



# Havering

LONDON BOROUGH

## LICENSING COMMITTEE AGENDA

**7.30pm**

**Tuesday  
27 July 2010**

**Havering Town Hall  
Main Road, Romford**

Members 11 : Quorum 4

### COUNCILLORS:

#### Conservative Group

Peter Gardner (Chairman)  
Georgina Galpin (V C)  
Lynden Thorpe (V C)  
Linda Trew (V C)  
Robert Benham  
Frederick Thompson  
Melvin Wallace

#### Residents' Group

Brian Eagling  
Linda Van den Hende

#### Labour Group

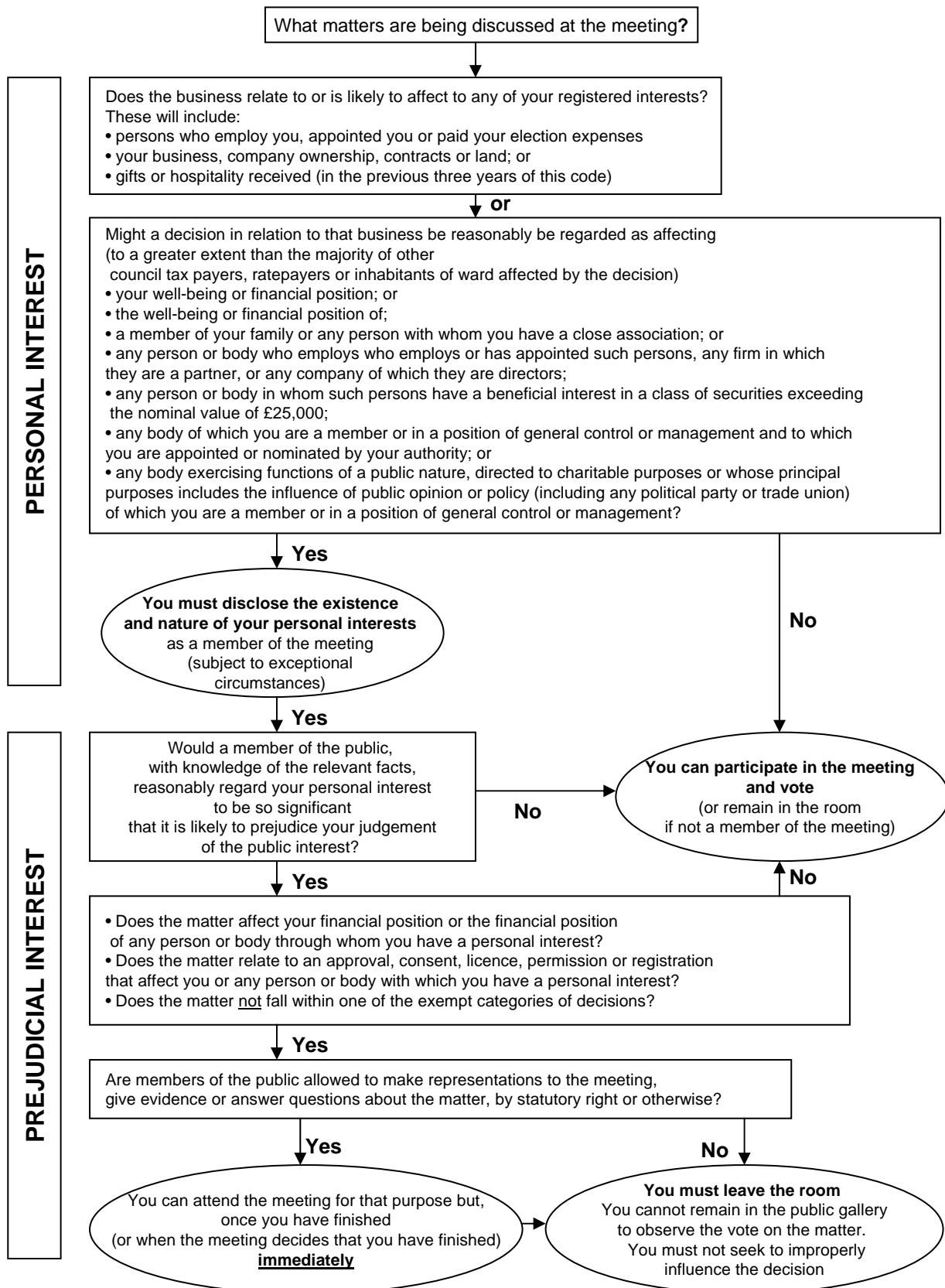
Denis Breading

#### Independent Residents' Group

Mark Logan

**For information about the meeting please contact: Taiwo Adeoye (01708) 433079  
E-mail: [taiwo.adeoye@havering.gov.uk](mailto:taiwo.adeoye@havering.gov.uk)**

# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



**AGENDA ITEMS**

**1 CHAIRMAN'S ANNOUNCEMENTS**

**2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**  
(if any) - receive.

**3 DECLARATION OF INTERESTS**

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

**4. MINUTES**

To approve as a correct record the minutes of the meeting of the Committee held on 2 March 2010, and to authorise the Chairman to sign them.

**5. HAVERING'S STATEMENT OF LICENSING POLICY – Report Attached**

Approval to consult on the draft review of Havering's Statement of Licensing Policy for the Licensing Act 2003.

**6. ANY LICENSING UPDATE**

**Philip Heady**  
**Democratic Services Manager**



**MINUTES OF A MEETING OF THE  
LICENSING COMMITTEE  
Havering Town Hall  
2 March 2010 (7.30pm – 9.30pm)**

**Present:  
COUNCILLORS:**

<b>Conservative Group</b>	Georgina Galpin (Chairman), Robert Benham, Pam Light, Lynden Thorpe and Melvin Wallace
<b>Residents' Group</b>	Linda Van den Hende

Also in attendance were Mick Bates – Havering Police Town Centre Inspector and PC Dave Leonard – Havering Police Licensing Officer.

Apologies were received for the absence of Councillors Tom Binding, Peter Gardner, Coral Jeffrey and John Mylod.

No Member declared an interest in the business before the meeting

The Chairman reminded Members of the action to be taken in an emergency

**9. MINUTES**

The minutes of the meeting held on 12 January 2010 were agreed as a correct record and signed by the Chairman.

**10. MATTERS ARISING FROM CONSIDERATION OF THE MINUTES**

The Licensing and Health and Safety Divisional Manager provided the following updates relating to Licences and fees to the Committee:

- Many premises surrendered their licence when they got the letter requesting the annual fee. The fee was based on the rateable value of the premises.
- In 2008/9 3 premises surrendered their licence. Equivalent to £730
- In 2009/10 13 premises surrendered their licence. Equivalent to £2370
- If a company goes into administration and held a premises licence then the licence lapsed and no more fees were due until the licence was transferred.

- In 2009/10 4 premises licences had lapsed.
- 3 premises licences were outstanding and unable to trace the licence holder but the premises were not operating with the premises licence.
- No premise was operating owing a fee for 2008/9.

#### **Non Recoverable fees**

- Total for 2008/9 £1070.00
- Total for 2009/10 to date £3925.00

## **11. REVIEW OF THE POOL OF CONDITIONS**

The Committee was presented with the current Pool of Conditions that was in use along with the London Borough of Havering's Licensing Policy Statement. The conditions were only imposed if necessary to promote the licensing objectives and may be adapted to suit the particular case under consideration.

The Committee took the opportunity to review the Havering Pool of Conditions and suggested some changes as the conditions were due to be consulted on. Members sought some minor amendments to those conditions which needed updating.

The Committee considered the draft statutory instrument setting out the provisions of mandatory licensing conditions introduced by the Policing and Crime Act 2009. This informed the Committee of new mandatory conditions that would come in to force later in 2010.

These conditions related to all existing or future premises licenses or club premises certificates where the licence authorised the supply of alcohol. Condition 4 only applied to premises where the licence or certificate authorised the sale by retail or supply of alcohol only for consumption off the premises.

The Committee **noted** the reports.

## **12. SATURATION POLICY**

The Committee received a brief presentation from the Havering Police Town Centre Inspector on Saturation Policy. The Committee was informed that Havering had the fourth high alcohol related incidents in London after Westminster, Kinston and Croydon. That out Romford town centre Hornchurch was the next area with a very high alcohol related offences.

The Committee were supportive of implementing the policy in Hornchurch.

The Committee **agreed for** a saturation consultation to take place in Hornchurch.

**13. LICENSING UPDATE**

The Committee received a guidance that updated on the role of elected Members in relation to Licensing Committee Hearings under the Licensing Act 2003.

The guidance had been updated to take account of the status of elected Councillors as interested parties as the result of the amendments to section 13 (3) of the Licensing Act 2003 brought about by the Policing and Crime Act 2009.

.....

**CHAIRMAN**

**Date:** .....

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**Licensing  
COMMITTEE**

27 July 2010

**Subject Heading:**

**Approval to consult on the draft review  
of Havering's Statement of Licensing  
Policy for the Licensing Act 2003**

**CMT Lead:**

Cynthia Griffin

**Report Author and contact details:**

Trudi Penman  
Licensing and Health and Safety  
Divisional Manager

**Policy context:**

**Financial summary:**

**The subject matter of this report deals with the following Council Objectives**

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input checked="" type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

**SUMMARY**

This report seeks authorisation of the Licensing committee to commence a consultation process on the draft statement of licensing policy.

**RECOMMENDATION**

The Licensing Committee notes the details of this report and agrees that the draft Statement of Licensing Policy set out in Annexe A be subject to public consultation.

**REPORT DETAIL**

- 1.0** Section 5 of the Licensing Act 2003 (hereafter termed 'the Act') requires all licensing authorities to prepare and publish a statement of Licensing Policy that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies. The current policy expires on the 7<sup>th</sup> January 2011.
- 2.0** The current Statement of Licensing Policy has been reviewed and rewritten to include good practice, current guidance and experience from implementing the Act.
- 3.0** In exercising their functions under the Licensing Act 2003, Licensing Authorities must have regard to the four licensing objectives The licensing objectives are:
  - Prevention of crime and disorder
  - Public safety
  - Prevention of public nuisance
  - Protection of children from harm
- 4.0** The Council must consult on the draft policy before the final version is approved by full Council. Section 5 Licensing Act 2005 sets out the statutory consultees. It is proposed that the consultation be aimed at a wider audience including not only all responsible authorities and current licensees and their representative bodies but also members of the public who may comment through local libraries and the internet. It is proposed that there be a 3 month consultation period in accordance with the Cabinet Office Guidance on consultations.
- 5.0** Further, the Council can only publish its Statement of Licensing Policy if it has paid due regard to guidance issued by the Government. The revised guidance to local authorities on the Licensing Act 2003 published by the Department of Culture, Media and Sport (DCMS) was fully considered in the drafting of the Statement of Licensing Policy.

**Reasons for the decision**

- 6.0** The Licensing Committee is requested to agree that the draft policy be subject to full consultation before the Policy is finalised by full Council in December 2010 so that the new policy can be implemented from the 7<sup>th</sup> January 2011 when the current policy expires.

**Financial Implications and risks:**

- 7.0** There are no financial implications in submitting the draft Statement of Licensing Policy to consultation save for the costs of printing and postage etc for publication.

**Legal Implications and risks:**

- 8.0** The Council is required by the provisions of section 5 of the Licensing Act 2003 and the Guidance issued under section 182 of the Act to have a three year licensing Policy and to review this from time to time. The recommendation is that the draft statement of Licensing Policy is subject to a statutory consultation process and the final Policy be determined following the consultation so that the Council can implement it before the current policy expires. Provided the consultation engages with all of the statutory consultees and is meaningful (in that the Council does not make a final decision until it has received the results of the consultation and each of the consultees are given sufficient information and time to respond) and there are no delays, there are minimal legal risks with this decision.

**Human Resources Implications and risks:**

- 9.0** There are no direct human resources implications to this report

**Equalities and Social Inclusion Implications and risks:**

- 10.0** An equality impact assessment will be carried out during the period of consultation and the results will be reported to Council before the Council makes a final determination.

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**CHERYL COPPELL**  
**Chief Executive**

**Licensing Committee, 27 July 2010**

**Background Papers List**

Annexe 1 draft Statement of licensing policy  
Annexe 2 Questions to guide the consultation

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MEETING	DATE	ITEM
LICENSING COMMITTEE	27 July 2010	<b>5a</b>

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## Statement of Licensing Policy

Draft July 2010

The Statement of Licensing Policy of London Borough of Havering the Licensing Authority for the London Borough of Havering prepared under Section 5 of the Licensing Act 2003 with due regard to Guidance issued by the Secretary of State for Culture, Media and Sport under section 182 of the Licensing Act 2003.

Determined for a three year period commencing 8<sup>th</sup> January 2011.

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## The Licensing Policy Vision statement

'We want to make sure that Havering offers a wide choice of quality and well managed entertainment and cultural venues within a safe and attractive environment valued by those who live, work and visit here.'



## Introduction

- 1.1 The London Borough of Havering, as the Local Licensing Authority (LLA) will be seeking to ensure that licensed premises enhance the quality and sustainability of the local environment and are focussed on the needs of residents, businesses and visitors to the borough.
- 1.2 The LLA in carrying out its functions, may grant personal licences, premises licences and club premises certificates. It may attach conditions to premises licences and club premises certificates. The LLA may take enforcement action to deal with unlicensed premises and licence or certificate holders who fail to comply with licence conditions. This statement of Licensing Policy sets out how the LLA will encourage licensees and applicants to adopt the highest standards of management in their licensed premises. It also addresses the requirements of the Licensing Act 2003 (The Act) and the associated Statutory Guidance issued under section 182 of the Act.
- 1.3 The purpose of this policy is:
  - To inform licence applicants of the way in which the LLA will make licensing decisions and how licensed premises are likely to be permitted to operate
  - To inform residents and businesses of the way in which the LLA will make licensing decisions and how their needs and concerns will be dealt with.

It is important for all parties to note that this licensing policy only becomes relevant to the consideration of an application if the LLA receives representation from the responsible authorities and/or interested parties. Where no representations are received, applications are only subject to the provisions of the Act and statutory guidance, and have to be granted in the terms sought by the applicant, with the imposition of only the relevant mandatory conditions. However the policy would appear to be relevant to all applications as it offers advice to applicants in order that they may comply in advance with what is expected of them.

- 1.4 The scope of this policy includes all licensable activities as defined in the Licensing Act 2003. These are:
  - **The retail sale of alcohol** i.e. sales of alcohol from all premises, for the consumption on or off the premises, with the exception of wholesale trade to traders for their trade or to licence holders

- **The supply of alcohol by or on behalf of a club or to the order of a member of a club**
- **The provision of late night refreshment** i.e. the supply of hot food or drink from premises from 23.00 to 05.00 hours.
- **The provision of regulated entertainment**, which includes entertainment provided solely or partly for members of the public, or exclusively to club members and their guests, or for which a charge is made, which is provided for profit ( including raising money for charity) such as;
  - The performance of a play
  - The showing of a film
  - An indoor sporting event
  - A boxing or wrestling match
  - A performance of live music
  - Any playing of recorded music
  - A performance of dance
  - Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.

The definition also covers the provision of entertainment facilities for participating in entertainment such as:

- Provision of facilities for dancing.
- Provision of facilities for making music.
- Entertainment of a similar description to making music or for dancing.

There are exceptions to these general conditions such as where the playing of live and recorded music is only incidental to the other activities, which may or may not be licensable. As there is no definition in the Act of what is 'incidental' such situations will be considered on a case by case basis.

1.5 The policy document is arranged in four parts, and subdivided into headed sections

- Part 1 illustrates how licensing supports the broader role and objectives of the council.
- Part 2 sets out the specific policies related to the standards of management that the LLA will expect from prospective and current licensees.

- Part 3 covers some of the specific licensing matters highlighted in the Licensing Act and statutory guidance and sets out the policies that will let the LLA meet these requirements.
  - Part 4 deals with specific area issues. It sets out our policies for ensuring that licensing will help enhance the development and vibrancy of these areas.
- 1.6 The LLA's statement of licensing policy aims to promote the following four licensing objectives:
- Prevention of crime and disorder
  - Public safety
  - Prevention of public nuisance
  - Protection of children from harm
- 1.7 Conditions where appropriate will be tailored to the individual style and characteristics of the premises or event. Conditions may be made from a pool of model conditions which applicants and others may draw on as appropriate. See Appendix 1
- 1.8 Licensing is primarily concerned with regulating licensable activities and conditions will focus on matters within the direct control of the operators of licensed premises, occurring within the premises or in the vicinity of the premises. The term "in the vicinity of" is not defined in the Licensing Act or the Guidance. In practice, what constitutes "the vicinity of the premises" will be a matter of judgement for authorised officers and in disputed cases, the courts. As such, the council proposes to consider each application on its merits. The term will normally relate to the direct impact of the activities at the premises on members of the public living, working or engaged in other normal activities in the area concerned.
- 1.9 The Act recognises three key groups with specific roles and duties in the implementation of the Act. Authorised persons are empowered by the Act to carry out inspection and enforcement roles. The Act recognizes the following authorised persons:
- Police officers
  - Officers of the licensing authority
  - Environmental Health officers and those authorised under the Health and Safety at Work etc Act 1974
  - Officers of the Health and Safety Executive (HSE)
  - Authorised fire safety officers
  - In relation to vessels, an inspector, or a surveyor of ships appointed under the Merchant Shipping Act 1995

1.10 Interested parties are entitled to make representations (i.e. state their views for or against) to the LLA on applications for the grant, variation or review of premises licences. They are also entitled to ask for reviews of premises licences. An interested party is:

- A person living in the vicinity of a premises
- A body representing persons who live in that vicinity
- A person involved in a business in that vicinity
- A body representing persons involved in such businesses

Any of these individuals may make their representations directly or request a representative such as a friend, a legal representative, a local ward councillor or a member of parliament to make representations on their behalf. Also Members of the Council can make representations and request reviews.

1.11 Responsible authorities are public bodies that will be fully notified of all applications. They will be entitled to make representations to the LLA on applications for the grant, variation or review of premises licences. They are also entitled to seek reviews of premises licences. The following are responsible authorities within the scope of this policy:

- The Borough Commander, Metropolitan Police Service, Havering
- The London Fire and Emergency Planning Authority
- The Local Enforcement Agency with responsibility for enforcing the Health and Safety at Work etc. Act 1974 (this will be either the Health and Safety Executive or the Health and Safety team, Environmental Health London Borough of Havering, dependent upon the nature of the premises)
- London Borough of Havering Environmental Health Service
- London Borough of Havering Children and Young Person's Services
- London Borough of Havering Planning Service
- London Borough of Havering Trading Standards Service
- A neighbouring licensing authority, where part of the premises is situated within the local authority's boundaries
- Other bodies as may be prescribed.

In relation to vessels, the responsible authority will include:

- The Maritime and Coastguard Agency
- The Environment Agency
- The British Waterways Board

- Other persons specifically prescribed by the Secretary of State for Culture, Media and Sport by means of statutory instrument

1.12 The scheme of delegation for licensing decisions is attached as appendix 2

## Part 1 The wider picture.

### The Councils Vision

2.1 The Corporate Havering Sustainable Community Strategy 2008 provides information on the Council's aims and performance, effectively providing a means for the public to ascertain how the Council is performing. The Council's ambition for Havering is simply to provide our residents with the highest quality of life in London.

