.hse.gov.uk/simple-health-safety/risk/risk-assessment-template-and-examples.htm>

The Events Industry Forum Purple Guide - <https://www.thepurpleguide.co.uk/>

Reporting a health and safety issue - <https://www.hse.gov.uk/contact/concerns.htm>

ACT Counter-terrorism awareness training - <https://www.highfieldlearning.com/act-awareness-e-learning-faqs>

Mayor's Women's Safety Charter – <https://www.london.gov.uk/what-we-do/arts-and-culture/24-hour-london/womens-night-safety-charter>

Safer Sounds – Ask for Angela and WAVE training - <https://www.saferounds.org.uk/wave> - <https://www.met.police.uk/AskforAngela>

Ask for Clive – <https://askforclive.com/>

Frank – Honest information about drugs - <https://www.talktofrank.com/>

Appendix 2 – Contact Details for the Responsible Authorities & Partner Agencies

External Agencies

Metropolitan Police Licensing Team – Email eastareaeabcumailbox-.b&dlicensing@met.police.uk

London Fire and Emergency Planning Authority – fsr-adminsupport@london-fire.gov.uk

Health and Safety Executive

Home Office Immigration Team - Alcohol@homeoffice.gsi.gov.uk

London Borough of Barking and Dagenham Services

Licensing – licensing@lbbd.gov.uk

Trading Standard – tradingstandards@lbbd.gov.uk

Environmental Health - Health and Safety – healthandsafety@lbbd.gov.uk

Environmental Health – Food Safety – foodsafety@lbbd.gov.uk

Environmental Health – Noise and Environmental Protection –
environmentalprotection@lbbd.gov.uk

Planning - planning@befirst.london

Child Protection Services – childprotection@lbbd.gov.uk

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
Web: 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
Web: www.almr.org.uk |
|--|--|

- | | |
|--|--|
| 3. British Beer & Pub Association
Ground Floor
61 Queen Street
London
EC4R 1EB | Tel: 020 7627 9191
Email: contact@beerandpub.com
Web: www.beerandpub.com |
|--|--|

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|---|--|
| 4. British Board of Film Classification
3 Soho Square
London
W1D 3HD | Tel: 020 7440 1570
Email: helpline@bbfc.co.uk
Web: www.bbfc.co.uk |
|---|--|

- | | |
|---|---|
| 5. British Institute of Inn keeping
Sentinel House
Ancells Business Park
Harvest Crescent
Fleet
GU51 2UZ | Tel: 01276 684449
Email: enquiries@bii.org
Web: www.bii.org |
|---|---|

- | | |
|---------------------------------------|---|
| 6. Equality & Human Rights Commission | Tel: 020 3117 0235
Email: correspondence@equalityhumanrights.com |
|---------------------------------------|---|

- Fleetbank House
2-6 Salisbury Square
London
EC4Y 8JX
Web: www.equalityhumanrights.com
7. Institute of Acoustics
1974-2020 Silbury Court
406 Silbury Boulevard
Milton Keynes
MK9 2F
Tel: 01727 848195
Email: ioa@ioa.org.uk
Web: www.ioa.org.uk
8. Musicians Union
60-62 Clapham Road
London
SW9 0JJ
Tel: 020 7582 5566
Email: info@theMU.org
Web: www.musiciansunion.org.uk
9. Security Industry Authority
PO Box 74957
London
E141UG
Tel: 0300 123 9298
Email: info@the-sia.org.uk
Web: www.the-sia.org.uk
10. The Portman Group
Millbank Tower
21-24 Millbank
London
SW1P 4QP
Tel: 020 7907 3700
Email: info@portmangroup.co.uk
Web: www.portmangroup.org.uk

Appendix 4

Consultation Stakeholders

Consultation

There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives.

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

The following statutory consultees and other parties were contacted directly

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

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

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

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

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

Appendix 5 – Delegation of Authority

Table of who makes licensing decisions

Matter being decided	For decision by a Licensing Sub- Committee	For decision by Council officers
An application for a personal licence	If a police objection	If no relevant representation made
An application for a personal licence with unspent convictions	All cases	
An application for a premises licence or club premises certificate	If a relevant representation made	If no relevant representation made
An application for a provisional statement	If a relevant representation made	If no relevant representation made
An application to vary a premises licence or a club premises certificate	If a relevant representation made	If no relevant representation made
An application to change a ‘designated premises supervisor’	If a police objection	All other cases
A request to be removed as a ‘designated premises supervisor’		All cases
An application for a premises licence to be transferred	If a police objection	All other cases
An application for an interim authority	If a police objection	All other cases

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

Appendix 6

Pool of Model Licence Conditions

FIRST LICENSING OBJECTIVE -. PREVENTION OF CRIME AND DISORDER

Closed Circuit Television (CCTV)

- A CCTV system shall be installed at the premises and maintained in good working order at all times. If the CCTV system breaks down then the police should be informed immediately, and the system repaired within 2 days.
- The CCTV system shall make and retain clear images. The recordings shall show an accurate date and time that the recordings were made, and all recordings shall be retained for a period of not less than 31 days. The original, or a copy of the CCTV recording, will be available to be viewed and to be downloaded by authorised officers of the Police and Local Authority upon request. Copies of CCTV recordings shall be provided in a format that can be viewed on readily available equipment without the need for specialist software.
- There shall be at all times when alcohol is available for sale, a member of staff on the premises who has access to and is able to fully operate the CCTV equipment.
- CCTV must cover all entrance and exit points where door staff are employed (Note: May not be relevant to off-licensed premises)
- CCTV must cover points of sale of alcohol and facial images of the purchasers (off-licensed premises and similar.
- Signs should be displayed on the premises stating that CCTV is in operation throughout this premises and is made available to the police.

Consumption of alcohol

- Alcoholic drinks may only be consumed within the premises. The premises licence holder must ensure that no alcohol is consumed outside the premises at any time.
- 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.
- **Removal of drinks from premises** - Alcoholic and other drinks purchased from the premises may not be taken away from the immediate curtilage of the premises in open containers such as glasses or opened bottles.
- **Prohibition on glass containers** - Drinks shall not be served in regular glass containers or bottles. All drinks must be served in polycarbonate, plastic or paper cups, or cups made from toughened glass.
- **At restaurants** - Alcohol shall only be purchased for consumption on the premises when it is an accompaniment to a sit down substantial plated meal served at a table.
- **Single can and bottles** – Beers, perries and ciders shall not be sold in single cans

- **Super Strength Alcohol Ban:** - All beers, perries and ciders with an ABV of 6.5% and above will not be sold on these premises.

Door Supervisors

- Security Industry Authority licensed door supervisors will be employed upon the premises between the hours of and On the following days
- When SIA licensed door staff are employed, they shall be employed on a ratio of one door supervisor per 100 patrons or part thereof.
- Door supervisors shall be in position early enough in the evening to ensure that procedures for promoting public safety are effective and shall remain on duty until the premises are closed and patrons have dispersed from outside the premises.
- Door supervisors shall wear high visibility clothing when on duty.
- A log of SIA door staff on duty shall be maintained at the premises and kept for at least three years and be made available to police and council officers upon request.

Incident log

- An incident log will be kept at the premises and made available upon request to any police officer or authorised local authority officer. The incident log shall record:
 - All crimes reported at the venue
 - All ejections of patrons
 - Any complaints received
 - Any incidents of disorder
 - Any faults in the CCTV system

Public notices

- Clear and prominent notices shall be displayed on the premises warning customers of the need to guard their property and to be aware of the operation of pickpockets, bag snatchers, etc. The notices shall advise customers to report concerns to the designated premises supervisor or the person in charge of the licensed premises.