This "Living Ambition" is underpinned by five goals:

- Goal for environment: Ensuring a clean, safe and green borough.
- Goal for learning: Achieving excellence in education and learning.
- Goal for towns and communities: To provide opportunities for all from economic, social and cultural activity.
- Goal for value: To deliver high customer satisfaction and a stable council tax and value for money from all sector service providers.
- Goal for individuals: To value and enhance the lives of every individual.

2.2 Licensing relates to a number of different aspects of the community strategy . Licensing in Havering will, as far as possible, embrace the vision and act to support its achievement.

2.3 The Community safety strategy vision for Havering is to create a safe, welcoming, healthier and more prosperous place where people choose to live, work and visit.

2.4 The mission of the of the Havering community strategy is to:

- Create a thriving successful and healthy community for all
- Make Havering an inclusive place in which to live, work and visit
- Create a dynamic, prosperous economy driven by a well educated and trained workforce
- Create a good quality of life in Havering for now and the future, through actions that contribute locally, nationally and internationally to sustainable development.

## The Borough

- 2.5 The London Borough of Havering is a borough with an ancient history and an exciting future. Havering is one of the largest boroughs in Greater London, with a population of around 225,000 (from the last census) and an area approaching 40 square miles, half of which is in the Green Belt. It is located on the periphery of North East London. The area has good road and rail links. To the north and east the borough is bordered by the Essex countryside, to the south by a three mile River Thames frontage, and to the west by the neighbouring boroughs of Redbridge and Barking & Dagenham.
- 2.6 The name 'Havering' devolves from the Royal Liberty of Havering, to which Edward IV granted a charter in 1465. Edward the Confessor was the first notable person to have a connection with the area. He occupied the royal house in the village of Havering atte Bower.
- 2.7 Havering has a lively cultural scene, centred on the Queen's Theatre and the Fairkytes Arts Centre. There is a Museum in Romford town centre. Leisure facilities are second to none, with three leisure centres with state-of-the-art equipment and facilities. The borough is also a great place to shop. There are 250,000 regular shoppers in Romford town centre alone. In addition to Romford there are small local shopping centres in Harold Hill, Collier Row, Hornchurch, Cranham, Upminster, Elm Park and Rainham. See map appendix 3
- 2.8 As of 31<sup>st</sup> March 2010 there were 495 premises licences and 50 club premises certificates in the borough. 71 premises licences do not allow sales of alcohol. Many premises are open late at night and contribute to the thriving night time economy of the Borough. The Council was awarded beacon status in 2009 for managing the night time economy. At the time of writing the initial licensing policy the main area of night time economy was Romford town centre but there has been an increase in the number of licensed premises since the Licensing Act 2003 came into force. See appendix 4

The main centres of night time economy are:

- Romford town centre
- Hornchurch town centre
- Upminster town centre

## Licensing policy 001

The LLA will seek to promote the Community Strategy Vision through the Council's corporate plan and where appropriate, it will consider any local strategies or locally agreed plans when determining licensing applications

- 2.9 The role of effective enforcement of regulations in achieving some of these objectives is recognized and promoted. Effective licensing can influence the quality of the environment, reduce the incidence of crime and disorder, and promote public safety. However, it is also necessary to ensure that the licensing requirements do not discourage community events that will promote the cultural diversity or the borough and the viability of its business community.

### Alcohol Harm Reduction Strategy

- 2.10 The Alcohol Harm Reduction Strategy has the overall aim of reducing the harm caused by alcohol misuse in England. It sets out four key measures that the Government can act upon to reduce alcohol related harms. These are:

- improved, and better targeted, education and communication
- better identification and treatment of alcohol problems
- better co-ordination and enforcement of existing powers against crime and disorder
- encouraging the industry to continue promoting responsible drinking and to continue to take a role in reducing alcohol related crime

The Authority will take into account the relevant parts of the Strategy that align to the licensing objectives when making decisions on applications.

### Other Regulatory Systems

- 2.11 Care will be taken to ensure that where there is an overlap between the licensing regime and other regulatory regimes that control is exercised through the most appropriate system and that duplication is avoided unless considered absolutely necessary. Other regimes which may impact on the operation of licensed premises and licensable activities include:

- Building Control
- Development Control –Planning conditions
- The operation of the Health and Safety at Work Etc Act 1974 and the various Regulations made under it



- The Environmental Protection Act 1990 and the Noise Act 1996 which deal in particular with statutory nuisance arising from noise
- The Anti Social Behaviour Act 2003 which includes a power to close noisy premises and deal with night time noise.
- The Disability Discrimination Act 1995

Crime reduction and prevention.

### Licensing policy 002

The LLA seeks to encourage the highest standards of management in licensed premises. Where representations have been received, the LLA will use appropriate licence conditions to support the prevention of crime and disorder in the borough and the work of the community safety partnership.

### Licensing Policy 003

The LLA will encourage membership of, and full participation in local pubwatch, and Safe and Sound schemes.

2.12 Pubwatch and Safe and Sound schemes support the creation of safe and secure social drinking environments. They are similar to neighbourhood watch schemes but are tailored to meet the needs of owners and staff of licensed premises. The scheme encourages the link up of security and information between premises within each scheme. This allows them to pass information about crime between themselves and the police thereby increasing the likelihood of arrests being made. The LLA actively encourages these schemes and is currently supporting schemes in Romford, Hornchurch, Upminster, Harold Hill, Collier Row and Rainham. The safe and sound schemes support the day time economy as well as the night time economy.

Applicants are encouraged to manage their premises in ways that contribute to the promotion of our local crime prevention objectives. It is expected that applicants will show consideration of local crime and disorder concerns and best practice guidance about these issues within their operating schedules.

### Licensing Policy 004

In all cases the LLA will endeavour to balance its support for community entertainment with the need to promote the licensing objectives.

2.13 The LLA is keen to promote live music, dancing and theatre for the wider cultural benefit of its communities. Well regulated venues and licensable activities enhance cultural diversity, encourage the

development of lifetime skills, support a healthy and fulfilled lifestyle and provide a positive diversion for young people.

- 2.14 The LLA seeks to support community use of the Council's own venues, open spaces and parks.

#### Licensing Policy 005

The LLA will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of race, gender, disability or age or display discriminatory signs.

#### Licensing Policy 006

The LLA will consult on and assess the likely impacts of this policy on equality, and monitor the policy for any adverse impacts on the promotion of equality.

#### Development Planning

#### Licensing Policy 007

The council encourages applicants to ensure that they have planning consent for the intended use and hours of operation, or otherwise have lawful planning status, before making an application for a premises licence.

- 2.15 The Council's planning policies are set out in its Local Development Framework which is a portfolio of policy documents consisting of Local Development Documents, Supplementary Planning Documents, Site specific Allocations and area Action Plans.

- 2.16 The licensing process is not a re-run of the development control process. Where premises have obtained planning permission prior to the submission of a licence application, the determination of the licence will focus on controls necessary to achieve the licensing objectives. Objectors within the planning process who are dissatisfied with the planning outcome may still object through the licensing process but their objections will only be relevant where they relate to one or more of the four licensing objectives.

- 2.17 The local planning authority is a responsible authority and can make representations on applications. However it can only make representations related to the licensing objectives. Nuisance and crime and disorder are shared concerns of planning and licensing. Planning concerns relating to the character and function of an area and aspects of amenity that fall short of being a public nuisance are outside the scope of the licensing regime.

- 2.18 The operation of a restaurant or café only becomes licensable if it includes the sale of alcohol, or the provision of regulated entertainment, or if it sells hot food or hot drink after 23:00. However, the setting up of premises as a café or restaurant requires planning permission unless it is already in bar or take-away use. The introduction of alcohol sales into a café or of sales of alcohol into a food shop will not require planning permission. If any premises trades later into the night it will not be subject to the need for planning permission unless it has previously been subject to specific conditions limiting its hours.
- 2.19 The introduction of regulated entertainment such as music and dancing will not require planning permission unless they are carried on to the extent that they constitute a change of use. Thus, music and dancing ancillary to its operation as a restaurant will not need planning permission. However, it would need to include regulated entertainment on its premises licence.
- 2.20 The absence of lawful planning use for an activity is not of itself a matter for licensing. The Licensing Sub Committee and the applicants may be informed of the planning status of premises where licences are sought by providing this information in reports. Only in exceptional cases would the Council as the planning authority make representations as a responsible authority. Whether the premises have planning permission or whether a lawful use exists are matters that are taken up separately by the planning authority.
- 2.21 Planning remains the regime that is directed at the development of premises and their overall use. Licensing is the regime that is directed at individual licensable activities and their management. The granting of a planning permission for premises, or finding that a premises enjoy a lawful use, does not constrain the Council as Licensing Authority from considering in detail the licensable activities, their management and conditions appropriate to them.
- 2.22 The Council regards licensing as the most appropriate tool to ensure that the licensing objectives are promoted through premises being properly managed and operated and, where necessary, the number, location and hours of premises being controlled when this cannot be done adequately or appropriately through other legislation. The Council regards licensing as a key means of controlling nuisance and anti-social behaviour, and part of the holistic approach to the management of the evening and night-time economy (revised Guidance, paragraph 1.26, 13.18).

## Noise

### Licensing Policy 008

The LLA is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises. Where relevant representations are received, the LLA may attach appropriate conditions to licences, necessary to support the prevention of undue noise disturbance from licensed premises.

2.23 Complaints about noise have risen substantially over the last ten years and the considerable expansion of the night-time economy has increased noise within urban settings above the national average. The smoking ban has increased the number of complaints about noise from licensed premises. It is in the context of these trends that noise disturbance from licensed premises will be considered by the LLA. The LLA will seek to balance the protection of residents from undue disturbance against noise and the activity that is the natural by-product of people going about their business, entertainment or leisure.

2.24 Havering has a substantial residential population and the Council as the Licensing Authority has a duty to promote the licensing objective of the prevention of nuisance. The Environmental Health Service also has a separate statutory duty to address any statutory nuisance by way of enforcement. In certain areas, the increased concentration of entertainment uses and the longer hours of operation have adversely affected local residents. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and helps sustain their businesses. The role of the council as Licensing Authority is to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of residents and other users of the borough including, businesses, workers, shoppers and visitors. It will need to satisfy itself that adequate measures to prevent public nuisance are in place and will be maintained. These principles apply also to events in open air sites.

2.25 Playing of music can cause noise disturbance both through noise breakout and by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. The later that

music is played, the greater the potential for nuisance. Other major sources of noise disturbance are vehicles collecting customers; the slamming of car doors and the sounding of horns resulting from congestion and pressure for on-street parking space and the servicing of premises. These noises can be particularly intrusive at night when ambient noise levels are lower. Other impacts include: noise from customers smoking, drinking, and eating in the open-air, the servicing of premises and noise and smells from ducts and ventilation equipment. There are similar issues that apply to the operation of events at open air sites.

- 2.26 Residents are often subjected to noise disturbance from the noise of people on their way to and from premises, and loitering in the streets after they have left premises. This can affect residents even at some distance from the premises themselves, especially along routes to transport facilities, and to car parks and parking areas and between late night premises of various types. The nuisance from noise depends on its nature and whether it is during the day, the evening or at night. Late night noise is often unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults but most of it is “high spirits”. It is impossible to distinguish between the reasons for these noises and in any case, it is very disturbing late at night. The degree of disturbance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.
- 2.27 The LLA expects that premises intended for the provision of noise generating licensable activities are acoustically controlled and engineered to a degree where the noise from the premises when compared to the ambient noise level will not cause undue disturbance. The LLA recognises specific difficulties associated with other premises structurally linked to would-be licensed premises and the limit of sound insulation performance that can be achieved. In some circumstances licensed premises with amplified music adjoining residential properties may not be appropriate.
- 2.28 Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to
- a) restrict the generation of noise within the premises and from activities associated with the premises in the vicinity, or from an open air site
  - b) limit the escape of noise from the premises or open air site
  - c) restrict noise emissions to levels below that which could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping
  - d) minimise and control noise from customers arriving at the premises, or open air site outside it and departing from it

- e) minimise and control noise from staff, contractors and suppliers and their activities
- f) minimise and control noise from vehicles associated with and providing services to the premises or open air site and their customers
- g) contain adequate measures to prevent litter, smells, fumes, dust, tobacco or other smoke, or other emissions and street fouling
- h) minimise light pollution arising from the proposed licensable activity that may cause disturbance to people in the vicinity.

Where eating, drinking and smoking outside premises is applied for, Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to

- (a) Whether people standing or sitting outside premises are likely to cause obstruction or other nuisance.
- (b) Whether the premises are under or near to residential accommodation.
- (c) The hours of the sale of alcohol in open containers or food for consumption outside the premises.
- (d) Measures to make sure that customers move away from outside premises when such sales cease.
- (e) Measures to collect drinking vessels and crockery, cutlery and litter.
- (f) The areas proposed for the consumption of food and alcoholic drink.
- (g) Whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied from the premises or not), between certain hours or at all times. There may in addition be particular issues of crime and disorder with regard to outside activities.
- (h) Whether measures would be undertaken to prevent nuisance caused by the storage, handling and collection of refuse and recyclable materials.
- (viii) Whether the sale of take-away food is proposed and the measures planned to prevent littering in the vicinity and to clear up any litter that occurs.
- (i) Whether late night premises are likely to generate litter. Premises may need to make provision for patrols to clear up litter, taking into consideration the hours of street sweeping.
- (j) Whether queuing is likely and the steps proposed to prevent queuing or, if some queuing is inevitable, to divert queues away from residential properties and entrances of neighbouring premises, and to manage the queue to prevent disturbance or obstruction.

- (k) The measures proposed for the management of people leaving premises to smoke and for their readmission; including managing readmissions in relation to any queuing for admission and to measures to ensure that security procedures apply equally to admissions and readmissions.
- (l) Whether other measures to prevent nuisance such as the use of CCTV or the employment of registered door supervisors are necessary.

## Part 2. Standards of Management

### The Operating Schedule

#### Licensing Policy 009

The LLA seeks to encourage the highest standards of management in licensed premises and expects the operating schedule to describe how these standards will be achieved in relation to promoting the licensing objectives.

- 3.1 A document referred to as the 'operating schedule' will be required for all new applications and variation applications. The operating schedule is given in a prescribed form, is part of the application, and should be fully completed for all new applications. Where the application is for a variation to an existing licence, the operating schedule should detail any additional steps required in relation to that variation. It should outline how the premises will be operated, and arrangements for promoting the four licensing objectives. The detail of the operating schedule will be considered by responsible authorities and interested parties when deciding if the measures proposed are sufficient. The proposals contained within it will form the main body of conditions to be applied to the licence. Other conditions may be drawn from a set of mandatory conditions that apply to premises depending on the licensable activity, a pool of licensing conditions being developed in consultation with the bodies designated as responsible authorities, or from the decisions of the licensing committee where an application is determined after a hearing.
- 3.2 The operating schedule must include all information necessary to enable the LLA, responsible authorities or interested parties to assess whether the steps outlined for the promotion of the licensing objectives are satisfactory. This will mean that applicants will need to complete their own detailed risk assessments on their businesses. Where the operating schedule does not provide enough details, there is an increased likelihood that representations will be made. Where these representations are relevant to the promotion of the licensing objectives, a hearing will follow, unless all parties agree that this is unnecessary.
- 3.3 Applicants must have regard to this licensing policy when preparing their operating schedules so that they are aware of the expectations of the LLA and of the other responsible authorities. Specific requirements to be met are detailed in this policy document. Other specific requirements are detailed in relevant legislation and in



guidance documents.

- 3.4 Any proposed changes to the operating schedule must be notified to the LLA and depending on the nature of the changes proposed, the LLA may require a new premises licence application or the submission of an application to vary the existing licence.

## Safer Clubbing and Drugs

### Licensing Policy 010

With regards to safer clubbing, the LLA is committed to ensuring that, where appropriate, the design and management of dance and other venues maximises the safety of customers, performers and staff. The LLA will normally expect the submission of a drug policy as part of the operating schedule for applications for new premises licences and for variations to existing licences for night clubs and similar premises. Where relevant representations are made with regards to public safety, the LLA may impose conditions to control environmental risk factors such as overcrowding, ambient temperatures, availability of drinking water, and any other factors known to increase the risks to the safety of those taking drugs.

- 3.5 The LLA has been working in partnership with the police, licensees and local communities to reduce the availability of controlled drugs in Havering for many years. It recognises that some licensed premises are often targets for the supply and use of controlled drugs, including “date rape” type drugs.

The LLA requires licensees of all venues to take all reasonable steps to:

- Prevent the entry of drugs into licensed premises
- Prevent drugs changing hands within the premises
- Understand the signs of drug misuse in people so that practical steps can be taken to deal with any instances that occur
- In determining whether the premises have adequate arrangements to prevent the supply and use of controlled drugs, the LLA will expect the licensees to have considered best practice guidance, especially those contained in publications such as:
  - **Safer Clubbing Guide** -The Home Office
  - **Controlled Drugs and Weapons in Licensed Premises** - Metropolitan Police Service (MPS)
  - **Safe and Sound – Helping you to manage the threat posed by Drugs and Weapons** - MPS
  - **Annexe J** of the Secretary of State’s *Guidance* under Section 182 of the Licensing Act 2003.

## Tables, Chairs and Beer Gardens

### Licensing Policy 011

The LLA recognises that where there are gardens or tables and chairs placed outside the premises, users of these can cause nuisance. Where relevant representations are received in relation to a new or varied licence or on a review of a licence, the LLA will consider prohibiting or restricting the use of these areas.

- 3.6 The provision of tables and chairs outside the premises, either on the highway or on private land, and the provision of beer gardens, can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture and family friendly venues. However, late at night, tables and chairs and beer gardens can cause significant public nuisance to residents whose homes overlook these areas. In some premises these facilities can encourage patrons and passers by to loiter rather than disperse and in many cases, noise control measures are not feasible.
- 3.7 Where the LLA receives relevant representations or where a responsible authority or an interested party properly seeks a review, the LLA will consider prohibiting or restricting the use of these areas in order to promote the public nuisance objective. Restrictions imposed will be specific to each case.
- 3.8 The use of such areas, especially pavements, should take account of potential access problems for disabled people and the safe use of wheelchairs and other access equipment.
- 3.9 The placing of items such as tables and chairs on or adjacent to the highway needs to be licensed by the Council and applicants will usually be expected to hold that licence when their application is made.

## Part 3. Specific Licensing Policies

### Hours

#### Licensing Policy 012

The LLA is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises. Applications for hours set out below in this policy will generally be granted subject to not being contrary to other policies in the statement of licensing policy. Applications for hours outside the hours listed will be considered on their merits.

Regulated Activities will normally be permitted:

- until 11.30 pm in residential areas
- until 00.30 am in mixed use areas
- No limits in leisure areas.