Pubwatch

- The holder of the premises licence will subscribe to and participate fully in the local pub/club/shop watch scheme (*where this is in place*)

Reporting

- All instances of crime and disorder shall be reported to the Police

Refusals book

- A refusals book shall be kept at the premises, in which must be recorded the date, time and circumstances under which any sale of alcohol is refused. This book must be made available for inspection by any police officer, police community support

officer or authorised officer of the local authority. Entries in this book must be made as soon as practicable after the refusal of the sale. The DPS should check and sign the entries on at least a weekly basis.

Refusal of entry

- The premises shall prominently display signage at all entrances informing customers Management reserve the right to refuse entry

Searches

- Searches shall be conducted by the licensed SIA staff on duty upon all persons admitted or re-admitted to the premises
- Metal detecting wands should be used in the searching of customers by door supervisors
- All searches carried out by door staff must be done within view of a CCTV camera.
- Signs shall be displayed at the entrance of the premises warning that all persons entering this premise are liable to be searched. Agreement to search is a condition of entry. If persons do not consent, entry will be refused. Police may be called if drugs or weapons are found. Any person found carrying weapons or illegal drugs will be permanently excluded and the police will be informed
- A secure storage box is to be located at the premises in which all drugs and offensive weapons found or seized at the club are stored to await collection by the police. This box should be kept locked and secure and only accessed when depositing items or when being emptied by police.

Staff Training

- **New staff** - All new members of staff shall, before first starting to sell alcohol, be trained as to their responsibilities under the Licensing Act 2003, namely sales to underage persons, persons already intoxicated, sales by proxy, licensable hours, conditions attached to the premises licence. This training should be recorded in a staff training log and be made available on demand to any Police Officer, Police Community Support Officer or an authorised officer of the Local Authority.
- **Continuation training** - All staff shall receive continuation training regarding their responsibilities under the Licensing Act 2003 at least every six months. Such training shall be recorded in a Staff Training Log showing what training has been given to whom by whom and on what date. This should be signed by the DPS as correct. These records shall be available on request to any Police Officer, Police Community Support Officer or an authorised officer of the Local Authority.

SECOND LICENSING OBJECTIVE - PROMOTION OF PUBLIC SAFETY

Alcohol supplies

- **Use wholesalers/suppliers** – All alcohol stocks shall be obtained from sellers approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS) with their unique registration numbers (URNs) checked against HMRC online database.
- **Smuggled goods – Keep traceability** – No alcohol shall be purchased from door-to-door tradesmen. Receipts and detailed records of all purchases shall be retained including:
 - Seller's name and address
 - Seller's company details, if applicable
 - Seller's VAT details, if applicable.
 - Copies of the documents referred to shall be kept in an ordered manner and made available within seven days upon request.
- **Door to door sellers** - No alcoholic goods shall be bought from door-to-door sellers.

Escape provision

- **Emergency lighting** - Emergency lighting will be provided sufficient to illuminate all exit routes, signage and exit doors in the event of mains supply failure. The emergency lighting provided will be maintained fully operational with batteries fully charged before the admission of the public.
- **Emergency vehicle access** - Access for emergency vehicles must be kept clear and free from obstruction.
- **Exit doors – Available for use** - All exits doors shall be maintained readily available for use while members of the public, staff and performers are upon the premises and easily operable without the use of a key, card, code or similar means.
- **Exit doors – Maintenance** - Exit doors shall be regularly checked to ensure that they function satisfactorily, and a record of the check shall be kept.
- **Exit doors – Removable fastenings** - Any removable security fastenings must be removed from doors on any exit routes whenever the premises are open to the public or occupied by staff.
- **Exit routes** - All exit routes must be kept unobstructed and maintained with non-slippery and even surfaces. Where chairs and tables are provided, internal gangways shall be kept unobstructed
- **General Lighting** - In the absence of adequate daylight, the lighting in any area accessible to the public shall be fully in operation when they are present.
- **Steps and stairways** - The edges of the treads of steps and stairways must be maintained in good condition and be conspicuous.

First aid

- **First aid equipment** - Adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times
- **First aiders** - There must be at least one suitably trained first-aider on duty when the public are present, and if more than one suitably trained first-aider is available, their respective duties must be clearly defined.

Pre-opening checks

- **Pre-opening safety checks** - Safety checks must be carried out before the admission of the public. Details of safety checks must be kept in a logbook on the premises. The logbook must be available for inspection

Safe permitted accommodation

- **Permitted accommodation** - That the maximum number of persons that may be accommodated upon the premises at any one time shall not exceed (*stated number*). Within the premises staff shall ensure that no area is subject to local overcrowding.

Special fx

- **Special effects** - Special effects must not be used without the prior consent of the licensing authority.

Staffing

- **Staff provision – People with disabilities** - When people with disabilities are present, there must be sufficient numbers of staff and adequate arrangements must be in place to enable their safe evacuation in the event of an emergency. People with disabilities on the premises must be made aware of such arrangements by staff and by the use of appropriate signage.

Touting

- No person shall be employed to solicit for custom or to be permitted to solicit for custom or business for the premises in any public place within 500 metres of the premises" and
- Clear signage shall be displayed stating "No touting policy"

THIRD LICENSING OBJECTIVE - PREVENTION OF PUBLIC NUISANCE

Contact telephone number

- The contact telephone number for the premises licence holder/designated premises supervisor/duty manager shall be displayed inside the premises or immediately outside the premises such that it is clearly visible from outside without the need to enter the premises.

- **Deliveries, Collections and Servicing**

Notes 1 - The criteria relating to deliveries, collections and servicing are that the applicant must demonstrate appropriate measures that will be taken to limit noise from these sources and that these will prevent avoidable noise disturbance to noise sensitive properties. Such measures may include:

- Ensuring that deliveries, collections, and operational servicing are carried out and/or be restricted so that they only take place at certain times, such as Monday to Saturday 08:00 to 20:00 and Sunday 10:00 until 20:00, except where access at other times is unavoidable and specific procedures are in place to limit disturbance.
- Guidance shall be provided to drivers to switch off engine during deliveries, collections, and servicing, and to minimise other noise caused by their activities.

Doors and windows

- Doors and windows to the premises shall be kept closed, so far as practicable, always when noise generating regulated entertainment is taking place i.e., live, and recorded music.

External areas

- **Closing of external areas** - The beer garden / outside drinking area shall be cleared of customers by (*stated time*) hours
- **Regulated entertainment in outside areas** - Regulated entertainment must not be provided in any outside area after (*stated time*) hours.

Inaudibility

- **Inaudibility** - Noise (music and human voices), both amplified and unamplified and to other internal activities from licensable activities taking place in the premises shall be controlled to be inaudible inside adjoining and other noise-sensitive premises in the vicinity of the use.

Notes 1 - The initial test for compliance with the 'inaudibility' criterion in relation to the existing external noise levels at the nearest noise sensitive properties, at the quietest time during which any of these activities occur:

Notes 2 - At the nearest façade of the nearest noise sensitive property, the noise generated from the property to be licensed (the LAeq 5 mins) should not exceed 10dB below the minimum external background noise during the operating period. The background noise level should be expressed in terms of the lowest LA90, 15 mins.

And where noise from the property to be licensed will contain tones or will be intermittent sufficient to attract attention:

Notes 3 - At the nearest façade of the nearest noise sensitive property, the noise generated within each octave band level (LAeq 5 mins) should not exceed 5dB below the minimum external background noise level expressed in any of the individual octave band levels. The background noise level should be expressed as the lowest LA90, 15 mins for each of the octave bands during the operating period.

Noise and vibration

- Noise or vibration must not emanate from the premises to cause a nuisance to nearby properties.