4.1 This policy applies to all types of premises licences and club premises certificates. It should be noted that the operating schedules must specify both the hours in which premises are open to the customers and the hours when licensable activities are taking place. The consideration of hours of operation will be in the context of the particular circumstances of each application and the licensing objectives of preventing crime and disorder and public nuisance. The hours at which noise may occur and the disturbance of resident's rest, relaxation and sleep will be of particular concern. In general, the conditions will be framed to ensure that closing hours on nights when residents have to get up for work the next morning are earlier than when it is less likely that they will have to do so.

#### Licensing Policy 013

The LLA supports the principle of flexibility in its approach to licensing hours and will consider the merits of each individual application. Nothing in this policy will oblige the holder of a premises licence or club premises certificate to remain open for the entire period permitted by the licence or certificate. The LLA will normally require all licensed premises to be cleared of patrons within a reasonable period after the end of the time permitted for licensable activities. Proposals for clearing the premises or a dispersal policy should be included in the detail of the operating schedule.

4.2 The planning consent, where it includes conditions on operational hours, sets the timeframes for operating a business from premises. The premises licence or club premises certificate sets the timeframes for the carrying on of licensable activities at that premise. Although these are two separate regimes, the LLA intends to reflect a degree

of consistency in the way it makes its decisions. The LLA will not normally grant licences, which have the effect of extending the hours contained in the planning consent, where relevant representations have been received from the Local Planning Authority.

4.3 The general principle will be that the carrying on of licensable activities at premises should cease some time before the end of the operational hours granted by planning consent to allow for the premises to be cleared of patrons in a gradual and orderly manner. The LLA recognises that the time required for clearing premises of patrons will differ from business to business depending on the type of licensable activities provided and the nature of the clientele. It is for applicants themselves to judge what time scale is reasonable. However, the LLA recommends that between 30 minutes and one hour would be sufficient for the majority of businesses. Operating schedules should detail the applicant's proposals for clearing the premises or their dispersal policy which could include arrangements such as:

- the provision of food
- the management of the lighting as well as the nature and tone of the music
- the balance between the continued sale of alcoholic drinks and the availability of non-alcoholic beverages
- arrangements for accessing transport for customers

#### Licensing Policy 014

Where relevant representations are received from responsible authorities and/or interested parties, the LLA may seek to restrict the operational hours of premises where this is necessary to promote the licensing objectives. The LLA may impose further limitations in hours upon review of the licence, particularly where the premises is shown to be the focus or cause of nuisance or anti-social behaviour.

4.4 The LLA is mindful of the argument that in some situations, longer licensing hours for the sale of alcohol can help to minimise the impact of large concentrations of customers leaving premises simultaneously. Restricted licensing hours can encourage binge drinking, create noise and disturbance at fast food outlets, bus stops, train and underground stations, encourage the use of illegal taxi touts and generally produce peaks of disorder and disturbance.

4.5 In Havering many premises are already open for the sale of alcohol and late night refreshment and the provision of entertainment into the early hours of the morning. It is the intention of the LLA to permit licensing hours which enhance the development of a thriving and

safe evening and night-time economy, as this is important for local investment and employment and for providing consumers with greater choice and flexibility.

- 4.6 The LLA recognises that in some areas longer opening hours can be adequately controlled through stricter conditions with regard to noise and disturbance but in other areas, further restrictions may be required. Where relevant representations are received, stricter controls with regard to noise will be applied in areas which have a denser residential use, compared with mixed use and commercial areas.
- 4.7 The LLA will normally allow shops, stores and supermarkets to sell alcohol for consumption off the premises during the hours that they are open for trading. The LLA will consider restricting the licensing hours where representations are received, and these controls would promote the licensing objectives.
- 4.8 Where relevant representations have been received, the LLA will, in making decisions about licensing hours, give special consideration to:
- the views of the responsible authorities
  - the views of people living in the vicinity of the premises
  - the views of other interested parties
  - any proposals for minimising crime and disorder, and public nuisance
  - the proposals for minimising noise and disturbance to people living in the vicinity of the premises.

#### Location, Cumulative Impact and Saturation

#### Licensing Policy 015

In considering applications for new licences or variations to existing licences and licence reviews following the receipt of relevant representations, the LLA will take the matters listed below into account. These criteria will apply in different ways to different types of premises and licensable activities in the following order:

- the location of the premises and character of the area
- the views of responsible authorities
- The views of interested parties
- past compliance history of current management
- the proposed hours of operation.

- 4.9 The LLA will also take into account the following considerations:

- the type of premises and mix of premises in the area
  - the type of customers at the time of the application or type intended
  - the numbers of customers likely to attend the premises
  - whether the applicant is able to demonstrate commitment to a high standard of management, e.g. through active membership of a pub or club watch scheme or in the case of off-licences, a shop watch scheme
  - the physical suitability of the building proposed for licensable activities, i.e. in terms of safety, access, noise control etc.
- 4.10 With regards to the location of proposed licensed premises and their impact on residents and businesses in the vicinity of these premises, each application will be dealt with on its merit.
- 4.11 Applications for late night premises in predominantly residential areas will be expected to reflect commitment to a very high standard of management.

#### Licensing Policy 016

The LLA will keep potential areas of saturation (areas where we believe that no further licensed premises can be accommodated) under review. Where representations from responsible authorities or interested parties indicate that saturation is reached, it will consider introducing a special saturation policy for the area that will create a presumption for the refusal of all new applications.

- 4.12 The Guidance to the Licensing Act 2003 allows the LLA to consider the cumulative impact of licensed premises where the grant of a new licence would undermine one or more of the licensing objectives. Representations from a responsible authority or interested party that the cumulative impact of a new licence may result in the area becoming saturated or that it is located in an area which is already saturated, resulting in exceptional problems of nuisance and disorder which are beyond the control of individual licence holders will be considered. Such representations must be evidence-based and be related to the style and character of the proposed new premises. As with all applications the LLA will consider each application on its own merits.
- 4.13 South Street in Romford which has a high predominance of licensed premises in a small area is a stress area. The licensed premises in the area are a variety of off licenses, night clubs, vertical drinking establishments, late night refreshment premises and restaurants. The constantly changing licensed premises in this location make it difficult to attribute violent crime to licensed premises.

- 4.14 Another stress area is Upminster ward which covers Upminster town centre. There has been an increase in the numbers of licensed premises in Upminster and over the 5 years since the Licensing Act was implemented there has been a trend for later opening which has been matched by a temporal shift in crime correlating to the later opening hours. See appendix 5.
- 4.15 After consulting with the police, the LLA is not of the view that these areas of the borough require a special policy where the LLA should have a presumption against the grant of any further licences. The LLA will keep this under review, and will be expecting that in key areas of the borough where there is a particular concentration of premises, licence holders exercise high standards of management, and work in collaboration with other licence holders in the vicinity.

### **Saturation Policy for St Andrews Ward Hornchurch**

- 4.16 The Council acting as Licensing Authority is applying the special policy relating to cumulative impact as outlined in revised DCMS guidance (paragraphs 13.2-13.39). This area has been identified as under stress because of the cumulative effect of the concentration of licensed premises which has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The evidence for this is set out in Appendix 6

### **Licensing Policy 017**

It is the LLA's policy to refuse applications in the St Andrews ward area for pubs and bars; late night refreshment premises offering hot food and drink to take away; off licences; and premises offering facilities for music and dancing other than applications to vary hours with regard to Licensing policy 012.

- 4.17 The LLA will apply this policy flexibly. It will always consider individual circumstances of each application, even where an application is made for a proposal that is contrary this policy.
- 4.18 It is not possible to give a full list of examples of when the council may treat an application as an exception. However, in considering whether a particular case is exceptional, the LA will consider the reasons underlying the Stress area special policy on cumulative impact.
- 4.19 The LLA will not consider a case to be exceptional merely on the grounds that the premises have been or will be operated within the terms of the conditions on the licence, or that are or will be generally



4.20 The Licensing Authority's policies, in relation to the Stress Areas, are directed at the global and cumulative effects of licences on the area as a whole. Therefore, a case is most unlikely to be considered exceptional unless it is directed at the underlying reason for having the policy. Exceptions to the Stress Area policies to refuse certain types of applications must be for genuinely exceptional reasons. Thus any list of circumstances where exceptions may be granted is not definitive. One example might be a proposal to transfer an operation from one premises to another, where the size and location of the second premises is likely to cause less detrimental impact and will promote the licensing objectives. In order for this to be treated as a consideration justifying an exception to policy, the Council will need to be satisfied that the necessary legal mechanisms are in place to ensure that the original premises licence will cease to be operable and cannot be transferred once surrendered. In considering whether there is likely to be less detrimental impact, the Licensing Authority will consider the actual operation of the premises which it is proposed should close, and it will take into account any future proposals which would affect the continued operation of those premises. Another example would be the substitution of existing licensable activity at the premises with licensable activities which would have less impact on the area and would be more likely to further the licensing objectives. Similarly, the reduction in the capacity of a premises or a reduction in hours of operation might be a reason for an exception to policy. The police have found the reduction in capacity to be a proven method of promoting the licensing objectives in relation to the prevention of crime and disorder.

#### Reviews in Stress areas.

4.21 Existing premises licences that have a negative impact on the licensing objectives contribute to cumulative impact, and this may be reduced if appropriate steps are taken on reviews of individual licences that are creating particular problems.

4.22 The Government's revised Guidance on reviews (Paragraph 11.6) states that "After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should *generally* not be regarded as a relevant representation *unless* it can be positively tied or linked by a causal connection to a particular premises which would allow for a proper *review* of its licence or certificate". (Italics added by the Council.) The Government's revised Guidance 13.35 states "Special policies should never be used as *a ground for revoking* an existing licence or



4.23 Taking revised Guidance into account, and also the continued existence of some serious problems of nuisance in the Stress Area, the Licensing Authority may, in determining reviews of individual premises licences in a Stress Area, take into account the fact that the premises are in an area of special policies on cumulative impact, when considering what steps are appropriate to take to promote the licensing objectives. The fact that premises are in an area where special policies on cumulative impact apply cannot of itself be the grounds for revoking a licence on review. However, in deciding what steps it should take to promote the licensing objectives, the Licensing Authority will take into account the effect the premises licence and its operation have on the licensing objectives, within the context of the underlying reasons for the designation of the area as one where for special policies on cumulative impact will apply.

#### Adult Entertainment

##### Licensing Policy 018

The LLA expects all operators of premises intending to provide adult entertainment to include the relevant details in their operating schedule and include any controls they intend to put into place.

##### Licensing Policy 019

When considering applications for adult entertainment, and where relevant representations have been received, the LLA will take into account the nature of the area and the marketing, advertising arrangements and external views of the premises together with other factors proposed by the proprietor to mitigate concerns.

4.24 The LLA considers adult entertainment to include activities such as topless waitressing, striptease and table dancing or any activity performed partially clothed or naked.

4.25 The Policing and Crime Act 2009 applies to adult entertainment and the London Borough of Havering will be adopting a policy in relation to adult entertainment. However where there are exemptions under the Police and Crime Act the Licensing policy will apply. The activities may be relevant when considering the promotion of the licensing objectives. Following the receipt of relevant representations, the LLA will not normally grant a licence unless:

- the premises operating schedule specifies adequate arrangements for prohibiting children under the ages of 18 from entering the premises
- the premises operating schedule specifies adequate arrangements for preventing crime and disorder and preventing public nuisance
- the adult entertainment cannot be seen from the street
- the adult entertainment is in a designated area of the premises with segregation from the audience
- the adult entertainment is in a position where the performers will have direct access to a dressing room without passing through or coming into close proximity to the audience
- there is no external advertising of adult entertainment either at the premises or in its immediate vicinity.

## Children and Licensed Premises

### Licensing Policy 020

The LLA will require consideration of measures to protect children from harm to be reflected in the operating schedule where applicants identify the need, having regard to their type of premises or licensable activities. Applicants for premises licences and club premises certificates authorising the admission of children without accompanying responsible adults will be required to submit a child protection policy detailing the steps to be taken to ensure that children in their charge will be protected from harm when on licensed premises or engaged in activities relating to the licence.

4.26 The LLA is keen to promote family-friendly licensed premises and to encourage premises where families are welcomed and where suitable entertainment is provided. Although conditions requiring the admission of children cannot be imposed, the LLA supports the provision of entertainment specifically for children, and wishes to encourage both occasional events for children and licensees making their premises available for hire to organisations for this purpose.

4.27 The LLA also recognises that children are one of the most vulnerable groups in our society and that some activities associated with licensed premises are not appropriate for children. The LLA will be looking for management arrangements to be in place to address this. Following relevant representations, it will consider the imposition of additional controls by way of licence conditions where activities that take place on the premises may present a risk of physical, moral or psychological harm to children. It will also look for strict controls in place to prevent the sale of alcohol to under age children especially in relation to off-licence premises.

The following circumstances are considered to present a risk to children, and therefore may be subject to additional controls following relevant representations:

- where the current management have been associated with convictions for serving alcohol to under age children or have a reputation for allowing under age drinking
- where there are concerns about drug taking or drug dealing on the premises
- where there is a strong element of gambling on the premises
- premises where or events in which entertainment of an adult or sexual nature is provided
- premises where the supply of alcohol for consumption on the premises is the exclusive or primary purpose.

4.28 Requirements may include:

- limitations on the hours when children, or children under certain age limits, may be present
- limitations on the parts of premises that children will be allowed to access
- limitations or exclusions when certain activities are taking place
- full exclusion of people under 18 from the premises when any licensable activities (as defined in paragraph 4 of this policy) are taking place
- requirements for accompanying adults at all or various times
- the requirement for proof of age cards or other age identification to prevent the purchase of alcohol by minors.

4.29 Applicants' premises licences and club premises certificates authorising the exhibition of a film should highlight arrangements to ensure compliance with the age restrictions of the appropriate British Board of Film Classification (BBFC) in their operating schedules. In relation to specialist film festivals or other screenings where the intention is to show films not classified by the BBFC, the LLA will require the submission of the film intended to be shown at least 28 days before the proposed screening so that it can apply an appropriate classification. To achieve consistency and the protection of children, we will use the guidelines published by the BBFC.

4.30 When considering applications from premises intending to offer public entertainment, where it will be lawful and not contrary to this policy for children to be admitted without an accompanying responsible adult, the licensee will be required to provide adequate numbers of adult staff to ensure the safety and well-being of the admitted children during an emergency. Details of the licensee's arrangements must be included in the operating schedule.

4.31 The LLA has identified the Social Services Department as the responsible authority for assessing child protection issues arising from licensing matters.

4.32 Where appropriate, operating schedules must detail steps to be taken to limit unobserved contact between employees and children and to limit or prevent access to inappropriate websites where Internet access is offered.

## Temporary Events

### Licensing Policy 021

Where events qualify for a Temporary Events Notice (TEN), applicants are encouraged to submit notifications at least four weeks prior to, but not more than 12 weeks before the date of the proposed event.

- 4.33 The Licensing Act 2003 provides for certain occasions when events organised for less than 500 people at a time and each lasting for no more than 96 hours can take place following the notification of such events to the LLA and the police. It is only open to the police to object to the TEN if they are of the opinion that the event is likely to undermine the crime prevention objective.
- 4.34 Although the statutory legal minimum time required for notification of a temporary event to the LLA and the police is 10 working days, it is essential that adequate notice is given to allow for proper consideration of the proposed event in order to ensure that all the legal requirements for the authorisation have been met. Statutory guidance allows the LLA to publicise its preferred time-scale for notification and this is indicated in the policy statement above. The increased timescale will allow more time to resolve issues rather than see organisations faced with the cost of cancelling late because there is insufficient time to address representations.

## Large events

### Licensing policy 022

The Licensing Authority recommends that for significant events, a Comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Accordingly, for premises that wish to stage promotions, or events {as defined below} the Licensing Authority recommends that applicants address the Risk Assessment and debrief processes in their operating schedule.

- 4.35 The Licensing Authority further recommends the Metropolitan Police Promotion / Event Risk Assessment Form 696 and the After Promotion / Event Debrief Risk Assessment Form 696A as useful and effective tools in for this purpose. Where the Risk Assessment forms are used to assess the likely risks for any promotion or event, the Licensing Authority anticipates that these will be completed in consultation with the Metropolitan Police. Risk assessments should be submitted to the Metropolitan Police and the Licensing Authority

- 4.36 Forms 696 and 696A are available on the Metropolitan Police web site. It is recommended that electronic completion and transmission of the forms is undertaken by licensees. E-mail addresses for submission are **ClubsFocusDesk-CO14@met.police.uk** and (insert local authority email and MPS borough licensing unit)

## Enforcement

### Licensing Policy 023

The LLA will use relevant legislation to ensure compliance with the Licensing Objectives. Compliance with enforcement action may be material to determining applications and reviews.

- 4.37 The LLA expects licensed premises to operate in ways consistent with community interests as expressed earlier in this statement of licensing policy and not to undermine the licensing objectives. In exchange for allowing greater freedom for businesses to sell and supply alcohol, provide entertainment or supply hot food and drink after 11pm, the LLA expects businesses to comply with legal requirements, licence conditions and the premises operating schedule.
- 4.38 Enforcement action will be taken in accordance with the principles of the *Cabinet Office's Enforcement Concordat* and the Council's Enforcement Policy. The LLA will work closely with the Police and fire authority and other agencies to ensure that these powers are effectively used where necessary for the promotion of the licensing objectives.

## Provisional Statements

### Licensing Policy 024

In considering an application for a provisional statement the LLA will, as far as is reasonably practicable, apply the same standards as required for the grant of a premises licence.

- 4.39 Provisional statements provide limited assurance to prospective proprietors of licensed premises that an application for a premises licence in respect of specific premises or licensed activities will be likely to succeed, The LLA recognises that these may be necessary for the promotion of investment and employment opportunities in the borough. Applications for provisional statements must include the

- 4.40 The granting of a provisional statement has the effect of precluding representations from being made to the subsequent premises licence application save in very exceptional circumstances. Although a provisional statement does not have limited duration, an indefinite provisional statement may come into effect as a premises licence several years after the provisional statement was granted, when material changes may have occurred, with the effect that the type of premises or licensable activity proposed is no longer appropriate to the location. Applicants are encouraged to seek to convert their provisional statements to premises licences at the earliest opportunity. The longer the delay before a premises licence is applied for the greater the potential for representations made in respect of an application for a premises licence not to be excluded.
- 4.41 Where premises are being constructed, extended or substantially altered to be used for licensable activities, the granting of a premises licence will be considered where detailed plans of the proposed structure exists and a detailed operating schedule covering the proposed activities can be completed. Such premises licences will have effect from a date to be specified on the licence.

#### Review of Licences

#### Licensing Policy 025

The LLA will reserve the right to apply the full range of powers available to it when a review of a premise licence becomes necessary. It will however be mindful of the need to prevent the review process being used as an opportunity by responsible authorities and interested parties to re-run earlier representations without due cause.

- 4.42 The power to review premises licences represents a crucial protection for the community, especially with regards to the promotion of the four licensing objectives.
- 4.43 Reviews of licences may be triggered at any stage by responsible authorities or interested parties because of a matter arising at the licensed premises and relating to one or more of the four licensing objectives. Reviews may also become necessary following the service of a closure order by the police or any formal enforcement action by officers of the local authority. It is the LLA's belief that the promotion of the licensing objectives is best achieved in an atmosphere of mutual co-operation between all stakeholders. Action plans will be used to try to resolve problems at an early stage.

4.44 Representations must be made in writing and must be relevant, and not vexatious, repetitious or frivolous. The LLA must arrange a hearing, which will be held in accordance with provisions set out by the Secretary of State in regulations.



## Glossary of Terms

These definitions are provided to aid understanding of the draft policy. They do not replace the meaning given to the terms in the Act or the statutory guidance. Reference should therefore be made to these publications to clarify any of these terms for legal purposes.

- **Adult entertainment.** It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants and responsible authorities need to apply common sense to this matter. However, such entertainment or services, for example, would generally include topless staff, striptease, lap dancing, table dancing or pole dancing, performances involving significant violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
- **Alcohol** includes spirits, wine, beer, cider, or any other fermented, distilled, or spirituous liquor of or exceeding 0.5% alcoholic strength at the time of sale
- **Children.** There are several definitions of children under the Licensing Act 2003. A child is defined for the purposes of section 145 of the Act as an individual aged under 16. For the purposes of the Act, children are considered to be unaccompanied if they are not in the company of an individual aged 18 or over. The Act makes it an offence to allow unaccompanied children on premises used exclusively or primarily for the supply of alcohol for consumption on the premises. It is also an offence to allow unaccompanied children under 16 at other premises supplying alcohol for consumption on premises with a premises licence, club premises certificate or temporary event notice between 00:00 and 05:00. Section 146 of the Licensing Act 2003 on sale of alcohol to children makes it clear that the sale of alcohol to any individual under 18 is an offence. In Section 20, for the purposes of the exhibition of film, children means persons under 18.
- **Club Premises or Qualifying Clubs** can supply alcohol to members or guests and can provide regulated entertainment. These clubs must comply with general and specific conditions in relation to size, membership and the nature of their operations.
- **Combined use premises** Premises that operate as multi-use premises where there is more than one use and the uses are not dependent on, or part of, the other uses, i.e ancillary to them. Examples include: café/bar/nightclub; restaurant/nightclub; public house/restaurant; bar/performance venue, etc. These types of

- **Designated Premises Supervisor** is a personal licence holder who is for the time being specified in the premises licence as the Premises Supervisor. This may be the premises licence holder or another person.
- **Interested party** Residents and businesses in the vicinity of premises where an application for a premises licence or a qualifying club certificate has been made or an application for a variation to an existing premises with a premises licence or a qualifying club certificate. (See Section 13, Licensing Act 2003). Following The Police and Crime Act Councillors can be interested parties in their own right.
- **Karaoke** Singing by members of the public to musical backing or accompaniment. Usually involving pre-recorded music and numbers of members of the public singing in series.
- **Late night refreshment premises** A person providing late night refreshment at any time between the hours of 23:00 and 05:00. This consists of the supply of hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises. (Schedule 2, Licensing Act 2003).
- **Leisure area** **An area which is dedicated for leisure activities and does not contain any residential premises.**
- **Licensable activities** Those activities under the Licensing Act 2003 which require a licence from the Licensing Authority (Council) include the following:
  - (a) the sale by retail of alcohol
  - (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club
  - (c) the provision of regulated entertainment
  - (d) the provision of late night refreshment.
- **Licensing Committee** is a committee of 10 to 15 councillors, appointed by the Council.
- **Licensing Sub-Committee** is a committee of three councillors appointed from the licensing committee to whom the functions of the licensing committee can be delegated under the Act.
- **Personal Licence** – permits individuals to supply, or to authorise the supply of alcohol. The licensing of individuals separately from the

- **Qualifying club** These clubs are organisations where members have joined together for particular social, sporting or political purposes and have then combined to buy alcohol in bulk as members of the organisation for supply to the club. There are technically no sales of alcohol by retail at such premises except to guests when guests make a purchase. Such clubs have traditionally not been “licensed”; they have registered with the magistrates’ courts having established that they qualify to be treated exceptionally. The 2003 Act preserves this special treatment and requires the club to “qualify” to be outside the normal premises licence arrangements. The new authority for the supply of alcohol and provision of other licensable activities on qualifying club premises is a club premises certificate and this is issued by the Licensing Authority. A qualifying club will normally be permitted under the terms of a club premises certificate to sell and supply alcohol to its members and their guests only. In order to be a qualifying club, instant membership is not permitted and members must normally wait at least two days between their application and their admission to the club. Any qualifying club may choose to obtain a premises licence if it decides that it wishes to offer its facilities commercially for use by the general public, including the sale of alcohol to them. Such qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for the purposes of profit and which require a premises licence and are not eligible to be qualifying clubs.
  
- **Regulated entertainment** Includes both entertainment and the provision of entertainment facilities. Subject to qualifying conditions, definitions and exemptions as set out in Schedule 1 of the Licensing Act 2003, where the following regulated entertainment takes place in the presence of an audience and is provided for the purpose of entertaining that audience. This includes:
  - a performance of a play
  - an exhibition of a film
  - an indoor sporting event
  - a boxing or wrestling entertainment (indoors and outdoors)
  - a performance of live music
  - any playing of recorded music
  - a performance of dance

- entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.

There are important exemptions in Section 177 of the Licensing Act 2003 for small premises with a capacity certificated or recommended by the fire authority of not more than 200. If a premises licence or club premises certificate authorises the supply of alcohol for consumption on the premises and the provision of “music entertainment” (live music or dancing). If the premises are used primarily for the consumption of alcohol on the premises, and if the premises have a capacity limit of up to 200, any conditions relating to the provision of the music entertainment imposed on the licence by the Licensing Authority, will be suspended, except where they were imposed as being necessary for public safety or the prevention of crime and disorder. In addition, if a premises licence or club premises certificate authorises the provision of music entertainment (live music and dancing), and the premises have a capacity limit of up to 200, during the hours of 08.00 and midnight, if the premises are being used for the provision of unamplified live music but no other regulated entertainment, then any conditions imposed on the licence by the licence authority, which relate to the provision of that music entertainment will be suspended. These exemptions can be dis-applied in relation to any condition of a premises licence or club premises certificate following a review of the licence or certificate.

- **Representations** are complaints or comments on applications by responsible authorities (e.g. police) or interested parties (e.g. residents). They must be made in writing and will only be relevant if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. Representations by interested parties will not be relevant if they are considered by the licensing authority to be frivolous (i.e. not serious) or vexatious (i.e. arising out of unrelated disputes).
- **Security Industry Authority (SIA)** The Security Industry Authority was set up by the Private Security Industry Act 2001. The key role for the SIA involves the managing and issuing of licences for people working in particular areas of the private security business. Another crucial area for the future is developing an approved contractor scheme. More details are available at [www.the-sia.org.uk](http://www.the-sia.org.uk)
- **Temporary Events** – relatively small-scale events held in or on any premises involving no more than 499 people at any one time. Each event, which must be covered by a Temporary Event Notice, can last up to 96 hours, and no more than twelve events can be held at any particular premises in a year.

- **Vicinity** – usually taken to mean the area immediately around the licensed premises but where there is reasonable evidence to suggest that problems are directly linked to licensed activity or customers of a particular premises, can be extended. Although the licensing authority will have to consider whether a resident or business would be directly affected by the carrying on of licensable activities on licensed premises the issue of whether premises are in the vicinity of licensed premises will ultimately be decided in the courts.
- **Variation** – changes in the operation of a premises, club or event, including variation of operating hours and modification of the premises or the specification of another person as the Designated Premises Supervisor.



**Appendix 1**

**LICENSING ACT 2003**

**LONDON BOROUGH OF HAVERING**

**POOL OF CONDITIONS**

**FOR USE WITH**

**PREMISES LICENCES**

**AND**

**CLUB PREMISES CERTIFICATES**

**LICENSING ACT 2003**

## **LONDON BOROUGH OF HAVERING**

### **POOL OF CONDITIONS FOR USE WITH PREMISES LICENCES AND CLUB PREMISES CERTIFICATES**

#### **GENERAL**

This Pool of Conditions has been produced in conjunction with the other Licensing Authorities and Responsible Authorities in London to ensure, as far as possible, that a consistent approach is taken. The document should be used alongside London Borough of Havering's Licensing Policy Statement and with reference to Guidance issued under section 182 of the Licensing Act 2003 by the Department of Culture, Media and Sport. The published Pool of Conditions will be updated from time to time.

#### **Licensing Objectives**

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

#### **Licence Conditions**

Each application will be determined on its own merits and conditions from the Pool of Conditions shall not be regarded as standard conditions to be automatically imposed in all cases. The Pool of Conditions is designed to provide a range of possible conditions drawn from experience relating to differing situations and to offer guidance. The pool of Conditions is not a finite list of potential conditions and other conditions may be created to address individual and specific circumstances.

Conditions will only be imposed if necessary to promote the licensing objectives and may be adapted to suit the particular case under consideration. Additional conditions will not be imposed where existing legislation and regulation already effectively promote these objectives.

Conditions will normally be applied to address those matters identified as a result of a risk assessment carried out by the applicant and the submission of an Operating Schedule. In addition, conditions may also be applied following the consideration of Relevant Representations from Responsible Authorities, and / or Interested Parties.

Any decision to add a condition to a licence or certificate will depend upon a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises, the anticipated clientele of the business involved and the local knowledge of the premises.

Following the pool of conditions is good practice guidance which could be used by applicants to include in operating schedules.



## **Operating Schedules**

Any applicant, in preparing the required Operating Schedule, is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives.

When incorporated into the licence or certificate as a condition, those measures become enforceable under the law and a breach of such a condition could give rise to prosecution. In order to minimise problems and the necessity for hearings, it would be sensible for applicants to consult with the Responsible Authorities when Operating Schedules are being prepared. This would allow for proper liaison before representations prove necessary.

## **Legal Requirements**

It is unnecessary to impose conditions that mirror legal requirements under other legislation. However, it may be appropriate in particular circumstances to impose conditions that supplement or complement legal requirements, for example by imposing a requirement that facilitates legal compliance.

Consequently, compliance with licensing conditions does not of itself signify compliance with other legal requirements and vice versa.

**It should be noted in particular that it is unlawful under the 2003 Act:**

- **knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk**
- **knowingly to allow disorderly conduct on licensed premises**
- **for the holder of a Premises Licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported**
- **to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises that are licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol**

**Conditions enforcing these arrangements are therefore unnecessary.**

## **MANDATORY CONDITIONS**

It is a requirement of the 2003 Act that certain mandatory conditions must be included on Premises Licences where the licence authorises the sale of alcohol, authorises the exhibition of films or where there is a condition requiring the use of security staff.

**Section 19 Licensing Act 2003, Mandatory conditions: where the licence authorises the sale of alcohol**

- M1 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.
- M2 Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.

### **Section 20 Licensing Act 2003, Mandatory condition: exhibition of films**

- M3 Where a programme includes a film in the 12A, 15 or 18 category no person appearing to be under the age of 12 (and unaccompanied in that case), 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –

**PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.**

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on duty provided that the prior written consent of the person's parents or legal guardian has first been obtained.

### **Section 21 Licensing Act 2003, Mandatory condition: door supervision**

- M4 A minimum of [number] Door Supervisors, all individually registered with the Security Industry Authority, shall be on the premises [*at all times*] [between [hh:mm] and [hh:mm] on [days] when] the premises are open for any licensable activity.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

- M5. (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.

M6. 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).

M7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

M8. 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.

M9. (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.

## **CONDITIONS RELATING TO CRIME AND DISORDER**

### **General**

Advice should be sought from the police prior to application. The police may wish conditions from the pool of conditions to be applied to a licence issued to a premise or that the wording be varied from that published in the general pool of conditions to fit the individual requirements of that premise.

Applicants may wish to include conditions in their Operating Schedule to satisfy each of the four licensing objectives. Applicants should include conditions, which are appropriate to the size of the premises and relevant to the location of the premises and type of licensable activity carried out. Applicants should expand on how they will implement each of the conditions. Where conditions require the written approval of Havering Police, unless otherwise stated, this should be sought from Havering Police, The Licensing Office, Romford Police Station, 19 Main Road, Romford, Essex RM1 3BJ.

Some measures may also be relevant to promote the other licensing objectives.

- CD1 All staff shall be suitably trained for their job function for the premise. The training shall be written into a programme, ongoing and under constant review, and must be available to a relevant Responsible Authority when called upon.
- CD2 All Personal Licence Holders supervising the sale of alcohol shall hold a nationally recognised licensing qualification.
- CD3 The Licence Holder shall implement a written Children's Policy which must be approved in writing with the Police or Havering's Children and Young Persons services. It should include. 'Where the sale of alcohol is a licensed activity no persons under 18 shall be admitted to, or allowed to remain on the premises between 21:00hrs and 06:00hrs', unless specifically covered in the Children's Policy.
- CD4 No person shall be admitted to the premises less than one hour before cessation of the last licensable activity.
- CD5 Persons shall be prevented from leaving the premises with alcohol supplied in open containers.
- CD6 A Premises Daily Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premise on each given day. The Premises Daily Register shall record all calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and date of the incident about which the call is made and any actions taken to deal with the call. The Premises Daily

Register will be readily available for inspection by an Authorised Person throughout the trading hours of the premise. The Premises Daily Register will also record all incidents in relation to the use of any force by staff or Door Supervisors in the removal of persons from the premises. It shall record the time and date of the occurrence, name or brief description of the person removed, and details of the staff involved.

CD7 All Door Supervisors shall enter their full details in the Premises Daily Register at the commencement of work. This shall record their full name, home address and contact telephone number, the Door Supervisor's SIA registration number and the time they commenced and concluded working. If the Door Supervisor was supplied by an agency, details of that agency will also be recorded including the name of the agency, the registered business address and a contact telephone number.

CD8 On the (x) number of occasions that you make use of additional hours on your licence to cover special occasions, Havering Police shall be given no less than ten working days written notification of the special occasion or event. This shall give details of;

- The name of the premises and the name of the Designated Premises Supervisor for the duration of the event.
- The nature of the event and brief details of how the event will be run.
- The date, the commencement and conclusion time of the event.
- Expected numbers attending.

### **Bottle and glasses**

Glass bottles may be used as weapons inflicting more serious harm during incidents of disorder. Subject to a risk assessment a condition may be imposed to prevent sales of drinks in glass bottles for consumption on the premises.

Glasses containing drinks may be used as weapons during incidents of disorder and in un-toughened form, can cause very serious injuries. Therefore, in appropriate cases consideration will be given to conditions requiring either the use of plastic containers or toughened glass, which inflict less severe injuries. Location and style of the venue and the activities carried on there will be particularly important in assessing whether the imposition of such a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition

CD9 Drinks shall be served in non-glassware drinking vessels (e.g. plastic, polystyrene, waxed paper)

*Note. Weights and measures legislation requires the use of “stamped glasses” where “meter-measuring equipment” is not in use.*

CD10 Drinks shall be served in containers made from toughened glass (tempered glassware).

*Note. Weights and measures legislation requires the use of “stamped glasses” where “meter-measuring equipment” is not in use.*

### **Open containers not to be taken from the premises**

Drinks purchased in licensed premises or clubs could be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration will be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles) to prevent these containers being used as offensive weapons after individuals have left the premises. Such a measure may also be relevant to promote public safety.

CD11 No person shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.

### **Capacity limits**

Although most commonly made a condition of a licence on public safety grounds, consideration will also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration will also be given as to whether Door Supervisors will be needed to ensure that numbers are appropriately controlled and monitored.

Such considerations will be particularly relevant at High Volume Vertical Drinking establishments (HVVDs) which are premises with exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons. At such premises it may also be appropriate to consider the ratio of chairs and tables to customers.

Where there is an agreed maximum capacity, this figure shall include all staff and entertainers. The capacity may be set for each part of the premises where appropriate. The figure may detail seating capacity and vertical capacity. Where there is a change of use of the premises throughout the trading day the figure should show the change of capacity and the times where relevant.

CD12 The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed [*number*].

CD13 The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed [number], subject to the following maximum occupancies:

*For example.*

[Ground Floor] [number] persons

[Basement] [number] persons

CD14 Seating for no less than [number] persons shall be provided in the premises at all times the premises are in operation.

Note: *This is not a standalone condition.*

## **CCTV**

The presence of a properly specified and fully operational CCTV system can make an important contribution towards public safety and the prevention of crime. It will also assist in the investigation and identification of those involved should an incident occur immediately outside or inside licensed premises. Conditions may not just require CCTV on the premises, but also specify the precise location of each camera, the requirement to maintain all equipment in working order, retain a System File and to secure recordings for an appropriate period of time.

An 'Operational Requirement' (OR) should be drawn up for each CCTV system to ensure that it is fit for purpose. Advice on how to complete an 'OR' can be found in the Home office Scientific Development Branch (HOSDB) publication 55/06 'CCTV Operational Requirements Manual'. The Havering Police Crime Prevention Office will provide individuals conducting risk assessments when preparing operating schedules with advice relevant to current standards. At the time of publication these are provided for in the HOSDB publication 09/05 'UK Police Requirements for Digital CCTV Systems'.

CD15 A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. All other areas of risk identified in the Operational Requirement shall have coverage appropriate to the risk.

CD16 The installation or upgrading of any CCTV system shall comply with current best practice. In addition the documentation listed below shall be included in a 'System File' which should be readily available for inspection by the relevant authority;  
Site plan showing position of cameras and their field of view.  
Code of Practice.



Performance specification e.g. storage capacity, image file size, IPS for each camera and purpose of each camera position

Operational requirement.

Incident log.

Maintenance records including weekly visual checks.

- CD17 To obtain a clear head and shoulders image of every person entering the premises on the CCTV system, persons entering the premises should be asked to remove headwear, unless worn as part of religious observance.
- CD18 The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. For premises using a video recording system, the cassette tapes shall be used on no more than 12 occasions to maintain the quality of the recorded image.
- CD19 The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the 'System File'. Any alteration to the system should only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.
- CD20 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

## Misuse of drugs

London Borough of Havering is committed to addressing the problem of the misuse of drugs at all licensed premises but in particular at music and dance venues and supports the "Safer Clubbing" strategy which can be viewed at <http://www.drugs.gov.uk>.

The role of club owners, managers and event promoters is to ensure that all aspects of their venue are designed and run in ways which maximise the safety of customers, performers and staff.

- CD21 The Licence Holder shall implement a written Drugs Policy. This shall detail the strategies to minimise the use and supply of illegal drugs within the premises. The Drugs Policy shall include a structured training programme covering the issues relevant to the misuse of drugs in relation to licensed premises, which will be delivered to all staff. This Policy shall be approved in writing by Havering Police.
- CD22 The Designated Premises Supervisor shall hold a National Certificate of Drugs Awareness qualification, run by the BII or similar accredited body.
- CD23 All staff shall be trained in dealing with persons who are incapacitated through the use of drugs or the combined effect of drugs and alcohol.

## Erotic Dancing etc

Erotic Dancing is defined as any type of dancing that arouses or intends to arouse sexual desire or sexual pleasure and specifically includes "striptease, lap dancing, table-side dancing, pole dancing" and similar entertainment. The nature of this type of activity is such that the following considerations may have a particular significance. All references to striptease shall be deemed to include all forms of striptease or nudity, including the wearing of 'see through' clothing and sexual stimulation.

- CD24 The premises shall not be used for striptease or entertainment of a like kind, which involves nudity, or the sexual stimulation of patrons.  
This Condition does not apply to any entertainment that is an integral part of a licensed performance of a play.
- CD25 The approved activities shall take place only in the areas designated by the Licensing Authority and the approved access to the dressing room(s) shall be maintained whilst striptease or entertainment of a like kind is taking place and immediately thereafter.
- CD26 [*Striptease, lap dancing pole-dancing or table-side dancing*] shall be permitted at the premises between the hours of [*hh.mm*] and [*hh.mm*] on [*day(s)*].
- CD27 No displays shall be permitted, outside or in the vicinity of the premises,

of any descriptions, photographs or other images that indicates that [*striptease, lap dancing, pole-dancing or table-side dancing*] takes place on the premises.

- CD28 No audience participation shall be permitted
- CD29 Whilst [*striptease, lap dancing, pole-dancing or table-side dancing*] takes place no person under the age of 18 shall be on the licensed premises and a clear notice shall be displayed at the entrance to the premises in a prominent position so it can be easily read by persons entering the premises in the following terms:

**“NO PERSON UNDER 18 WILL BE ADMITTED”**

- CD30 Performers shall be aged not less than 18.
- CD31 Arrangements shall be put in place to restrict access to the dressing room at all times when the [*striptease, lap dancing, pole-dancing and/or table-side dancing*] is taking place, and until such time as all performers have vacated it.
- CD32 There shall be no physical contact between customers and the dancers except for the placing of money or tokens in a garter or into the hands of the dancer at the beginning or conclusion of a performance.
- CD33 There shall be no physical contact between dancers whilst performing.
- CD34 A CCTV system shall be installed to cover all areas where [*striptease, lap dancing, pole-dancing and/or table-side dancing*] will take place in addition to the front entrance and [location]. All cameras shall continually record whilst the premises are open to the public and video recordings shall be kept available for a minimum of one calendar month with date and time stamping.
- CD35 Recordings shall be made available to an Authorised Person of the Licensing Authority or Havering Police together with facilities for viewing.
- CD36 The recordings for the proceeding two events shall be made available immediately on request, and recordings outside this period shall be made available within 24 hours.
- CD37 Whilst [*striptease, lap dancing, pole-dancing and/or table-side dancing*] takes place not less than [number] registered Door Supervisors shall be on duty on the premises.
- CD38 The performance of [*striptease, lap dancing, pole-dancing and/or table-side dancing*] within the premises shall not be visible from the street outside at any time.
- CD39 Whilst dancers are performing there shall be a minimum distance of one metre between the dancer and the seated customers and prominent,

clear notices shall be displayed at each table stating this requirement.

CD40 At all times during the performance, performers shall have direct access to a dressing room without passing through or in close proximity to the audience.

#### Promotions or Major events

The majority of venues have regular repeat artistes and DJs. Only one risk assessment and subsequent debrief is required for an artiste at the venue concerned. Where venues have promotions with different artistes or DJs on each occasion, it is anticipated that the risk assessment forms will be completed for each of these occasions

This definition relates to 'events' that require a Promotion / Event Risk Assessment Form 696.

An event will be deemed to be: any occasion in a licensed premises, or other venue under a Temporary Event Notice, where there will be a live performer/s – meaning musicians, DJs, MCs or other artiste; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.

CD41 The licensee shall undertake a risk assessment of any promotion or event (as defined below) using the MPS Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy\* to the Metropolitan Police Service and the licensing authority not less than 14 days before the event is due to take place.

CD42 Where an 'event' has taken place, the licensee shall complete an MPS After Promotion/Event Debrief Risk Assessment (Form 696A) and submit this\* to the Metropolitan Police and the Licensing Authority, within 3 days of the conclusion of the event.

\*submission of electronic documents by e-mail is preferred.

## CONDITIONS RELATING TO PUBLIC SAFETY (Including Fire Safety)

### General

Advice should be sought from the relevant Responsible Authorities prior to application. The Responsible Authority may wish conditions from the pool of conditions to be applied to a licence issued to a premise or that the wording may be varied from that published in the general pool of conditions to fit the individual requirements of that premise.

Applicants may wish to include conditions in their Operating Schedule to satisfy each of the four licensing objectives. Applicants should include conditions, which are appropriate to the size of the premises and relevant to the location of the premises and type of licensable activity carried out. Applicants should expand on how they will implement each of the conditions. Special issues may arise in connection with outdoor and large-scale events.

Those who prepare Operating Schedules are advised that account will be taken of published standards and guidance relating to safety at public events and venues.

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests and where relevant matters have been identified in Operating Schedules, or as a result of representations being made, consideration will also be given to applying conditions.

### Disabled people

PS1 The Designated Premises Supervisor/Duty Manager shall ensure that, whenever disabled people are present, adequate arrangements are made to enable their safe evacuation in the event of an emergency and that the disabled persons are made aware of these arrangements.

*Note: Licensees are advised to obtain details of and seek to address any special needs when approached by organisers of parties of disabled people.*

### Escape routes

PS2 All exit doors shall be available and easily openable without the use of a key, card, code or similar means.

*Note: Doors that are not in regular use should be opened in order to ensure they function satisfactorily before the admission of the public on every occasion.*

PS3 Any removable security fastenings shall be removed from the doors prior to opening the premises to the public.

PS4 Exit doors shall be secured in the fully open position when the public are present.

PS5 All fire doors shall be self-closing and shall not be held open other than by

devices approved by the Fire Officer.

- PS6 Fire-resisting doors to ducts, service shafts and cupboards shall be kept locked shut.
- PS7 The edges of the treads of steps and stairways shall be conspicuously displayed.

### **Fire Log-book**

- PS8 A Fire Log-book shall be kept at the premise. This Fire Log-book will be maintained and kept for a minimum of 12 months. Full details of the following shall be recorded in the Fire Log-book where appropriate:
- a) staff training and refresher training in respect of fire precautions and fire evacuation training
  - b) details of safety checks
  - c) details of fire alarm test
  - d) details of fire drills
  - e) details of testing of smoke ventilators
  - f) details of the maintenance and inspection of all fire-fighting equipment and the fire alarm warning system
  - g) the name and position of the person making the entry

### **Safety checks**

- PS9 All necessary safety checks have been carried out before the admission of the public. Details of the checks shall be entered in the Fire log-book; this may be by use of a separate check list.

### **Curtains, hangings, decorations and upholstery**

- PS10 Hangings, curtains, and temporary decorations shall be maintained flame-retarded.
- PS11 Any scenery shall be maintained flame-retarded.
- PS12 Temporary decorations shall not be provided except with consent from the Licensing Authority. When seeking consent for temporary decorations the Licensing Authority shall be advised of the period for which it is desired to retain them.
- PS13 Curtains, hangings and temporary decorations shall be arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment.

### **Accommodation limits**

- PS14 The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed [number], subject to the following maximum occupancies:  
[Ground Floor] [number] persons  
[Basement] [number] persons
- PS15 The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed [number] ([number] low density use).
- PS16 The premises shall be provided with adequate facilities to monitor and control the number of persons present at the premises. The number of persons (including staff and performers) on the premises during any licensable activity shall be provided to any Authorised Person immediately on request.

### **Fire action notices**

- PS17 Notices detailing the actions to be taken by staff in the event of fire or other emergencies, including how the fire service can be summoned, shall be prominently displayed and shall be protected from damage or deterioration.

### **Outbreaks of fire**

- PS18 The fire service shall be called at once to any outbreak or suspected outbreak of fire, however slight, and the details recorded in the Fire Log-book.

### **Loss of water**

- PS19 The telephone number of the local Fire Control Centre shall be readily available at the premises.
- PS20 The Designated Premises Supervisor/Duty Manager shall notify the local Fire Control Centre as soon as possible if he/she is aware that the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

### **Access for emergency vehicles**

- PS21 Access for emergency vehicles shall be kept clear and free from obstruction at all times.

**First aid**

PS22 An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.

PS23 At least one trained first-aider shall be on duty when the public are present.

PS24 Notices detailing the availability of first aid equipment shall be prominently displayed and shall be protected from damage or deterioration.



## **Lighting**

### **PS25 Management lighting**

- (a) In the absence of adequate daylight the management of lighting in any area accessible to the public shall be fully in operation whilst the public are present.
- (b) Except as permitted under (d) below there shall be adequate illumination to enable people to see their way in and out of the premises.
- (c) Fire safety signs shall be adequately illuminated except as permitted under (d) below.
- (d) If essential to the entertainment and subject to the written consent of the Licensing Authority, the management lighting in the entertainment area may be reduced or extinguished provided:
  - (i) the lighting be controlled from a position with a clear view of the entertainment area; and
  - (ii) an operator remains by the controls whilst the lighting is reduced or extinguished; and
  - (iii) the operator restores the management lighting at once in the event of any emergency; and
  - (iv) the escape route signs remain adequately illuminated.

### **PS26 Emergency lighting**

- (a) The emergency lighting installation shall not be altered in any way except with the written consent of the Licensing Authority.
- (b) The emergency lighting battery shall be fully charged before the admission of the public.
- (c) In the event of failure of the normal lighting the public shall be evacuated from the premises:
  - (i) if the emergency lighting battery has a one hour capacity the public shall leave the premises within 20 minutes unless within that time the normal lighting has been restored and the battery is being re-charged; or

- (ii) if the emergency lighting battery has a 3 hour capacity the public shall leave the premises within one hour unless within that time the normal lighting has been restored and the battery is being re-charged.
- (d) The public shall not be re-admitted to the premises until the normal lighting has been fully restored and the battery fully recharged except
  - (i) where the emergency lighting battery has a one hour capacity and if the failure of the normal lighting was fully rectified within 20 minutes of failure and the battery is being re-charged; or
  - (ii) where the emergency lighting battery has a 3 hour capacity and if the failure of the normal lighting was fully rectified within one hour of failure and the battery is being re-charged.

### **Temporary electrical installations**

PS27 (a) Temporary electrical wiring and distribution systems shall not be provided without notification being given to the Licensing Authority at least 10 days before the commencement of the work.

Note: This Condition does not normally apply to electrical equipment on a stage provided with permanently installed distribution facilities.

- (b) Temporary electrical wiring and distribution systems shall comply with recommendations of BS 7671 or where applicable BS 7909.
- (c) Temporary electrical wiring and distribution systems shall be inspected and certified by a competent person before they are put into use. A copy of the certificate shall be sent to the Council as soon as possible.
- (d) Temporary electrical wiring and distribution systems shall be provided only for a period of up to 3 months. This period may be extended subject to a satisfactory electrical test and inspection report being submitted to the Licensing Authority at the end of each 3 month period.

### **Indoor Sports Entertainments**

PS28 At least 10 days' notice in writing shall be given to the Licensing Authority of any proposal to use the premises for any sports entertainment.

PS29 Reasonable and practicable steps shall be taken to minimise any risk to spectators, participants or staff from any equipment used in the entertainment.

PS30 An appropriately qualified medical practitioner(s) shall be present throughout the sports entertainment.

PS31 A registered medical practitioner or a registered paramedic shall be

- present at any sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- PS32 Dressing room accommodation and washing facilities for participants shall be provided to the satisfaction of the Licensing Authority.
- PS33 The ring shall be sited, constructed and supported to the satisfaction of the Licensing Authority. Any material used to form a skirt around the ring shall be flame-retarded to the satisfaction of the Licensing Authority.
- PS34 At wrestling or other entertainments of a similar nature members of the public shall not occupy any seat within 2.5m of the ring.
- PS35 Staff adequately trained in rescue and life safety procedures shall be stationed and remain within the vicinity of the water at all material times. The Licensing Authority shall approve the number of such staff.
- Note: The Licensing Authority will normally accept the number of such staff as recommended in Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England.

## **Special Effects**

Special effects include dry ice machines and cryogenic fog, smoke machines and fog generators, pyrotechnics, including fireworks, real flame, firearms, motor vehicles, strobe lighting, lasers, explosives and highly flammable substances.

PS36 The use of special effects is not permitted without the written consent of the Licensing Authority.

PS37 The Licensing Authority shall be given at least 10 working days' notice in writing of any proposal to use special effects. The notice shall include, save in exceptional circumstances, exact details of the proposal including the date and time when the special effects can be demonstrated.

PS38 No explosives or highly flammable substances shall be brought onto the premises except with the written consent of the Licensing Authority.

**ADDITIONAL CONDITIONS RELATING TO PUBLIC SAFETY FOR THEATRES, CINEMAS, CONCERT HALLS AND SIMILAR PLACES**

**Premises used for Closely Seated Audiences**

- PS39 The premises shall not be used for a closely-seated audience, except in accordance with the approved seating plan(s), a copy of which shall be kept available at the premises and shall be shown to any Authorised Person on request.
- PS40 All seats shall be fixed and installed.
- PS41 A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any Authorised Person on request.
- PS42 Unless the Licensing Authority requires or approves otherwise the number of attendants on each floor or tier in a closely-seated auditorium shall be as set out on the table below.

Number of members of public present on a floor or tier	Minimum number of attendants required to be present on that floor or tier
1-100	One
101-250	Two
251-500	Three
501-750	Four
751-1000	Five

And one additional attendant for each additional 250 persons (or part thereof).

- PS43 Any attendant shall be readily identifiable to members of the public
- PS44 Attendants must be available at all times to ensure the prompt discharge of their duties in the event of any emergency.
- PS45 No article shall be attached to the back of any seat which would reduce the clear width between seats or cause a tripping hazard or obstruction.
- PS46 Sitting on floors shall not be permitted.
- PS47 Waiting and standing shall not be permitted in [*parts of the premises*].
- PS48 In no circumstances shall anyone be permitted to –
- (i) sit in any gangway; or

- (ii) stand or sit in front of any exit; or
- (iii) stand or sit on any staircase including any landings.

PS49 Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

PS50 No drinks shall be sold to or be consumed by persons in a closely-seated audience except in non-glassware containers (e.g. plastic, polystyrene or waxed-paper).

PS51 All scenery shall be maintained flame-retarded to the LFEPA's satisfaction.

Note: Where non-durably flame-retarded fabrics have been approved, these shall be tested for flame-retardancy at intervals as required and be re-treated as necessary.

PS52 Where a safety curtain is provided, it shall be arranged so as protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium

**Premises used for Film Exhibitions**

PS53 Where the premises are not equipped with a staff alerting system the number of attendants present shall be as set out in the table below.

Number of members of the public present on the premises	Minimum number of attendants required to be on duty
1 to 250	Two
and one additional attendant for each additional 250 members of the public present (or part thereof)	
Where there are more than 150 members of the public present in any auditorium or on any floor or tier	At least one attendant shall be present in any auditorium or on any floor or tier

PS54 Where the premises are equipped with a staff alerting system the number of attendants present shall be as set out in the table below.

Number of members of the public present on the premises	Minimum number of attendants required to be on duty	Minimum number of other staff on the premises who are available to assist in the event of an emergency
1 to 500	Two	One
501 to 1000	Three	Two
1001 to 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

PS55 Attendants shall as far as is reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the public have access.

PS56 Staff shall not be considered as being available to assist in the event of an emergency if they are:

- (i) the Licence Holder or Duty Manager; or
- (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
- (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to if alerted to an emergency situation.

PS57 The staff alerting system shall be maintained in working order.

PS58 The level of management lighting in the auditorium shall be to the standards specified in BS CP 1007: Maintained Lighting for Cinemas.

## CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

### General

Advice should be sought from the relevant Responsible Authorities prior to application. The Responsible Authority may wish conditions from the pool of conditions to be applied to a licence issued to a premise or that the wording be varied from that published in the general pool of conditions to fit the individual requirements of that premise.

Applicants may wish to include conditions in their Operating Schedule to satisfy each of the four licensing objectives. Applicants should include conditions, which are appropriate to the size of the premises and relevant to the location of the premises and type of licensable activity carried out. Applicants should expand on how they will implement each of the conditions.

### Noise and Vibration

In certain premises a noise impact assessment of the licensable activities at the premises should be carried out to the satisfaction of the licensing authority. Proposed steps to prevent noise must, if necessary, also be submitted for inclusion within the operating schedule.

PN1 No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

PN2 The premises shall be arranged to minimise the risk of noise nuisance to nearby properties.

PN3 A Sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of the authorised officer of the Public Protection service to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of the authorised officer. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement of the Public Protection service.

PN4 No [Regulated Entertainment] shall take place until a scheme of soundproofing the [relevant parts] of the premises has been submitted to and approved by the Licensing Authority. No regulated entertainment may take place until the LLA provide written confirmation that the work has been completed to the LLA's satisfaction.

PN5 A [*sound trap lobby / acoustic door / automatic door closer*] shall be installed to [*describe the location*].

PN6 [*Openings / specify*] in the external fabric of the premises must be acoustically sealed to the satisfaction of the Licensing Authority.



- PN7 All [external doors / windows] must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.
- PN8 An alarm shall be fitted to [all external windows / fire doors] which alerts staff when [they / it] are opened without authorisation.
- PN9 A circuit cut off device shall be fitted to the [door] which automatically switches off the sound system when the door is opened. This device shall be tested each day prior to entertainment commencing and a written record of such testing shall be maintained on the premises.
- PN10 No music or speech shall be relayed via external speakers other than for events with the prior written approval of the Licensing Authority.
- PN11 Prominent, clear notices shall be displayed at [*all exits / in the beer garden*] requesting that customers respect the needs of local residents and leave the premises and the area quietly.
- PN12 The [*garden / patio*] must not be used by customers after the hours of [*hh:mm*] and [*hh:mm*].
- PN13 Entertainment is to be held internally only and no music or speakers shall be provided to external areas of the premises.
- PN14 No inflatable play equipment shall be used without the prior written agreement of the Licensing Authority with respect to its hours of use and other conditions as may be appropriate.
- PN15 The [*car park/ garden*] shall be managed to ensure that it is not used for [*ball games /skateboarding/ other noisy recreational activities*]
- PN16 Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between [*hh:mm*] and [*hh:mm*].
- PN17 Arrangements must be put in place to ensure that waste collection contractors do not collect refuse between [*hh:mm*] and [*hh:mm*].
- PN18 Staff shall be given adequate training to prevent them causing unnecessary noise when they leave the premises and prominent, clear notices displayed at all points where staff leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly.
- PN19 The Designated Premises Supervisor or a nominated representative shall

receive and respond to complaints throughout the duration of all Regulated Entertainment.

PN20 No fireworks or other pyrotechnics shall be used other than with the prior written consent of the Licensing Authority.

PN21 The Licence Holder shall have full control over the sound amplification equipment to the main stage. The volume shall be adjusted according to the requirements of the Licensing Authority / Responsible Authority.

PN22 The specification, and orientation of all speakers shall be agreed with the Licensing Authority / Responsible Authority.

## **Light Pollution**

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration will be given to conditions that ensure that flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. The imposition of such conditions will be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

PN36 Any artificial lighting on the premises must not cause nuisance due to glare unless it is considered necessary by Havering Police to prevent crime and disorder.

## **CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM**

### **General**

Advice should be sought from the relevant Responsible Authority for Child Protection prior to application. The Responsible Authority may wish conditions from the pool of conditions to be applied to a licence issued to a premise or that the wording be varied from that published in the general pool of conditions to fit the individual requirements of that premise.

Applicants may wish to include conditions in their Operating Schedule to satisfy each of the four licensing objectives. Applicants should include conditions, which are appropriate to the size of the premises and relevant to the location of the premises and type of licensable activity carried out. Applicants should expand on how they will implement each of the conditions.

The imposition of conditions to protect children from harm will depend on a number of factors including the history of the premises, the nature of the activity and the time of the activity.

There is a presumption against permitting any access at all to children under 18 years for any activity or entertainment of a clearly adult or sexual nature, or involving significant gambling.

There is presumption against the presence of unaccompanied children under the age of 12 after 11.00 p.m.

In any other case, subject to the Premises Licence holder's or club's discretion, the expectation will be for unrestricted access for children subject to the terms of the 2003 Act.

Where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm whilst on the premises.

In certain premises where existing legislation does not provide adequately for the protection of children and where relevant matters have been identified in Operating Schedules, or as a result of representations being made, consideration will be given to applying conditions.

### **Age Restrictions - Cinemas**

The Licensing Authority recognises the following film classifications:

- U - Universal - suitable for audiences aged four years and over
- PG - Parental Guidance. Some scenes may be unsuitable for young children.
- 12A - Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
- 15 - Passed only for viewing by persons aged 15 years and over.

- 18 - Passed only for viewing by persons aged 18 years and over.
- CP1 If the Licence Holder is notified by the Licensing Authority in writing that it objects to the exhibition of a film and specifying the grounds of objection, such film shall not be exhibited.
- CP2 Not less than 28 days' notice in writing shall be given to the Licensing Authority of any proposal to exhibit any film which has not been classified by the British Board of Film Classification. Such a film may only be exhibited if written consent has been obtained from the Licensing Authority and in accordance with the terms of any such consent.
- CP3 No film shall be exhibited unless:
- (i) it is a current news-reel; or
  - (ii) it has been passed by the British Board of Film Classification as a U, PG, 12A, 15, or 18 film and no notice of objection to its exhibition has been given by the Licensing Authority, or
  - (iii) the film has been passed by the Licensing Authority as U\*, PG\*, 12A\*, 15\*, or 18\* with \* being the name of the Council.
- CP4 Immediately before each exhibition at the premises of a film (other than a current news-reel) passed by the British Board of Film Classification there shall be exhibited on the screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer, of the statement approved by the Board indicating the category of the film.
- CP5 Every poster, advertisement, photograph, sketch, synopsis or programme relating to a film (other than a current news-reel) exhibited, or to be exhibited at the premises, shall indicate clearly the category of the film.

### **Theatres**

The admission of children to the performance of a play will normally be left to the discretion of the licence holder and no condition restricting the access of children to plays will normally be attached except where the entertainment incorporates that of an adult nature.

- CP6 Whilst entertainment of an adult nature is taking place no person under the age of 18 shall be on the licensed premises and a clear notice shall be displayed at the entrance to the premises in a prominent position so it can be easily read by persons entering the premises in the following terms:

**“NO PERSON UNDER 18 WILL BE ADMITTED”**

### **Performances Especially for Children**

Where performances are presented especially for unaccompanied children in theatres and cinemas consideration will be given to additional conditions that ensure adequate supervision and the well-being of children.

- CP7 When performances are specially presented for children an attendant shall be stationed in the area(s) occupied by the children and in the vicinity of each exit provided that, on each level occupied by children, the minimum number of attendants on duty shall be one attendant per 50 children or part thereof.
- CP8 When running licensable activities aimed primarily at children or persons under the age of 18, there shall be a person designated as being responsible for the safety of those under 18. This person(s) shall be clearly identifiable and shall have provided the Designated Premises Supervisor/ Duty manager with a Criminal Records Bureau check as being a suitable person to supervise children.

### **Teenage Discos or Similar Events**

Where teenage discos or similar events are organised consideration will be given to an additional condition that ensures they are ticket only events.

- CP9 Discos or similar events specially organised for children shall be managed as ticket-only events with no tickets available on the door.

## **Good practice Guidance**

### **Restrictions on drinking areas**

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from a bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions may not only specify these areas, but also indicate the circumstances and times of such a restriction. Such a measure may also be relevant to promote public safety.

CDGPG1 No outside area shall be used for consumption of alcohol or provision of Regulated Entertainment unless the area is clearly marked or defined

### **Proof of age**

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of "proof of age" before such sales are made. This will not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences, student cards and passports. The Licensing Authority supports the PASS accreditation system and where necessary conditions may refer directly to PASS accreditation. Such a measure may also be relevant to promote protection of children from harm. All operators and staff have both a duty and responsibility to ensure that only those who are of age are provided with intoxicants.

CDGPG2 A proof of age scheme , such as Challenge 21 ,shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification card ,such as a driving licence or passport.

CDGPG3 A proof of age scheme , such as Challenge 25 ,shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification card, such as a driving licence or passport.

CDGPG4 Prominent clear notices shall be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.

### **Crime prevention notices**

Notwithstanding reluctance from the trade it may be necessary at some premises to support local crime prevention initiatives by displaying notices that warn customers of the prevalence of crime which may target them. For

example, warning about pickpockets or bag snatchers or warnings about leaving bags unattended because of concerns about terrorism.

CDGPG5 Crime prevention notices and advice shall be displayed (if advised by Havering Police) in order to support local crime prevention initiatives.

### **Other signage**

To deter those who might seek admission in breach of conditions subject to which a licence or certificate is granted, it may be considered appropriate to require signage to be displayed setting out such conditions.

CDGPG6 Prominent, clear notices shall be displayed at every public entrance stating the actual operating hours of the premises.

CDGPG7 Prominent, clear notices shall be displayed at every public entrance stating any restrictions relating to the admission of children to the premises or other admission restrictions.

### **Drinks promotions**

Conditions to control the price of alcoholic drinks will not be imposed except in exceptional circumstances to address irresponsible drinks promotions at particular premises where it can be shown that there is causal link between such promotions and crime and disorder in the vicinity of the premises. Premises when operating drinks promotions on particular days of the week or at particular times of the trading day shall include in the Operating Schedule written details of the extra measures in place to comply with each of the four licensing objectives whilst running the drinks promotion.

CDGPG8 When operating drinks promotions on any day of the week a written policy shall be produced. The policy shall detail the extra measures in place to deal with departing patrons both throughout and at the end of the promotion. It shall include the policy for refusing to serve persons who are drunk. The policy shall be agreed in writing by Havering Police.

### **Door supervisors**

Conditions relating to the provision of Door Supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside venues prone to such queuing.



Where the presence of Door Supervisors conducting security activities is to be a condition of a licence, the mandatory condition M4 (that they have to be registered with the Security Industry Authority), will be included as a condition of the licence. Conditions may also be needed to deal with the number of such Door Supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female Door Supervisor should be available (for example, if female customers are to be the subject of body searches). Door Supervisors also have a role to play in ensuring public safety.

Unless the Operating Schedule comprehensively provides a valid reason why door supervision would not be required, Door Supervisors shall be expected at premises where:

- the licensed activities includes the sale of alcohol by retail, and
- the premises trade after midnight on any day of the week or has an approved capacity of over 200 persons.

Premises should detail the times and days of the week when Door Supervisors shall be employed.

CDGPG9 Premises which have a policy that includes the searching of persons shall have Door Supervisors of both sexes on duty at all times.

CDGPG10 All Door Supervisors working outside the premises or whilst engaged in the dispersal of patrons at the close of business shall wear 'High Visibility Clothing'.

### **Off sales**

CDGPG11 A proof of age scheme , such as Challenge 25 ,shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification card, such as a driving licence or passport.

CDGPG12 All occasions when persons have been refused service shall be recorded in writing and kept at the premises for six months.

CDGPG13 Prominent, clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved

CDGPG14 No single cans or bottles of beer or cider shall be sold at the premises.

### **Safe and Sound Partnership**

The Safe and Sound Partnership, which exists between the London Borough of Havering, Havering Police, Havering Fire and Rescue Service, and licensed premise operators is already a significant factor in reducing crime and disorder in the Borough It is recommended that in those areas of the Borough covered by the Partnership, existing and proposed licensed

operators should participate in this scheme.

CDGPG15 The Licence Holder shall sign up to the Safe and Sound approved charter.

### **Designated Sporting Grounds**

Premises, which are designated sporting grounds, are covered by other legislation and the issue of a Ground Safety Certificate. Designated Sporting Grounds which are covered by other legislation and have any restrictions or conditions attached should summarise all relevant restrictions in the Operating Schedule.

CDGPG16 In all public concourse bars that also provide food, prominent, clear notices shall be displayed that when the bars are closed no alcohol is for sale at the food outlets.

CDGPG17 All bars in public concourse areas shall have suitable shutters which can be closed and when closed no alcohol shall be on view from the public area.

CDGPG18 All alcohol served in the public concourse bars shall be supplied in non-glassware drinking vessels (e.g. plastic, polystyrene, waxed paper).

CDGPG19 There shall be [*number*] trained stewards positioned in each of the concourse areas while the bar is open for the sale of alcohol.

CDGPG20 A Personal Licence Holder shall be present at the Designated Sporting Ground throughout the hours that any of the public concourse bars are open and selling alcohol.

### **Queue Management and Dispersal Procedures**

Queue management and dispersal procedures are designed to assist licensed premises in being good neighbours to residents and businesses in the vicinity so as to maintain the legitimate right of neighbours to enjoy their homes and businesses without disturbance.

PNGPG1 The Licence Holder shall implement a written queue management policy. All queuing outside the premises shall be managed in such a way that prevents noisy or rowdy behaviour and therefore minimises disturbance or nuisance to neighbours. The policy shall be approved in writing by the Licensing Authority.

PNGPG2 The Licence Holder shall implement a written dispersal policy, to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours, both residential and business, and to make the minimum impact upon the neighbourhood in relation to potential nuisance, antisocial behaviour, crime and disorder. The policy shall be approved in writing by the Licensing Authority.

## **Litter and Refuse**

In certain premises where existing legislation does not provide adequately for the prevention and control of litter, consideration will be given to conditions that ensure effective prevention, collection and removal of litter in the vicinity of the premises.

- PNGPG3 The licence holder shall comply with the Voluntary Code of Practice For The Fast Food Industry (DEFRA 2003) or any document which supersedes this.
- PNGPG4 After close of business a rubbish patrol should pick up any flyers or rubbish which has been left in the close vicinity of the premises by customers including any bottles, which may have been taken off the premises.

## **Children in Performances**

Where existing legislation does not provide adequately for the protection of children and where relevant matters have been identified in Operating Schedules, or as a result of representations being made, consideration will be given to the following conditions.

- CPGPG1 Dressing rooms and other backstage facilities shall be large enough to safely accommodate the number of children taking part in any performance. Every child shall have a seat and not be expected to sit on tables or to stand.
- CPGPG2 All chaperones, supervisors and production crew shall receive instruction on the fire procedures applicable to the venue.
- CPGPG3 Any person who is engaged in supervising children shall have been subject to a check through the Enhanced Disclosure of the Criminal Records Bureau.
- CPGPG4 Child performers shall be supervised at all times including transfer from stage to dressing rooms and anywhere else in the premises.
- CPGPG5 Child performers shall be accounted for at all times in case of an evacuation or emergency. To achieve this the following actions shall be taken prior to the arrival of the children at the venue:
- (i) allocation of dressing rooms/changing areas with a list of the names of the children using each dressing room plus the names of the chaperones responsible for each dressing room/changing area
  - (ii) each chaperone to have a list of the children for whom they are responsible
  - (iii) the venue manager and management team to have copies of all the lists including any last minute alterations

CPGPG6 If special effects are proposed full details should be submitted to the Licensing Authority for separate approval.

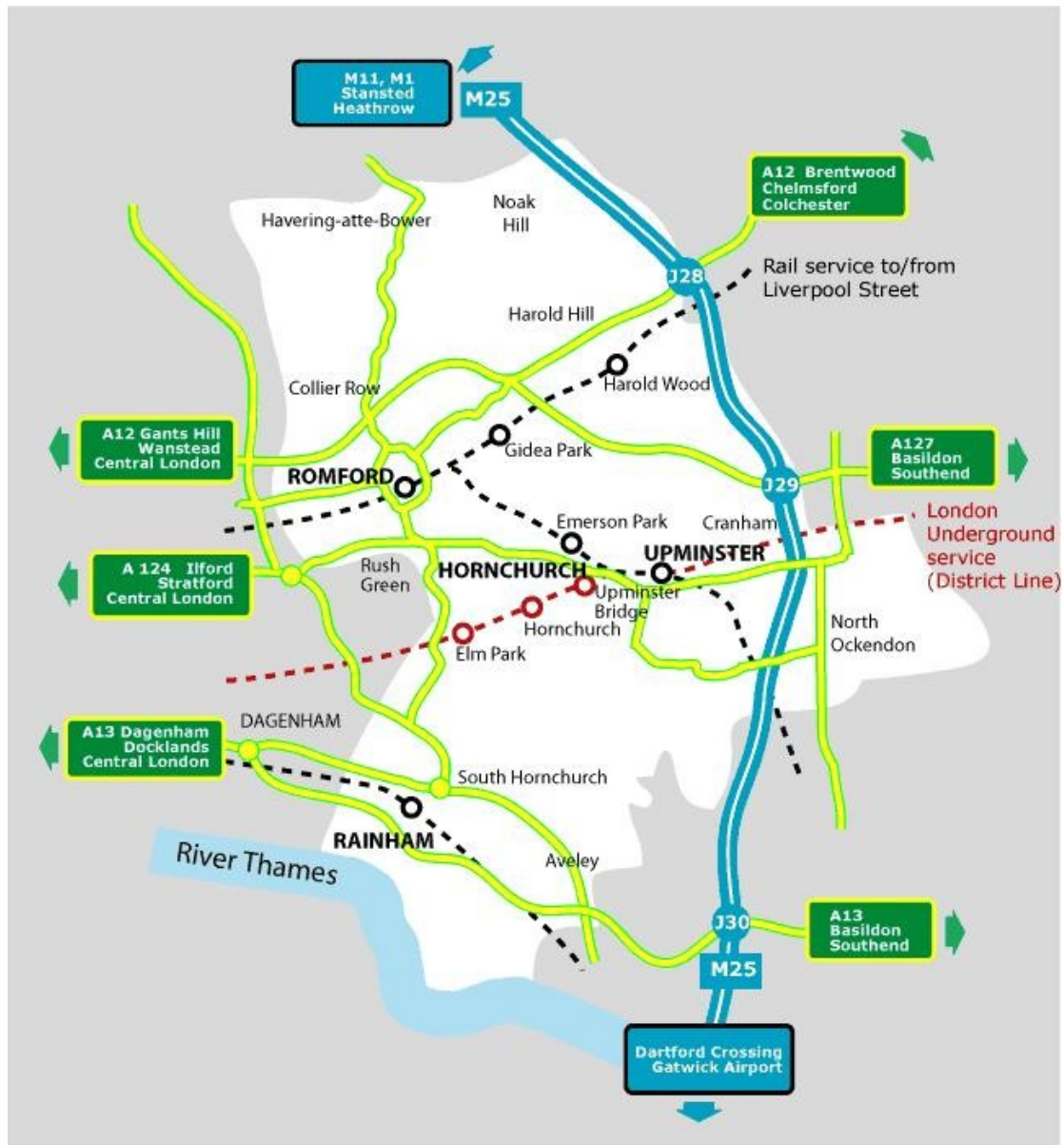
*Note: It is recommended that special effects are not used in children's productions. The use of special effects, including smoke, dry ice, rapid pulsating or flashing lights, may trigger allergies or an adverse reaction in some cases.*

## Appendix 2

### TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL-COMMITTEE	SUB-COMMITTEE	OFFICERS
Application for personal licence		If a representation Made	If no representation made
Application for personal licence, with unspent convictions		If police objection made	All other cases
Application for premises licence/club premises certificate		If a representation Made	If no representation made
Application for provisional statement		If a representation Made	If no representation made
Application to vary premises licence/club registration certificate		If a representation Made	If no representation made
Application to vary designated premises supervisor		If a police Representation	All other cases
Determination of request to be removed as designated premises supervisor		If a police Representation	All other cases
Application for transfer of premises licence		If a police Representation	All other cases
Application for Interim Authorities		If a police Representation	All other cases
Application to review premises licence/club premises registration		All cases	
Decision on whether a representation is irrelevant, frivolous, vexatious, etc			All cases
Determination of a police representation to a temporary event notices		All cases	
Determination as to what constitutes an application for a Minor variation to vary premises license/club premises certificates and determination of such applications			All cases

### Appendix 3



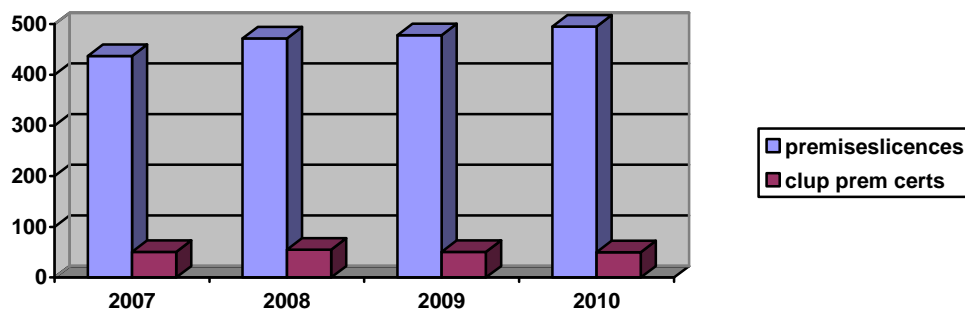
Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office (c) Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Havering 100024327

## Appendix 4

Premises licenses and Club premises certificates in London Borough of Havering.

Information from Department of Culture, Media and Sport statistics

	31.3.2007	31.3.2008	31.3.2009	31.3.2010
Total number of premises licences	437	472	478	495
Total number of club premises certificates.	51	55	51	50



## Appendix 5

Table showing the changes in number of premises licences and opening hours in Upminster Ward

	2005	2006	2007	2008	2009
On sales					
15.00	1				
20.00		1	1	1	1
22.30		1	1	1	1
23.00	5	5	6	6	6
23.30	1	1	1	1	1
00.00 weekend	3	4	4	5	5
00.00	16	15	13	14	13
00.30 weekend				1	1
01.00 weekend	1	3	5	5	6
01.00		1	1	1	1
Off sales					
20.00			1	1	1
22.00				1	1
23.00	7	8	8	9	11
Total no premises licenced for alcohol sales	34	39	41	46	48

### Metropolitan Police Analysis for Upminster ward

This analysis will include temporal analysis on the locations across the 3 financial periods with the aim of showing the affected times at each of the locations during the period. This will help with examining if alcohol has played a factor in violent crime, with violent crime involving alcohol on Borough predominantly seen between the hours of 2000-0200 on Friday and Saturday evenings.

The offence types that will be focused on in the mapping and temporal analysis are as follows:

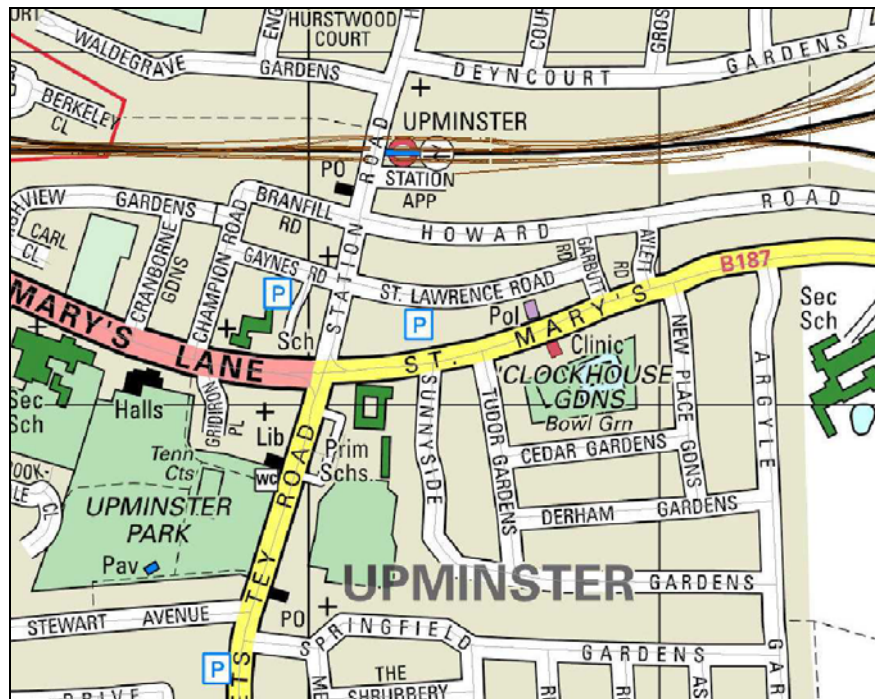
- Common Assault
- Actual Bodily Harm
- Grievous Bodily Harm and Wounding
- Public order offences (threatening/insulting words/causing alarm and distress) s4 and s5 Public Order Act (POA)



- Affray – s3 POA
- Assault on police
- Violent disorder – s2 POA

This profile will also include offences of domestic violence as a predominant amount of alcohol related offences are domestic violence related offences.

**Map of location:**



Upminster as a location has a number of alcohol serving venues in close proximity to each other along with fast food restaurants, restaurants and off licenses. All of these are also within walking distance to the park attracting youths to the area, and encouraging drinking within the park.

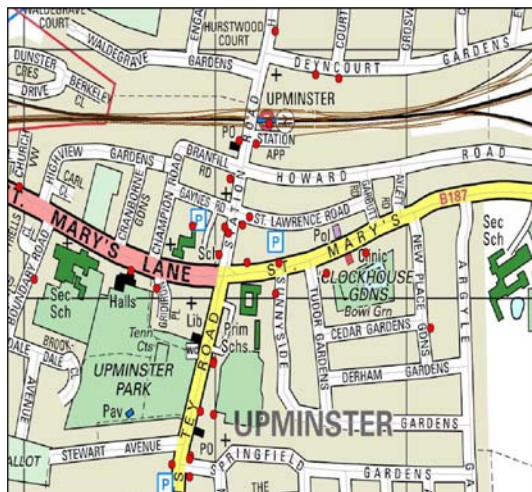
Upminster as a location has the potential to follow in the footsteps of Hornchurch with the number of licensed premises continuing to rise year on year at the location.

Licensed premises at the location have continued to develop in a similar way to Hornchurch in that there has been an increase of licensed premises year on year. The number of licensed premises at the location has now reached 48 premises, this is around the same number (2 more) than Hornchurch had in 2005. If this trend continues then in a few years Upminster will be at the same level of premises as Hornchurch and will probably have the same violent crime problem as being seen currently in Hornchurch.

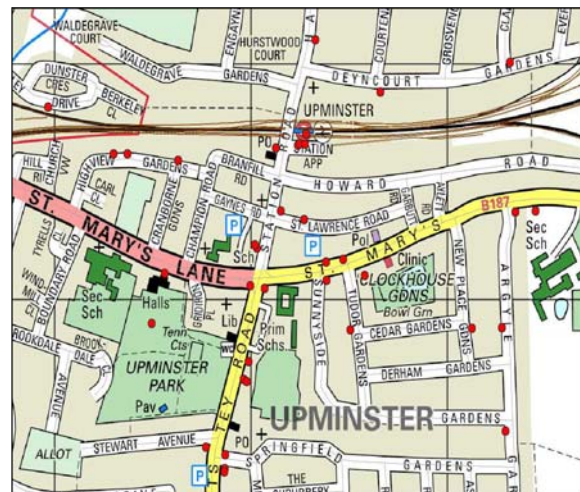
## Summary of Upminster:

	Offences
01/04/2007-31/03/2008	36
01/04/2008-31/03/2009	42
01/04/2009-31/03/2010	38
01/04/2010-31/05/2010	4

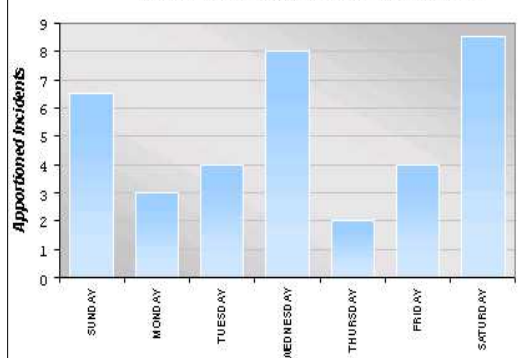
2007/8



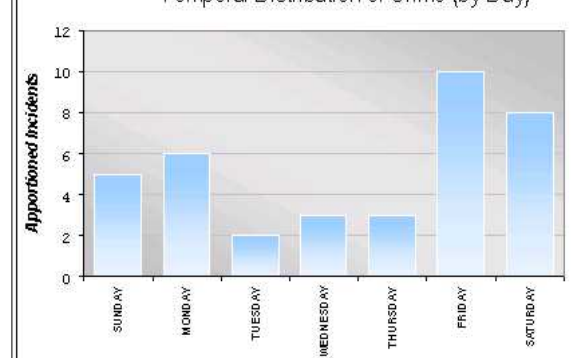
2008/9



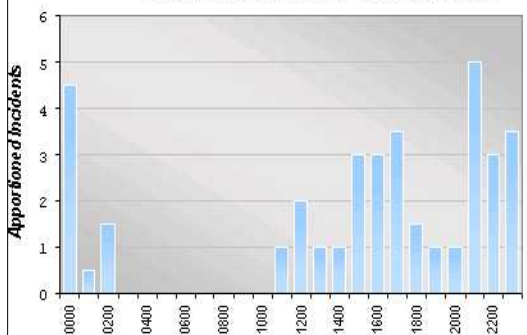
Temporal Distribution of Crime (by Day)



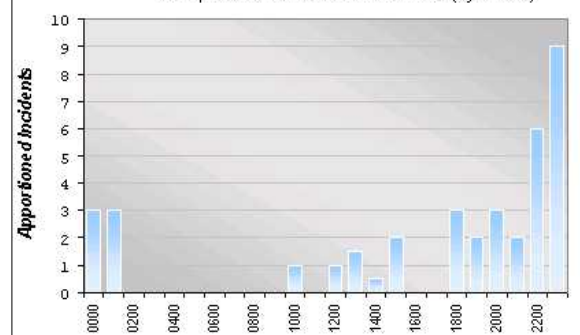
Temporal Distribution of Crime (by Day)



Temporal Distribution of Crime (by Hour)

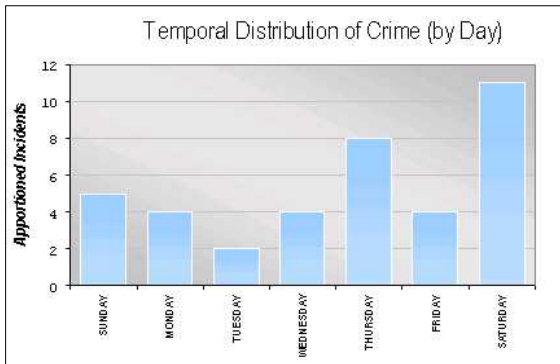
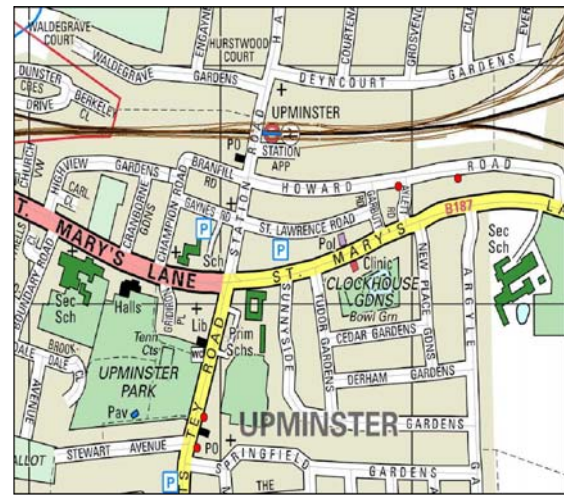
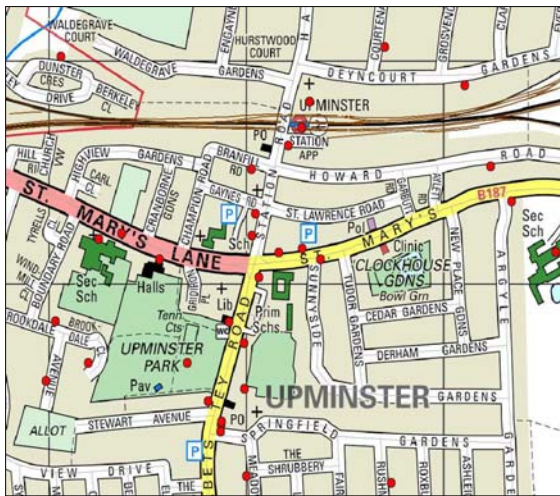


Temporal Distribution of Crime (by Hour)

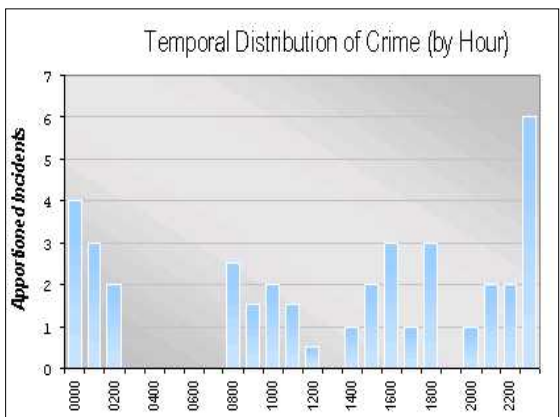


2009/10

2010 April/ May



Not Enough Data For temporal analysis



From the map above it can be seen that the crime in Upminster is centralised around the junction of St Mary's Lane / Corbets Tey Road and Station Road with the number of offences varying year on year (although remaining at similar levels).

Although the number of offences has remained relatively consistent the number of licensed premises has continued to rise with the popularity of the area continuing to increase due to the large numbers of restaurants and bars at the location. If this continues to increase the number of people attending venues at the location will undoubtedly increase and may well enhance the potential for violent crime at the location.

The temporal analysis of the offences at the location year on year shows that Saturday has been the most affected by violent crime across the three financial years, analysis of the times of offences shows a similar pattern to that experienced in Romford town centre (the main hotspot for alcohol fuelled violent offences) between the hours of 2000-0200 hours with this peak most evident in the financial year 01/04/2008 – 31/03/2009 when 83% of offences took place between the hours of 1730-0130 with over 40% of offences between the hour of 2200-2300.

Upminster currently has 8 premises with license to serve alcohol past midnight and 13 premises with license conditions to serve alcohol up until midnight, this can partially help to explain the temporal analysis of offences 83% of offences taking place close to the closing times of the licensed premises at this location.



## Appendix 6

Table showing the changes in number of premises licences and opening hours in St Andrews Ward Hornchurch

	2005	2006	2007	2008	2009
On sales					
23.00	9	6	8	8	8
23.30			2	2	2
23.30 weekend	1	1	1	1	1
00.00	9	9	9	8	9
00.00 weekend	7	7	7	8	10
00.30	1	1	1	1	1
00.30 weekend	3	5	5	4	5
01.00					1
01.00 weekend	6	8	9	10	9
02.30 weekend				1	1
<b>Total on sales</b>	<b>36</b>	<b>38</b>	<b>42</b>	<b>43</b>	<b>47</b>
Off sales					
20.00		1	1	1	1
21.00		1	1	2	2
22.00		2	2	2	2
23.00	6	7	7	9	11
23.30	1	1	1	1	1
00.00		3	3	3	3
<b>Total off licences</b>	<b>7</b>	<b>15</b>	<b>15</b>	<b>18</b>	<b>20</b>
Late night refreshment					
23.30					
00.00	3	3	3	3	3
01.00			1	1	1
<b>Total late night refreshment</b>	<b>3</b>	<b>3</b>	<b>4</b>	<b>4</b>	<b>4</b>
<b>Total</b>	<b>46</b>	<b>56</b>	<b>61</b>	<b>65</b>	<b>71</b>



## Metropolitan Police Analysis for St Andrews Ward Hornchurch

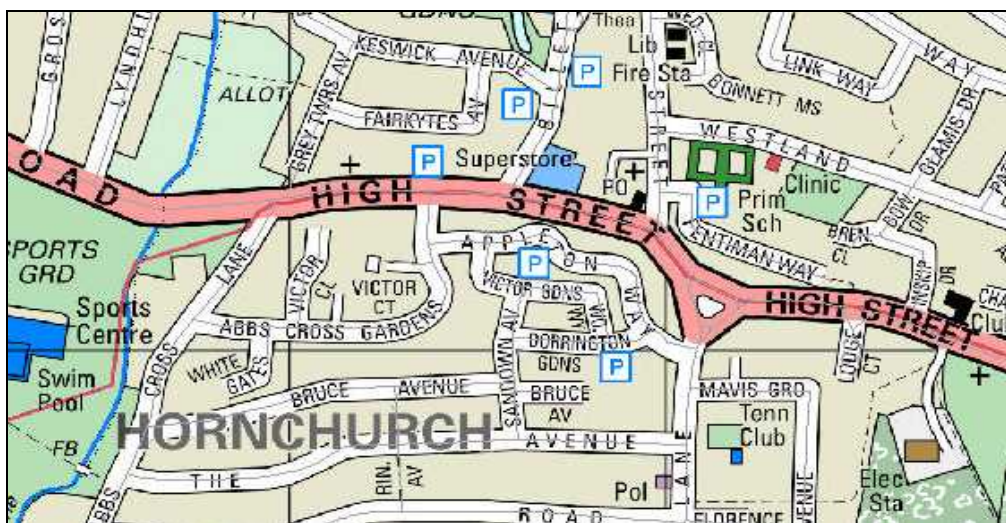
This analysis will include temporal analysis on the locations across the 3 financial periods with the aim of showing the affected times at each of the locations during the period. This will help with examining if alcohol has played a factor in violent crime, with violent crime involving alcohol on Borough predominantly seen between the hours of 2000-0200 on Friday and Saturday evenings.

The offence types that will be focused on in the mapping and temporal analysis are as follows:

- Common Assault
- Actual Bodily Harm
- Grievous Bodily Harm and Wounding
- Public order offences (threatening/insulting words/causing alarm and distress) s4 and s5 Public Order Act (POA)
- Affray – s3 POA
- Assault on police
- Violent disorder – s2 POA

This profile will also include offences of domestic violence as a predominant amount of alcohol related offences are domestic violence related offences.

### Map of Location:



Hornchurch has a number of violent crimes in and around Hornchurch High Street this location is fast becoming a mini-Romford Town Centre with bars, pubs and restaurants at the location. It is also a hotspot for violent crime which may be attributable to a number of premises having late night licenses allowing for more drinking time at the location.

There has been a gradual increase in the number of licensed premises over the past few years with a total now of 71 licensed premises at the location with 47 premises having an on sales license with 17 of those having a license to serve alcohol past midnight.

The problem at the location has now got to the point that additional resources have been deployed into the area on a Friday and Saturday evening using

valuable police resources to try and prevent violent crime from occurring. - There are also a number of licensed premises at the location, which have had a negative impact on violent crime.

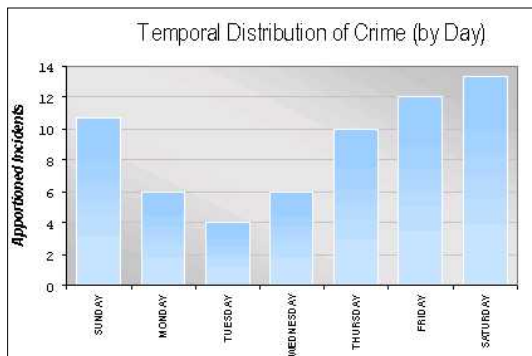
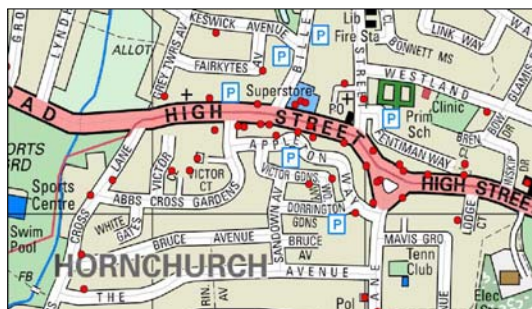
Two premises have together acted as catalysts for violent crime already accounting for a total of 22 violent crimes on the premises since the 01/01/2010.

There are also a number of other premises at this location that have experienced violent offences in the past on a regular occasion, all of which have previously had a negative impact on violent crime at this location.

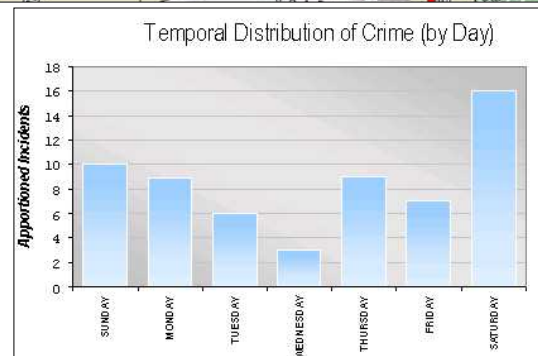
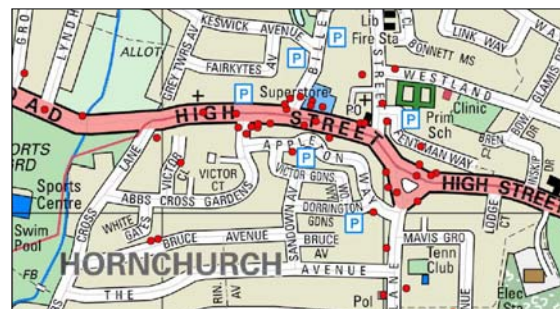
**Summary of Hornchurch:**

	<b>violent offences</b>
<b>01/04/2007-31/03/2008</b>	<b>62</b>
<b>01/04/2008-31/03/2009</b>	<b>63</b>
<b>01/04/2009-31/03/2010</b>	<b>83</b>
<b>01/04/2010-31/05/2010</b>	<b>24</b>

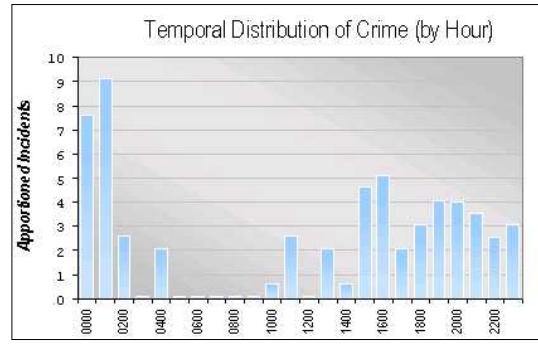
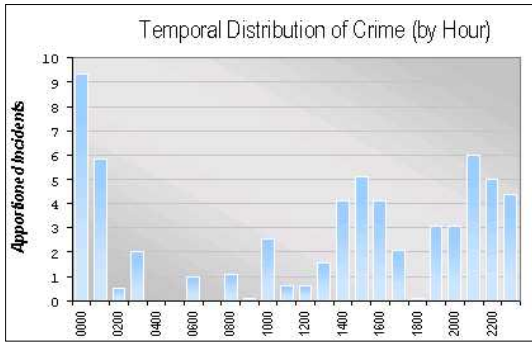
**2007/8**



**2008/9**

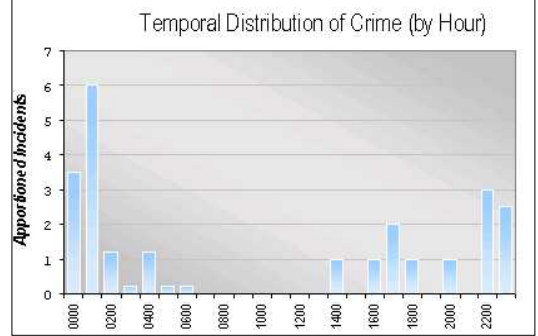
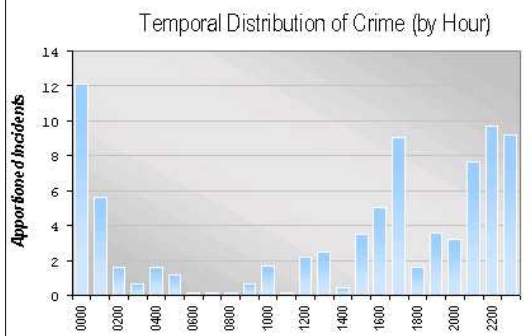
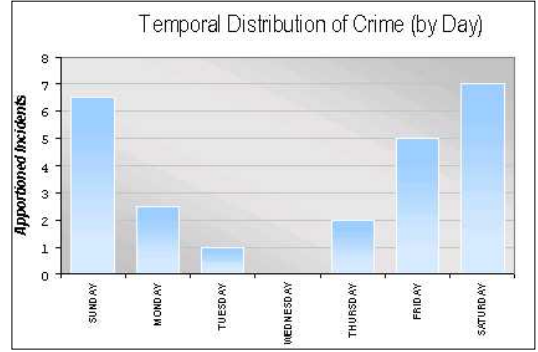
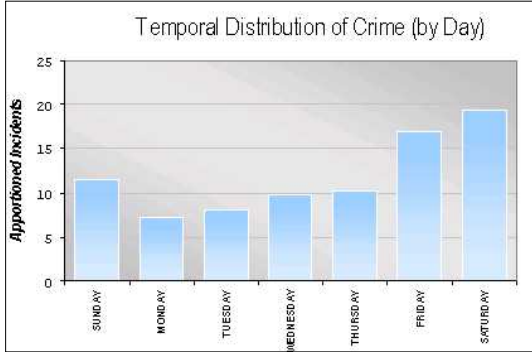
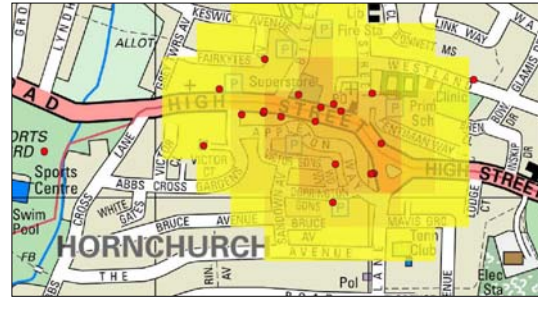
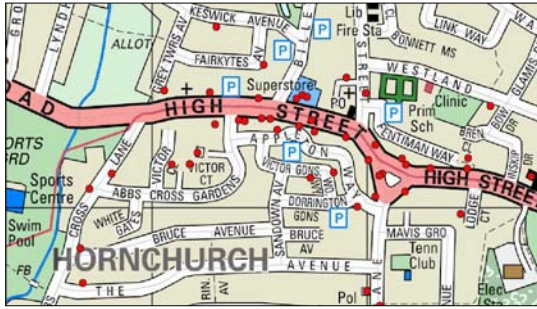






2009/10

2010 April /May



The violent crime problem in Hornchurch is fast becoming a major concern, the number of offences at the location increased significantly in the financial year 01/04/2009-31/03/2010 with an increase of over 20 offences when compared to the previous financial year. What is concerning is the period of the 01/04/2010-31/05/2010 when there have been a total of 24 offences in a 2 month period, if the levels continue at this rate straight projections show that offences will total 144 offences, an increase of 61 offences or a percentage increase of 71%.

Temporal analysis for Hornchurch shows that over the three-year period the peaks have remained consistent with peaks seen between the hours of 2000-0300 with the most recent chart being the most concerning with 83% of offences between the hours of 1730-0130.

When examining the most recent offences more closely those suspects offending in Hornchurch have been drinking at various venues at the location and are offending due to intoxication. Currently on Borough in an attempt to combat this, duty officers are required to conduct license premises visits to ensure that license conditions are being complied with. It is hoped will also reduce the likelihood of those visiting the venues being disorderly or going on to commit violent crime. This is however, a police intensive solution taking up valuable police resources in an attempt to tackle violent crime.

If the number of licensed premises at the location continues to increase the amount of resources that this location will take up will also continue to increase with valuable resources being diverted from other parts of the borough.

On closer examination to prevent skewed data, an examination of the data was made for the periods of 01/04/2007 – 31/05/2007, 01/04/2008 – 31/05/2008, 01/04/2009 – 31/05/2009 to be compared to the data of the 01/04/2010 - 31/05/2010 to ascertain if this large number of offences is a regular occurrence for this time of year or if it was in fact a large increase.

The data breaks down to the following:

01/04/2007 – 31/05/2007 – 9 offences

01/04/2008 – 31/05/2008 – 14 offences

01/04/2009 – 31/05/2009 – 12 offences

And more recently – 01/04/2010 – 31/05/2010 - 24 offences

This is worrying because it appears that there is an increase in offences when compared to the previous year is a 100% increase for this period.

Other factors that have a negative impact on the location are a fast food take away, Harrow Lodge Park and the off licences at the location. The off licences are of concern as a number of Computer Aided Dispatch (CAD) calls have been received by members of the public complaining in regards to drinking in the park by youths. If this is a regular occurrence then violent crime will also increase at the location involving younger people as well as those frequenting the alcohol serving venues.

The number of licensed premises at the location has also continued to increase, in 2007 there were 61 licensed premises at the location. In 2009 there were 71 giving an increase of 10 licensed premises. As the number of licensed premises at the location has increased the number of violent crimes at the location has also appeared to increase with a jump of 20 offences in the financial year 2008 – 2009. When an additional 6-licensed premises appeared at the location.

**Conclusions:**

This profile has clearly identified Hornchurch as an upcoming problem for violent crime. It appears that licensed premises are having a negative effect. At this location as licensed premises have increased so too have violent offences. We are therefore concerned that if licensed premises continue to increase at this location so too will violent crime.

In order to prevent an increase in violent crime it is recommended that the number of licensed premises at this location should not be allowed to increase. This location is already having a negative affect on Borough using valuable police resources in an effort to try and prevent violent crime at this location. If violent crime continues at the rate experienced so far this year at this location an increase of over 70% year on year will be seen. This particularly large increase cannot be seen in any other part of the Borough.

## Appendix 7

### **Useful contact Names and Addresses**

- The Licensing Team  
Public Protection  
London Borough of Havering  
Mercury House  
Mercury Gardens  
Romford  
Essex  
RM1 3SL

Telephone: 01708 432777  
Fax: 01708 432554  
E-mail: [licensing@haverling.gov.uk](mailto:licensing@haverling.gov.uk)  
Website: [www.haverling.gov.uk](http://www.haverling.gov.uk)

Planning Development & Control  
Mercury House  
Mercury Gardens  
Romford  
RM1 3SL

Telephone: 01708 432848  
E-mail: [planning@haverling.gov.uk](mailto:planning@haverling.gov.uk)

- Trading Standards  
Public Protection  
London Borough of Havering  
Mercury House  
Mercury Gardens  
Romford  
Essex  
RM1 3SL

Telephone : 0845 0505 205  
E-mail: [trading.standards@haverling.gov.uk](mailto:trading.standards@haverling.gov.uk)

- Childrens and Young People's Services  
London Borough of Havering  
Scimitar House  
23 Eastern Road  
Romford  
Essex  
RM1 3NH

Telephone: Main Town Hall Switchboard 01708 434343

- Building Control

Mercury House  
Mercury Gardens  
Romford  
RM1 3SL

Telephone: 01708 432700  
Fax: 01708 432690

- The Health and Safety Team  
Public Protection  
London Borough of Havering  
Mercury House  
Mercury Gardens  
Romford  
Essex  
RM1 3SL

Telephone: 01708 432777  
Fax: 01708 432554  
E-mail: [environmental.health@haverling.gov.uk](mailto:environmental.health@haverling.gov.uk)  
Website: [www.haverling.gov.uk](http://www.haverling.gov.uk)

- The Noise Team  
Public Protection  
London Borough of Havering  
Mercury House  
Mercury Gardens  
Romford  
Essex  
RM1 3SL

Telephone: 01708 432777  
Fax: 01708 432554  
E-mail: [environmental.health@haverling.gov.uk](mailto:environmental.health@haverling.gov.uk)  
Website: [www.haverling.gov.uk](http://www.haverling.gov.uk)

Town Centre Manager  
London Borough of Havering  
Mercury House, Mercury Gardens  
Romford  
Essex  
RM1 3SL

Telephone: 01708 432570

- Streetcare  
Mercury House  
Mercury Gardens  
Romford

RM1 3SL

Telephone: 01708 432563

Fax: 01708 432881

Community Safety Section

1st Floor

Tollgate House

96 Market Place

Romford

Essex

RM1 3EL

Telephone Number: 01708 432028

Fax Number: 01708 432448

- The Licensing Section  
Metropolitan Police  
Romford Police Station  
19 Main Road  
Romford  
Essex  
RM1 1BH

Telephone: 01708 779158

- London Fire and Emergency Planning Authority  
210 High Street South  
East Ham  
London  
E6 3RS

Telephone: 020 7587 2132

Fax: 020 7587 2133

E-mail: [haveringgroup@london-fire.gov.uk](mailto:haveringgroup@london-fire.gov.uk)

- Havering Magistrates' Court  
The Court House  
Main Road  
Romford  
RM1 3BH

Telephone: 01708 771771

- Health and Safety Executive  
FOD London Division  
Rose Court  
2 Southwark Bridge  
London

SE1 9HS

Telephone: 020 7556 2100  
Fax: 020 7556 2200  
Website: [www.hse.gov.uk](http://www.hse.gov.uk)

- Security Industries Authority  
PO Box 9  
Newcastle upon Tyne  
NE82 6YX

Help Line: 08702 430 100  
Fax: 08702 430 125  
E-mail: [info@the-sia.org.uk](mailto:info@the-sia.org.uk)  
Website: [www.the-sia.org.uk](http://www.the-sia.org.uk)

## **Appendix 8**

### **Summary of licensing policy**

#### Licensing policy 001

The LLA will seek to promote the Community Strategy Vision through the Council's corporate plan and where appropriate, it will consider any local strategies or locally agreed plans when determining licensing applications

#### Licensing policy 002

The LLA seeks to encourage the highest standards of management in licensed premises. Where representations have been received, the LLA will use appropriate licence conditions to support the prevention of crime and disorder in the borough and the work of the community safety partnership.

#### Licensing Policy 003

The LLA will encourage membership of, and full participation in local pubwatch, and Safe and Sound schemes.

#### Licensing Policy 004

In all cases the LLA will endeavour to balance its support for community entertainment with the need to promote the licensing objectives.

#### Licensing Policy 005

The LLA will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of race, gender, disability or age or display discriminatory signs.

#### Licensing Policy 006

The LLA will consult on and assess the likely impacts of this policy on equality, and monitor the policy for any adverse impacts on the promotion of equality.

#### Licensing Policy 007

The council encourages applicants to ensure that they have planning consent for the intended use and hours of operation, or otherwise have lawful planning status, before making an application for a premises licence.

#### Licensing Policy 008

The LLA is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises. Where relevant representations are received, the LLA may attach appropriate conditions to licences, necessary to support the prevention of undue noise disturbance from licensed premises.

#### Licensing Policy 009

The LLA seeks to encourage the highest standards of management in licensed premises and expects the operating schedule to describe how these standards will be achieved in relation to promoting the licensing objectives.



#### Licensing Policy 010

With regards to safer clubbing, the LLA is committed to ensuring that, where appropriate, the design and management of dance and other venues maximises the safety of customers, performers and staff. The LLA will normally expect the submission of a drug policy as part of the operating schedule for applications for new premises licences and for variations to existing licences for night clubs and similar premises. Where relevant representations are made with regards to public safety, the LLA may impose conditions to control environmental risk factors such as overcrowding, ambient temperatures, availability of drinking water, and any other factors known to increase the risks to the safety of those taking drugs.

#### Licensing Policy 011

The LLA recognises that where there are gardens or tables and chairs placed outside the premises, users of these can cause nuisance. Where relevant representations are received in relation to a new or varied licence or on a review of a licence, the LLA will consider prohibiting or restricting the use of these areas.

#### Licensing Policy 12

The LLA is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises. Applications for hours set out below in this policy will generally be granted subject to not being contrary to other policies in the statement of licensing policy. Applications for hours outside the hours listed will be considered on their merits.

Regulated activities will normally be permitted:

- until 11.30 pm in residential areas
- until 00.30 am in mixed use areas
- No limits in leisure areas.

#### Licensing Policy 013

The LLA supports the principle of flexibility in its approach to licensing hours and will consider the merits of each individual application. Nothing in this policy will oblige the holder of a premises licence or club premises certificate to remain open for the entire period permitted by the licence or certificate. The LLA will normally require all licensed premises to be cleared of patrons within a reasonable period after the end of the time permitted for licensable activities. Proposals for clearing the premises or a dispersal policy should be included in the detail of the operating schedule.

#### Licensing Policy 014

Where relevant representations are received from responsible authorities and/or interested parties, the LLA may seek to restrict the operational hours of premises where this is necessary to promote the licensing objectives. The LLA may impose further limitations in hours upon review of the licence, particularly where the premises is shown to be the focus or cause of nuisance or anti-social behaviour.

#### Licensing Policy 015

In considering applications for new licences or variations to existing licences and licence reviews following the receipt of relevant representations, the LLA will take the matters listed below into account. These criteria will apply in different ways to different types of premises and licensable activities in the following order:

- the location of the premises and character of the area
- the views of responsible authorities
- The views of interested parties
- past compliance history of current management
- the proposed hours of operation.

#### Licensing Policy 016

The LLA expects all operators of premises intending to provide adult entertainment to include the relevant details in their operating schedule and include any controls they intend to put into place.

#### Licensing Policy 017

When considering applications for adult entertainment, and where relevant representations have been received, the LLA will take into account the nature of the area and the marketing, advertising arrangements and external views of the premises together with other factors proposed by the proprietor to mitigate concerns.

#### Licensing Policy 018

The LLA will require consideration of measures to protect children from harm to be reflected in the operating schedule where applicants identify the need, having regard to their type of premises or licensable activities. Applicants for premises licences and club premises certificates authorising the admission of children without accompanying responsible adults will be required to submit a child protection policy detailing the steps to be taken to ensure that children in their charge will be protected from harm when on licensed premises or engaged in activities relating to the licence.

#### Licensing Policy 019

Where events qualify for a Temporary Events Notice (TEN), applicants are encouraged to submit notifications at least four weeks prior to, but not more than 12 weeks before the date of the proposed event.

#### Licensing policy 020

The Licensing Authority recommends that for significant events, a Comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Accordingly, for premises that wish to stage promotions, or events {as defined below} the Licensing Authority recommends that applicants address the Risk Assessment and debrief processes in their operating schedule.

#### Licensing Policy 021

The LLA will use relevant legislation to ensure compliance with the Licensing Objectives. Compliance with enforcement action may be material to determining applications and reviews.

#### Licensing Policy 022

In considering an application for a provisional statement the LLA will, as far as is reasonably practicable, apply the same standards as required for the grant of a premises licence.

#### Licensing Policy 023

The LLA will reserve the right to apply the full range of powers available to it when a review of a premise licence becomes necessary. It will however be mindful of the need to prevent the review process being used as an opportunity by responsible authorities and interested parties to re-run earlier representations without due cause.

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<b>MEETING</b>	<b>DATE</b>	<b>ITEM</b>
<b>LICENSING COMMITTEE</b>	<b>27 July 2010</b>	<b>5b</b>

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### **Questions for Statement of Licensing Policy consultation**

1. Do you agree with the Council's vision for licensing under the Licensing Act 2003? If not please comment further.
2. Do you agree with Licensing policy 012 to limit licensing hours depending on the usage of the area?
3. Do you think the hours as a guide are correct? If not please suggest alternative hours.
4. Do you agree with Licensing policy 017 for St Andrews Ward in Hornchurch? If not please can you explain why?
5. Do you think that Licensing policy 017 should not include off sales? Please state your reasons if you think off sales should not be included.
6. Do you think that a special policy should be applied to Upminster? If yes please expand your reasons why?
7. Do you think that there should be a similar saturation policy for Romford town centre? If yes please expand your reasons why.
8. Are there any conditions in the pool of conditions that you think should be added or removed? Please identify any changes you would wish to make.
9. The Council wants to be fair to all. Do you think that if this policy is applied anyone will be disadvantaged?. If so who do you think will be disadvantaged?