Plant and Equipment: Acoustic Report

- An Acoustic Report shall provide information for both external and internal plant, and on the prevention of noise breakout from plant, equipment, and internal activities. This should cover, as relevant:
 - a. Mechanical and electrical plant, machinery and equipment and their locations, with manufacturers specifications: octave or 1/3 octave band analysis of noise for the proposed plant, machinery and equipment.
 - b. The location of the most relevant openable window of the most relevant noise sensitive property that may be affected by noise from the proposed licensed use/plant and equipment, with the distance and orientation between these.
 - c. The proposed operational hours.
 - d. The background noise level assessment (LA90, 15 mins) over the proposed hours of operation, including: the time, date, weather conditions, instrumentation and calibration, noise sampling locations, and a copy of the noise survey data (in accordance with BS 4142 measurement methodology). Note: The use of 'Mean' background will not be appropriate – must use a 'lowest' background level (LA90,15min) in line with council's Planning Policy as all external plant (and internal plant with external louvres) will require planning permission.
 - e. Calculations for the predicted noise level one metre from the window of the most affected noise sensitive property. Note: Theoretical prediction to one metre from a window will not require a correction for façade reflection. The standard that should be achieved is normally 10dBA below the 'lowest' background level.
 - f. A report may need to include a consideration of the existing acoustic character of the location taking into consideration noise events, the type of noise sources, ambient and impulsive noise (LAeq, LAFmax, SEL) and the possible impact of the proposals / changes on the existing acoustic environment.
 - g. Use of acoustic enclosures.
 - h. Use of noise attenuators and acoustic screens as required.
 - i. Measures to ensure that plant, machinery and equipment is maintained to prevent noise levels from them increasing.
 - j. Use of vibration isolators.

Public Notices

- Prominent and clear notices must be displayed at all exits requesting the public to respect the needs of residents and to leave the premises and the area quietly.

Refuse clearance

- Bottles and other refuse must be placed into receptacles outside the premises at times that will minimise the disturbance to nearby properties.

Sound insulation and noise control measures

- 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 emanating 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.

Notes 1 - As noise transfer through the building structure could be considered under change of use planning applications, the permitted development changes mean that Environmental Health will require submission of a comprehensive acoustic report as part of a new licence application that includes where the proposed licensed premises abut/share party-walls/ceiling/floor of residential dwellings unoccupied by the proposed licence premises staff in Use Class E premises. The standard, for inaudibility, to be achieved shall be that the internal transfer of noise-to-noise sensitive premises shall comply with the noise criteria of NR30 (day), NR25 (night), and NR40 (LFmax).

Notes 2 - A Sound Insulation and Sound Reduction Assessment should provide information, as applicable, on proposed:

- *Assessment of the existing sound insulation of the building fabric.*
- *Operational building layout to prevent noise escape.*
- *Sound insulation measures to prevent airborne and structural transmission of noise and vibration to adjacent premises.*
- *Attenuation measures to minimise noise breakout, and to prevent noise disturbance to the surrounding area.*
- *Use of electronic sound limiters on amplification systems as alternative means of control.*
- *Other measures to reduce structural transmission of noise and vibration.*
- *Installation of acoustic doors and lobbies.*

Sound limiting devices

- **Sound Limiting Devices** - Where a noise limiting device or devices are installed then the entertainment noise control system shall be monitored, checked, and calibrated as necessary, so that the approved levels by the Council, are not exceeded. The controls for the entertainment noise control system shall be 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.

Taxi and mini cab provision

Note - In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location

of taxi ranks to aid dispersal of customers. Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside.

- A dedicated licensed taxi/mini cab service shall be available with the premises for customers.

FOURTH LICENSING OBJECTIVE - PROTECTION OF CHILDREN FROM HARM

Authorisations for alcohol sales

- The Designated Premises Supervisor or another Personal Licence Holder shall be upon the premises at all times that the premises is authorised for the retail sale of alcohol
- A written record of those authorised to make sales of alcohol shall be kept, this should be endorsed by the DPS with the date such an authorisation commences. This record shall be available to Police Officer, Police Community Support Officer, or an authorised officer of the Local Authority.

Challenge 25 age verification scheme

- The licensee shall adopt the Challenge 25 scheme. The scheme shall operate on the basis that whilst alcohol may be sold to persons aged 18 years and over, anyone who appears under 25 years of age will be asked for ID. Notices to this effect should be displayed in a clear and prominent position at the premises. The only proof of age accepted in respect of the sale of alcohol shall be photo driving licence, passport and other approved photographic ID bearing the PASS hologram

Monitoring of staff

- The licensee should regularly monitor staff to check how they are dealing with young people who ask for alcohol and other age restricted products.

Refusals book

- A refusals book shall be kept at the premises, in which must be recorded the date, time and circumstances under which any attempted purchase by a young customer has been refused. This book must be made available for inspection by any police officer, police community support officer or authorised officer of the Licensing Authority. Entries in this book must be made as soon as practicable after the refusal of the sale. The DPS should check and sign the entries on at least a weekly basis.

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

Appendix 7

Mandatory Conditions 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

5. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring; (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

8. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

9. The responsible person shall ensure that–

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

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

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

Appendix 8

Safeguarding Risk Assessment Tool

LOCAL SAFEGUARDING CHILDREN BOARD SAFEGUARDING CHILDREN & THE LICENSING ACT 2003

RISK ASSESSMENT TOOL

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.

Potential risk	Is this a possible risk at your premises? <i>if no, state why not</i> <i>If yes, state the safeguarding measures you will operate to manage the risk OR circle from the list</i>	Safeguarding measures (please circle the control measures to be operated at your premises)	Comments
<p style="text-align: center;">→</p> <ul style="list-style-type: none"> • Could your 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? 		<ul style="list-style-type: none"> • Use safe recruitment practices: check the identity of job applicants; always request references in writing and confirm written references with the referee by telephone to ensure they are authentic); obtain a Criminal Records Bureau check and clearance prior to appointment • Layout of children’s entertainment/activity areas to be designed for transparency /supervision /monitoring • Designated area for children/families 	
<ul style="list-style-type: none"> • Staff lacking awareness of safeguarding issues 		<ul style="list-style-type: none"> • Appoint a children’s safeguarder who will train and advise staff how to identify and manage risk • Ensure that staff are aware of policy and the conditions attached to the license 	
<ul style="list-style-type: none"> • Staff and members of the public unaware of how to report safe-guarding concerns 		<ul style="list-style-type: none"> • Provide staff/Children’s Safeguarder with uniforms or badges so that they are easily identifiable 	

		<ul style="list-style-type: none"> • Provide lead safeguarder contact details to all staff 	
<ul style="list-style-type: none"> • Children who are not adequately supervised by a responsible adult 		<ul style="list-style-type: none"> • <u>During activities where staff are responsible for the supervision of children, ensure staffing levels are appropriate.</u> • Ensure that staff are trained to consistently operate safeguarding measures and that they are committed to their enforcement • If the adults accompanying children are responsible for their supervision, display signage (e.g. children’s charter) to say so. • Take action to address adults who fail to behave responsibly (refuse to serve adults who are intoxicated/incapable of supervising adequately; ask them to remain with their child(ren) at all times; • Join Pub watch. • Have “What to do if you suspect a child is being abused” leaflets available. 	
<ul style="list-style-type: none"> • Children coming into contact with strangers/customers /residents who may pose a threat to children • adults who may expose children to dangerous or inappropriate behavior • Children being exposed to risk because they have been removed (or removed themselves) from the appropriate area of the premises/event 		<ul style="list-style-type: none"> • Ensure that children are confined to designated family areas of the premises (e.g. by using cordons or barriers or other means of segregation) • Ensure children are supervised by accompanying adults at all times • Restrict or prohibit children’s access to the premises or parts of the premises • Staff should be vigilant and report suspicious behavior • Impose sanctions/ suspended membership on individuals who fail to behave responsibly • Ensure that signage is clearly displayed to identify areas where children’s access is prohibited or restricted and to indicate a family friendly environment • Monitor/patrol the premises regularly 	

		<ul style="list-style-type: none"> Operate restrictions that require children to be accompanied by an adult Display signage (e.g. children's charter) to remind adults of their responsibilities 	
<ul style="list-style-type: none"> Children exposed to inappropriate adult environments (e.g. premises where adult entertainment such as 'blue' comedians; entertainers using strong or offensive language; sexualized entertainment; or material with violent/aggressive content. 		<ul style="list-style-type: none"> Prohibit children's access to the premises; or restrict access to specific areas during times when unsuitable entertainment/activity is taking place. 	
<ul style="list-style-type: none"> Children exposed to unsuitable viewing material 		<ul style="list-style-type: none"> Ensure that television, video/DVD etc display screens are suitably separate from children's areas; e.g. screened off so that children cannot see/sound-proofed so they are unable hear unsuitable material. If films are exhibited, the classification restrictions relating to the film as set out by the British Board of Film Classification (BBFC) should be clearly displayed and admission rules strictly enforced. If the film has not been given a BBFC classification the admission of children to the exhibition of any film must be restricted in accordance with any recommendation given by the Licensing Authority. 	
<ul style="list-style-type: none"> Children purchasing or consuming alcohol or other people buying it for them (proxy purchase) 		<ul style="list-style-type: none"> <u>Display signs throughout the premises and at points of sale, in plain language to highlight the law in relation to children and alcohol</u> Ensure all staff are aware of the law and that they are proactively operating the proof of age scheme Display signage to notify the public that the premises operates a Proof of Age scheme Staff to wear badges to indicate that they must ask for proof of age 	

		<ul style="list-style-type: none"> • Train staff to manage confrontation – give staff a copy of the Portman Group’s leaflet ‘Say No to Underage Drinkers’ • Use CCTV or other methods to monitor the outside the premises, to ensure that children are not purchasing by proxy 	
<ul style="list-style-type: none"> • Children gaining admission to adult orientated premises/events 		<ul style="list-style-type: none"> • Ensure that staff are trained and vigilant and that they screen rigorously for under age admission; staff to request proof of age and accept only legitimate proof (e.g. passport, photo driving license). • Keep a refusals book 	
<ul style="list-style-type: none"> • Premises or Events that of a style/character known to attract irresponsible adults (e.g. adults who become intoxicated/ are involved with substance misuse / known to groom or pimp/ adults who become violent (including football/sporting events or live/sub culture music events that are associated with substance misuse (drugs/alcohol) 		<ul style="list-style-type: none"> • Use CCTV to monitor activity at the premises/event and be vigilant of suspicious or unsuitable behavior • Restrict or prohibit access to children • Door staff/security staff to be briefed of the risks, be vigilant and train staff take necessary action to remove risks to children • Impose sanctions (ban, suspension of membership) on irresponsible individuals • Designate family areas (e.g. away from the bar) • Apply restrictions so that children do not remain at the premises at certain times (e.g. restrict the hours prior to or following a football match; ensure they do not remain unaccompanied after a certain time) 	
<ul style="list-style-type: none"> • Children engaging in or witnessing substance misuse (drugs or alcohol) 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • Restrict or prohibit access to children • Pat-down checks at point of entry to prevent smuggling substances into the premises (gender appropriate) • Breath checks at point of entry to detect under age alcohol use/intoxication • Regular toilet checks • Adequate lighting to avoid covert activities • Assign staff to patrol the site 	

The London Borough of Barking and Dagenham Draft Licensing Policy 2022-2027

<ul style="list-style-type: none">• Children illegally or inappropriately employed		<ul style="list-style-type: none">• Ensure management/staff are familiar with employment laws/local by-laws in relation to the employment of children and that work permits are obtained as necessary	
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This risk assessment was completed by:

Signature

Print Name

Role at the Premises:

(E.g. Manager, Lead Safeguarder)

Name and address of premises:

Date Assessment was completed:
