

LICENSING COMMITTEE

AGENDA

7.30pm	Wednesday 31 May 2006	Havering Town Hall Main Road, Romford
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Members : Quorum

COUNCILLORS:

Conservative Group

Edward Cahill (Chairman -
Designate)

David Charles (V Chairman -
Designate)

Georgina Galpin (V Chairman -
Designate)

Melvin Wallace (V Chairman -
Designate)

Residents' Group

TBA

Rainham Resident Group

TBA

Labour Group

TBA

This agenda is issued to comply with legal requirements so that the meeting is validly convened.

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



NOTES ABOUT THE MEETING

1. HEALTH AND SAFETY

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At the beginning of the meeting, there will be an announcement about what you should do if there is an emergency during its course. **For your own safety and that of others at the meeting, please comply with any instructions given to you about evacuation of the building, or any other safety related matters.**

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Although mobile phones, pagers and other such devices are an essential part of many people's lives, their use during a meeting can be disruptive and a nuisance. Everyone attending is asked therefore to ensure that any device is switched to silent operation or switched off completely.

3. CONDUCT AT THE MEETING

Although members of the public are welcome to attend meetings of the Committee, they have no right to speak at them. Seating for the public is, however, limited and the Council cannot guarantee that everyone who wants to be present in the meeting room can be accommodated. When it is known in advance that there is likely to be particular public interest in an item the Council will endeavour to provide an overspill room in which, by use of television links, members of the public will be able to see and hear most of the proceedings.

The Chairman of the meeting has discretion, however, to invite members of the public to ask questions or to respond to points raised by Members. Those who wish to do that may find it helpful to advise the Committee Officer before the meeting so that the Chairman is aware that someone wishes to ask a question.

PLEASE REMEMBER THAT THE CHAIRMAN MAY REQUIRE ANYONE WHO ACTS IN A DISRUPTIVE MANNER TO LEAVE THE MEETING AND THAT THE MEETING MAY BE ADJOURNED IF NECESSARY WHILE THAT IS ARRANGED.

If you need to leave the meeting before its end, please remember that others present have the right to listen to the proceedings without disruption. Please leave quietly and do not engage others in conversation until you have left the meeting room.

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 11 March 2005, and to authorise the Chairman to sign them.

5 BRIEFING ON LICENSING ISSUES – Oral report to be delivered at the meeting
(including the statement of Licensing Policy agreed in December 2005)

Stephen Evans
Chief Executive



MEETING	DATE	ITEM
LICENSING COMMITTEE	31 May 2006	5

LONDON BOROUGH OF HAVERING

'STATEMENT OF LICENSING POLICY'

1. Introduction
 - 1.1 The success of this policy depends on the full co-operation between the Licensing Authority, the Police, the London Fire and Emergency Planning Authority (LFEPA), the leisure industry and the local business and residential communities.
 - 1.2 Havering Council is the Licensing Authority under the Licensing Act 2003. The Licensing Authority is responsible for granting premises licences, club premises certificates, temporary event notices and personal licences in the Borough in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.
 - 1.3 Throughout this document to distinguish between background information, guidance and policy;
 - All background information is written in Normal Print,
 - Guidance is written in Italics, and
 - Policy is written in Bold.
- Interpretation
 - 1.4 The following definitions are used throughout this document;
 - the Act – the Licensing Act 2003
 - the Council - the London Borough of Havering

- Licensing Authority means the Council exercising its functions under the Act
- premises licence – a licence granted under the Act in respect of any premises, which authorises the premises to be used for one or more licensable activities.
- personal licence – a licence granted to an individual authorising that individual to supply alcohol, or authorise the sale of alcohol, in accordance with a premises licence.
- designated premises supervisor – the individual specified in the premises licence as the premises supervisor.
- licensing objectives – the local authority must carry out its licensing functions under the Act to promote the licensing objectives, these are:
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- operating schedule – a document produced by the applicant for a premises licence, containing a statement of which the following are the main requirements;
 - the relevant licensable activities,
 - the times that the relevant licensable activities are to take place,
 - any other times the premises are to be open to the public,
 - if the licensable activity includes the sale of alcohol, the name of the premises supervisor,
 - if the licensable activity includes the sale of alcohol, whether it is supplied for consumption on or off the premises,
 - the steps to be taken to promote the licensing objectives.
- responsible authority means;
 - the Metropolitan Police
 - the London Fire and Emergency Planning Authority
 - the Council's Development Control Service
 - the Council's Environmental Health Service
 - the local Child Protection Agency.
- interested party means;

- a person living in the vicinity of the premises
 - a body representing persons living in the vicinity
 - a person involved in a business in the vicinity
 - a body representing persons involved in such businesses.
- licensable activity means;
 - the sale by retail of alcohol,
 - the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
 - the provision of regulated entertainment,
 - the provision of late night refreshment.

2. The Policy

- 2.1 The Act requires that the Council, as the Licensing Authority, carries out its various licensing functions so as to promote the licensing objectives.
- 2.2 The Act further requires that the Council publishes a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply, when making decisions on applications made under the Act, to promote the licensing objectives.
- 2.3 This Licensing Policy has been prepared in accordance with the provisions of the Act and the Guidance issued under Section 182 of the Act.
- 2.4 The London Borough of Havering has developed this policy in consultation with its Community Safety partners, and the Council will ensure this policy is enforced.

3. Consultation

- 3.1 There are a number of groups having a stake in the leisure industry, including providers, customers, residents and regulators, all of whom may have views and concerns requiring consideration as part of the Council's preparation of its licensing policy.
- 3.2 Before publishing this Policy, the Council consulted with
 - the Chief Police Officer for the Borough,
 - the London Fire and Emergency Planning Authority,
 - bodies representing local holders of premises licences, club premises certificates, personal licences,
 - other local businesses,
 - residents in the Borough, and
 - the Council's neighbouring local authorities.
- 3.3 Proper weight will be given to the views of all the people and bodies consulted before this Policy Statement takes effect on 7th January

2005. It will remain in force for a period of not more than 3 years and will be subject to review and further consultation prior to 7th January 2008.

4. Main Principles

4.1 Nothing in this Statement of Licensing Policy will:

- undermine the rights of any person to apply under the Act for a variety of licences and permissions and have the application considered on its individual merits, and/or
- override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.

4.2 The Licensing Authority will have due regard to its duty under the Human Rights Act 1998 when exercising its responsibilities under the Act.

4.3 Licensing, within the terms of the Act, is about the control of licensed premises, qualifying clubs and temporary events. Conditions may be attached to licences, certificates and permissions that cover matters within the control of individual licensees.

4.4 In premises where the sale of alcohol is for immediate consumption on the premises, the Council acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are no longer under the direct control of the licensee of any premises concerned.

4.5 The Licensing Authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:

- planning controls,
- ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council Departments, for example Community Safety,
- designation of parts of the Borough as places where alcohol may not be consumed publicly,
- regular liaison with Borough Police on law enforcement issues relating to disorder and anti-social behaviour, the issue of fixed penalty notices, prosecution of those selling alcohol to people who are drunk; confiscation of alcohol from adults and children in designated areas and the power to immediately close down licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises,
- the power of the police, other responsible authorities or local residents or businesses to seek a review of the licence or certificate.

- 4.6 The Council is currently addressing many of these issues through the Town Centre Action Group, in line with the strategic objectives for crime and disorder reduction within the Borough as developed in the Community Safety Strategy.
- 4.7 When considering these conditions, the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises, on members of the public living, working or engaged in normal activity in the immediate vicinity.
- 4.8 The premises licence holder must ensure that they and the premises comply with all current legislation relevant to their premises and operation. For example:
- the business must be operated in full compliance with the Licensing Act 2003, the Guidance and associated Regulations, and the Council's Statement of Licensing Policy,
 - the licence holder must carry out risk assessments on all aspects of the work in their premises to comply with the requirements of the Health and Safety at Work, Etc Act 1974 and its associated Regulations,
 - the licence holder must ensure that the business operates under hygienic conditions to comply with the requirements of the Food Safety Act 1990 with regard to hygiene at the premises and that the food and drink sold is fit for consumption,
 - the licence holder must operate in such a manner to ensure that the operation of the business does not unlawfully discriminate against disabled people by ensuring compliance with the Disabilities Discrimination Act 1995,
 - the licence holder does not unlawfully discriminate against different racial groups by ensuring they comply with the requirements of the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000,
 - the licence holder must not knowingly sell counterfeit goods or illicit alcohol, or knowingly promote an unlawful activity (e.g. pirate radio, a rave) or knowingly allow the advertisement of such an event using posters or flyers,
 - the licence holder must ensure that all due VAT, duties and other taxes are paid to the appropriate government department,
 - the licence holder must comply with all the appropriate employment legislation.

The above list of legislation is not exhaustive. The premises licence holder is expected to be conversant with all relevant legislation that they must comply with.

5. Crime and Disorder

Background and Guidance on Crime and Disorder Issues

- 5.1 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime

and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough. The Council has paid attention to this duty in formulating this policy.

- 5.2 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 5.3 Although Romford Town Centre is only a small part of Havering it accounts for the vast majority of premises holding Regulated Entertainment Licences and therefore has an impact on police resources throughout the Borough. It is the focal point for revellers and most of the incidents of public disorder associated with alcohol occur here. Consequently, any methods employed in Romford Town Centre to control crime and disorder will have a resonance throughout the whole Borough. Any reduction in crime and disorder in this area would allow police resources to be deployed elsewhere.
- 5.4 The Criminal Justice and Police Act 2001 introduced measures to combat alcohol-related disorder when it comes into force in 2004. The "on street drinking ban" is being developed for Romford Town Centre as part of The Criminal Justice and Police Act 2001. This Designated Controlled Area for Drinking in Public Places Scheme prohibits the consumption and possession of alcohol in an open container in any public place within the Ring Road, except at authorised sites. If this scheme is found to be successful, it is the Council's intention to extend the scheme to all the town centres in Havering.
- 5.5 Drug abuse is a problem that must be firmly dealt with. It is important that the Police and the Council are seen to be tackling this problem together. The Council will work with the police and other appropriate authorities to achieve these goals using a partnership approach.
- 5.6 In some areas gun crime is a major cause of fear and distress. Most worrying is the rise in the number of young people carrying firearms. This increase in possession of firearms is often associated with organised drug crimes. Although Havering does have problems with drugs, as yet, the associated firearms issue has only had a limited impact, but it is imperative that the Council and the Police are seen to be working together. The Council expects licence holders to ensure their premises comply with this.
- 5.7 Applicants are recommended to seek advice from the Licensing Authority Staff and the Police, as well as taking into account, as appropriate, local planning and transport policies, and, tourism, cultural and crime prevention strategies, when preparing their plans and operating schedules.

- 5.8 All licensed premises are encouraged to install CCTV covering customer entrance and exit points and all other areas of risk both inside and outside the premises.
- 5.9 All premises holding a licence either for the sale of alcohol will be expected to be fitted with a suitable CCTV system, compliant with the Home Office Police Scientific Development Branch Good Practice guidance for the use of both analogue (VHS) and digital images in evidence. Additional information can be found on the Internet at www.homeoffice.gov.uk/crimpol/police/scidev/index.html.
- 5.10 The CCTV system is to be installed must be designed in consultation with and complying with the recommendations of the Police Crime Prevention Design Advisor. Four copies of the plans showing the CCTV system are to be deposited with the Council.
- 5.11 Any CCTV system must be sufficiently light sensitive to be able to record events with sufficient clarity under conditions of low illumination levels.
- 5.12 The Licensing Authority strongly advises licensed premises and personal licence holders to consider the possibility of recycling bottles and glasses.

Licence Applications

- 5.13 There can be confusion about the difference between “need” and the cumulative impact of premises on the licensing objectives. “Need” concerns the commercial demand for another pub or restaurant or hotel, and is a matter to be determined by planning committees and the market. On the other hand, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing committee.
- 5.14 Within Romford Town Centre the problems of nuisance and disorder have arisen. However, these problems have also occurred some distance from the town centre. This is the cumulative effect of the increased capacity of all premises taken together. It is possible that the impact on surrounding areas of the behaviour of unruly customers taken together is greater than the impact from customers of individual premises. In these circumstances, the Licensing Authority may receive representations from a responsible authority or interested parties. The cumulative effect of the licences is leading to the area becoming saturated with premises making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves.
- 5.15 The saturation of Romford Town Centre with premises attracting the 18- to 24 year olds may lead the Licensing Authority to consider

whether the grant of any further premises licences or club premises certificates would undermine its licensing objectives.

- 5.16 The Licensing Authority recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and has full regard to those differences and the impact these have on the local community.
- 5.17 The Licensing Authority recognises that, within this policy, it will determine each licence application based on its merits and its contribution to the amenity of the local neighbourhood and community. However, the Licensing Authority may only agree to licence premises for use by a particular age or target group and make this a condition of the licence. If evidence suggests that the premises are being used for patrons other than that group, the premises may have its licence reviewed with a view to revocation for non-compliance with a licence condition.
- 5.18 The Licensing Authority recognises that the cumulative impact of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder in the immediate vicinity and even some distance away from the premises.
- 5.19 The Licensing Authority has no fixed quota for the number of licensed premises in either Romford Town Centre or any other part of the Borough. However, its aim is to provide a diversity of premises to satisfy the needs of all age groups.
- 5.20 The Licensing Authority, therefore, encourages licensed premises to offer alternative attractions in order to appeal to other target groups, so that all types of ages and tastes are catered for.
- 5.21 When either considering a licence application or applying for a review of an existing licence the onus is on the objectors to provide evidence to support any assertion that the addition or retention of the premises in question would have a cumulative impact for that particular type and character of premises. In objections to licence applications for new types of premises, this evidence may be from comparable premises in comparable locations outside Havering.
- 5.22 Any alcohol promotions and drink pricing policy must comply with any relevant codes of practice. Irresponsible promotions potentially leading to excessive drinking and drunkenness will be discouraged. Any premises proposing to introduce an alcohol promotion must provide details to The Licensing Section of the Environmental Health Service and Trading Standards Service.

Statement of Licensing Policy Objectives Relating to Crime and Disorder

- LP1 In an application, the Licensing Authority will require the operating schedule to satisfactorily address issues from the design of the premises through to the daily operation of the business. In particular, the Licensing Authority will require the operating schedule to contain details of the steps the licensee will take to prevent crime and disorder, anti-social behaviour and under-age drinking.
- LP2 In an application for a premises licence, the Licensing Authority will not take an applicant's perception of need, (i.e. whether there is a commercial demand for such a premises), into account when considering a licence application.
- LP3 Any applications must state what type of operation they propose to carry out and their target customer. The applicant must be able to produce indisputable evidence that the operation they propose is essential for that location.
- LP4 Where it is considered appropriate, the Licensing Authority will attach conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside premises. These may include conditions drawn from the Model Pool of Conditions relating to 'Crime and Disorder' issued by Department of Culture Media and Sport (Appendix 2).
- LP5 All new premises and those undergoing a refurbishment must install a CCTV system with a high level of definition appropriate to current technology. The system must be installed to at least the nationally recognised standard, and, as a minimum, operate at all times that the premises is open to the public. Once installed, the system is to be maintained to ensure a satisfactory picture quality. Records and tapes are to be retained for at least one month.
- LP6 Staff in on-licence premises, particularly premises having outside seating areas and catering facilities, must ensure that all glasses, crockery and cutlery are cleared away promptly. Bottles must not be allowed to accumulate on tables. Refuse, gas cylinders and empty bottles must be stored in secure storage areas, preferably a locked site, with no public access. Refuse disposal contracts must be maintained, with sufficient collections to prevent refuse accumulating. Glass drinking vessels must not be used in beer gardens, on-street drinking areas and in other licensed outdoor spaces.
- LP7 If any licence holder is found to be disregarding the Licensing Act 2003 and other legislation relating to the running of the premises or the employment of staff, e.g. selling alcohol to minors, selling counterfeit goods or illicit alcohol, promoting unlawful activities, e.g. promoting pirate radio and holding raves or promoting events using posters or flyers, non-payment of due taxes, duties, etc., their personal licence and the premises licence will be considered for immediate revocation.

LP8 Accordingly, where this policy addresses the general impact of the number of licensed premises on an area, it should not impose quotas that restrict the consideration of any application on its individual merits or which seek to impose limitations on trading hours in particular areas.

6. Public Safety

Background and Guidance on Public Safety Issues

- 6.1 The Act covers a wide range of premises that require licensing, including, cinemas, theatres, nightclubs, public houses, cafes, restaurants and fast food outlets and takeaways.
- 6.2 Each of these premises has a variety of potential risks, many common to all premises and others specific to a particular type. It is essential to safeguard occupants, employees and patrons against these risks, including health and safety and food issues.
- 6.3 Possession of firearms and use of firearms in the commission of crime appears to be on the increase, especially in relation to organised drug dealing. In order to protect the safety of the public and to promote understanding between the police and the Council, the Council should be kept aware of any premises known to the police to be persistent drugs offenders. The Council and the police will co-operate with each other in drug enforcement.
- 6.4 Transport, particularly late at night and in the early hours of the morning, is insufficient for people visiting many of the venues in the Borough. The Council will continue to lobby the Mayor of London and Transport for London to ensure that the Integrated Transport Policy includes Havering and highlights the problems it has already encountered.
- 6.5 In the 'Home Office Research Study 262 – Drunk and Disorderly: a qualitative study of binge drinking among 18- to 24-year-olds', late night revellers have expressed concern that once pubs and clubs shut, they are turned out onto the street. Rather than going straight home, what they would like would be a 'chill-out' time and area. Roughly for about an hour after the premises stops serving alcohol and the entertainment finishes, the premises would offer a quiet area with sofas and soft drinks and coffee available for purchase. This stops a rush for taxis as premises close, the customers drift out when they are ready to leave.
- 6.6 In order to protect public safety, controlling the number of off-licences and mini-marts in Havering, especially those known to cause problems, has become a priority. Especially those premises that have a history of encouraging under-age sales causing associated problems.
- 6.7 The Government has published its 'Alcohol Harm Reduction Strategy' that has identified a number of initiatives and priorities that may assist in the promotion of the licensing objectives. The Council has taken due regard of the strategy in preparing this Statement of Licensing Policy.
- 6.8 The Licensing Authority is aware that CCTV has a major role to play in crime prevention and in the control of public safety. Licensees are

referred to the Home Office Development and Practice Report 7: National evaluation of CCTV: early findings on scheme implementation – effective practice guide.

- 6.9 In off licences and mini markets, the Licensing Authority expects the Designated Premises Supervisor to undergo suitable training to ensure they fully understand the legal requirements of their position and to have had suitable experience, to the satisfaction of the Licensing Authority.
- 6.10 Whenever security operatives are employed at licensed premises they must be either registered by the local authority (until April 2005) or licensed by the Security Industry Authority. Competent and professional door supervisors are key to public safety and their provision is an action point for the leisure industry to consider as part of the alcohol Harm Reduction Strategy.
- 6.11 Licence holders that directly employ security operatives must be licensed by the SIA as a supervisor/manager.
- 6.12 Licence holders must be able to demonstrate that they have considered:
- Recruiting SIA licensed door staff from a reputable company with SIA Approved Contractor status,
 - The measures to be taken and the procedures in place to check the SIA register of licensed door staff to ensure their premises and customers are only protected by door staff holding SIA licenses.
- 6.13 In licensed premises operating beyond the normal operating hours for public transport, the premises licence holder is to consider and demonstrate that they have considered transportation for patrons leaving their establishment. Where necessary, this may include installation of telephone links to licensed taxis and licensed private hire vehicles.
- 6.14 The Licensing Authority will have regard to Chapter 7 Paragraph 7.28 of the Guidance in relation to competency of management, either the Designated Premises Supervisor or personal licence holders appointed by the DPS.

Statement of Licensing Policy Relating to Public Safety

- LP9 Operating Schedules must satisfactorily address Public Safety, including fire safety, issues and applicants are advised to seek advice from the Licensing Authority, Police Licensing Officers and the London Fire and Emergency Planning Authority before preparing their plans and Schedules.

- LP10 An applicant for a personal licence must be in possession of a licensing qualification accredited by the Secretary of State or is a person of a description prescribed by the Secretary of State by statutory instrument. The list of suitable qualifications includes those obtained in Scotland, Northern Ireland and a European Economic Area (EEA) State.
- LP11 The Licensing Authority will consider attaching conditions to licences and permissions to promote safety, and these may include conditions drawn from the Model Pool of Conditions relating to 'Public Safety' (Appendix 3) and 'Cinemas and Fire Safety' (Appendix 4).
- LP12 If premises licensed by the Licensing Authority employ door supervisors, these must be registered with the Council (until April 2005) or licensed by the Securities Industry Authority. Door staff must have the ability to communicate sufficiently with patrons and the emergency services, particularly in an emergency.
- LP13 Any premises that wishes to introduce chill-out facilities may be offered additional hours on their Regulated Entertainment Licence to account for the extra time for the chill-out period. However, there will be no music or dancing or sale of alcohol during this time. The licence will stipulate that the extra time is for chill-out only.
- LP14 The Council wishes to reduce the prevalence of drugs on our streets and reduce the number of young people developing a drug dependency. To achieve this, the Licensing Authority will seek to revoke the licence of any licensed premises found to have a persistent drugs problem and any personal licence holder found to be condoning the use of drugs.
- LP15 A Personal Licence Holder must be on the premises at all times that licensable activities are being undertaken. Where circumstances require it, the Licensing Authority have the right to impose conditions as it thinks fit

7. Prevention Of Nuisance

Background and Guidance on Prevention of Nuisance Issues

- 7.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 7.2 Fly-posting and the distribution of flyers have been a major problem in the Borough for many years. With the increase in the number of

premises, there has been a corresponding increase in the amount of fly-posting.

- 7.3 Many licensees operating off-licences experience problems of intimidation, rowdy behaviour and rubbish caused by groups of youths loitering outside their premises.
- 7.4 The concerns of many residents and businesses mainly relate to noise nuisance, light pollution, odours and rubbish and due regard will be taken on the impact these may have.
- 7.5 In addition to existing powers under the Environmental Protection Act 1990 and other public health legislation, under the provisions of the Anti-Social Behaviour Act 2003, noise from any licensed premises that causes a nuisance may result in the Council using its powers to issue a 'Closure Order' in respect of the noise. This order is effective for up to 24hours.
- 7.6 Convenience stores and small supermarkets that apply to operate part of the premises as an off licence will have the area defined for the display of alcohol, with spirits being on sale only behind the counter. No more that 25% of the total stock area is to be given over to alcohol sales. This is to preserve the character of the premises and ensure that the sale of alcohol does not become the main activity.
- 7.7 The licence holder must have regard to the Department of Environment, Food and Rural Affairs (DEFRA) consultation paper "Voluntary Code of Practice for the Food Industry – Options for reducing fast food litter and waste in the local environment."

Statement of Licensing Policy Relating to Prevention of Nuisance

- LP16 Operating Schedules must satisfactorily address the issues relating to prevention of nuisance, where they relate to the business. Applicants are advised to seek advice from the Environmental Health Services Licensing staff before preparing their plans and operating schedules.
- LP17 The Licensing Authority will consider attaching conditions to licences and permissions to prevent public nuisance, and these may include conditions drawn from the Model Pool of Conditions relating to 'Public Nuisance' (Appendix 5).
- LP18 The Licensing Authority will consider each application for a Premises Licence and take into account the particular location and whether it has the potential to cause a nuisance.
- LP19 Where it is proposed to alter the layout of a licensed premises, including altering the capacity of the premises, the licence holder must

notify the Licensing Authority prior to the works commencing. This is to ensure that the proposed alterations are acceptable to the Licensing Authority and the operating schedule must be updated to reflect these changes.

- LP20 Fly-posters usually only advertise specific premises, as the Designated Premises Supervisor (DPS) of the premises in question is responsible for the way their premises are being run, they are also responsible for the way their premises are advertised. Consequently, the DPS will be liable to any costs incurred by the Council for the removal of any advertising found in unauthorised positions. Premises found to offend persistently may risk having their premises licence being revoked. The DPS may risk having their personal licence being revoked.
- LP21 Premises offering off sales must install CCTV, focusing on the alcohol display area to prevent theft and restricting spirit sales so that customers cannot reach the bottles. Plans must show the layout and position of the CCTV cameras.
- LP22 Premises that apply for 24 hour opening must be able to demonstrate that there are no planning restrictions that apply to the premises. Also, they must be able to show in their operating schedule how they propose to restrict nuisance caused to local residents from noise, disturbance and anti-social behaviour.

8. Protection of Children from Harm

Background and Guidance to Protection of Children from Harm Issues Access to Licensed Premises

- 8.1 The wide range of licensed premises means that children can be expected to visit many of these, often on their own, for a variety of reasons.
- 8.2 The Act details a number of offences designed to protect children in licensed premises and the Council will work closely with the Police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.
- 8.3 Development and implementation of the "In Touch" computer system or similar system for client recognition. This involves the maintenance of a client database based on fingerprint recognition. Positive identification of a fingerprint produces a photograph and personal details that can be verified. Any known troublemakers can be identified and refused entry to an establishment. Both the Police and the Council approve of such a database and advocate its use, especially within Romford Town Centre.

- 8.4 While the Act does not prohibit children from having free access to any licensed premises, the Licensing Authority recognises that restrictions may need to be imposed where it appears that children need to be protected.
- 8.5 The Licensing Authority may consult with the appropriate Child Protection Agency on any application that may cause concern over access for children.
- 8.6 The following are examples of premises that will give rise to serious concerns that may lead to a licence application being refused and an existing licence being revoked:
- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking,
 - where there is a known association with drugs,
 - where there is gambling on the premises,
 - where entertainment of an adult or sexual nature is provided.

Access to Cinemas

- 8.7 Films cover a vast range of subjects, some of which deal with adult themes and may contain scenes of horror or violence that may be considered unsuitable for some children.
- 8.8 In order to prevent children from seeing such films, the Licensing Authority will impose conditions requiring licensees to restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Censors (BBFC). However, where local opinion objects to the film classification recommended by the BBFC, the Licensing Authority reserves the right to apply its own classification to the film, independent of the BBFC classification.
- 8.9 The current film classifications are:
- U – Universal. Suitable for audiences aged four years and over.
 - PG – Parental Guidance. Suitable for general viewing but some scenes may be unsuitable for some children.
 - 12A – Suitable for audiences aged 12 years or older, but any child younger than 12 years must be accompanied by an adult.
 - 15 – Suitable only for an audience aged 15 years and over.
 - 18 – Suitable only for an audience aged 18 years and over.

Children and Regulated Entertainment

- 8.10 Many children go to see and/or take part in an entertainment arranged especially for them. For example, children's film shows, school productions where tickets are for sale to the general public and dance and drama and additional arrangements are required to safeguard them while at the premises.

- 8.11 Where children are taking part in any regulated entertainment the Licensing Authority will require the arrangements set out in any relevant guidance notes.
- 8.12 The Licensing Authority would expect premises to adopt a 'No Smoking' Policy in designated areas specifically set aside for the exclusive use of children.
- 8.13 No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee. Where there is any doubt about a person's age, a reliable means of identification must be demanded by staff employed at licensed premises. This may include either a current passport, or a driving licence containing a photograph or a proof of age card endorsed by the Proof of Age Standards Scheme (PASS).

Statement of Licensing Policy Relating to Protection of Children from Harm

- LP23 Licensees must include in their operating schedules details of how they will enforce good practices, especially with regard to the protection of children from harm. These measures must include issues such as staff training to determine whether a customer is under age and asking for suitable proof of age. Suitable means of determining age are either identity cards, photo ID's or proof of age cards endorsed by PASS. Documents such as passports and photo-driving licenses are also acceptable, In all cases, the means of identification must contain a photograph of the card-holder. However, the documents must be originals. Photocopies and student identity cards are not acceptable because they can be easily forged.
- LP24 The Licensing Authority will consider attaching conditions to licences and permissions to protect children from harm. These may include conditions drawn from the Model Pool of Conditions relating to the 'Protection of Children from Harm' (Appendix 6).
- LP25 The Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to protect children from harm:
- Limitations on the hours when children may be present,
 - Limitations on ages below 18,
 - Limitations or exclusion when certain activities are taking place,
 - Requirements for a child to be accompanied by a responsible adult,
 - Full exclusion of people under 18 from the premises when any licensable activities are taking place.

- LP26 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises.
- LP27 Operating schedules must address issues relating to the protection of children from harm.
- LP28 No licensed premises will be allowed to exhibit an advertisement likely to cause children harm. If they wish to exhibit such an advertisement, it is to be shown where children are not admitted. Any advertisements must comply with the legal standards for advertising.
- LP29 Where a regulated entertainment is specially presented for children, the Licensing Authority will require the following arrangements in order to control their access and exit and to assure their safety:
- an adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof,
 - no child unless accompanied by an adult to be permitted in the front row of any balcony,
 - no standing to be permitted in any part of the auditorium during the performance,
 - adopting a 'No Smoking' policy where a performance is specifically for children.
- LP30 Where the Licensing Authority disagrees with the category assigned to a film by the BBFC, it shall, if it thinks fit, alter such category or prohibit the showing of the film within the Borough.

9. Licensing Hours

Background and Guidelines on Licensing Hours Issues

- 9.1 The Licensing Authority recognises that where there are no planning restrictions relating to the hours of operation of a licensed premises, longer licensing hours for the sale of alcohol would avoid large numbers of people leaving the premises at the same time. This could reduce friction at late night fast food outlets, taxi ranks, private hire vehicle offices and other sources of transport that can lead to disorder and disturbance.
- 9.2 Having fixed trading hours could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the attendant concentration of disturbance and noise. This would treat residents in one area less favourably than those in another. Additionally, this could cause the peaks of disorder and disturbance that the Act is trying to avoid.

- 9.3 The Licensing Authority will deal with the issue of licensing hours having due regard to the individual merits of each application.

Shops, Stores and Supermarkets

- 9.4 However, the Licensing Authority may consider there are very good reasons for restricting the hours of trading, for example, where police representations made in respect of isolated shops known to be the focus of disorder and disturbance.
- 9.5 The Licensing Authority expects that the Designated Premises Supervisor to be in day to day control of the premises and present for part of it. The Licensing Authority may impose conditions to achieve that result.

Petrol Stations

- 9.6 If the principal business of the premises is the sale of fuel for motor vehicles, then that premises is recognised as a petrol station and cannot hold a premises licence. Where the principal business is regarded as the sale of goods other than fuel for motor vehicles, the premises is not recognised as a petrol station and can apply for a premises licence. It is the responsibility of any premises to demonstrate the principal business of the premises. The purpose of this guidance is to prevent drinking and driving offences..

Statement of Licensing Policy Relating to Licensing Hours

- LP31 Fixed trading hours within designated areas will not be set. The Licensing Authority will look at each individual application for an increase in trading hours. In consultation with the responsible authorities the Licensing Authority will come to a decision about whether the increase in hours is of benefit to the members of the business and residential communities in the local vicinity.
- LP32 The Licensing Authority will take into consideration the imposition of stricter conditions in relation to noise control where premises are situated in, or are in the proximity of, mainly residential areas.
- LP33 The operating hours of licensed premises may be restricted by the availability of public transport.
- LP34 The Licensing Authority will consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises throughout the period they are open for trade.
- LP35 Designated Premises Supervisors must be in day to day supervision of the premises and be present for part of it.

LP36 The Licensing Authority will not consider an application for a premises licence from any premises whose primary role is the sale of fuel for motor vehicles.

10. Integrating Strategies and Avoiding Duplication

Background and Guidelines on Integrating Strategies Issues

- 10.1 There are many stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance.
- 10.2 Many of their strategies deal in part with the licensing function, and the Council will set up multi-disciplinary working groups to ensure proper integration of local crime prevention, planning, transport, tourism and cultural strategies.
- 10.3 The Council will agree protocols with the Police to enable them to report to the Committee responsible for transport matters on the need for the swift and safe dispersal of people from the town centre to avoid concentrations which can produce disorder and disturbance.
- 10.4 This is to ensure that all relevant information is available to the Committees when reaching their decision on either the need for a particular premises in a specific vicinity or the application to alter the licensing conditions.
- 10.5 The Licensing Authority recognises that there should be a clear separation of the planning and licensing regimes and licensing applications must not be a re-run of the planning application.
- 10.6 The Licensing Authority will ensure that regular reports are sent from the Licensing Committee to the Planning Committee advising them of the situation regarding licensed premises in Havering, including the general impact of alcohol related crime and disorder to assist them in their decision-making.
- 10.7 The Licensing Authority recognises the need to avoid so far as possible duplication with other regulatory regimes.
- 10.8 The Licensing Authority will ensure that the goals of this statement of licensing policy is consistent with the aims and goals of the Urban Strategy, Planning and any other Council policy or the policies of its Community Safety partners.

Statement of Licensing Policy Relating to Integrating Strategies

LP37 Arrangements will be made for the Licensing Committees to receive regular and up to date reports by responsible authorities and relevant organisations on the following matters to ensure these are reflected in their decisions:

- the needs of the local tourist economy and cultural strategy for the Borough, and,
- the employment situation in the Borough and the need for investment and employment, where appropriate.

LP38 The unique circumstances of some regulated entertainments are not covered by specific regulation. The Licensing Authority will attach conditions to premises licences and club premises certificates, where these are necessary for the promotion of the licensing objectives and are not already provided for in any other legislation.

LP39 An application to licence a business to provide a regulated entertainment such as lap-dancing, table-dancing and pole-dancing would, initially, be subject to consultation. If granted, the licence would be subject to conditions specified in Appendix 7 in addition to those specified in appendices 2 to 6. The extra conditions would specify measures to be taken to protect performers from interference from clients, prohibit access to minors and to ensure no performance can be seen from outside the premises.

11. Standard Conditions

Statement of Licensing Policy Relating to Standard Conditions

LP40 Conditions attached to licences or certificates will be tailored to the individual style and characteristics of the particular premises and events concerned.

LP41 Where it is considered appropriate and necessary for the promotion of the Licensing Objectives, the Licensing Authority will attach conditions drawn from the relevant Model Pools of Conditions set out in Appendices 2 to 7.

12. Enforcement

Background on Enforcement Issues

12.1 The Council will work closely with their Community Safety partners to establish protocols to ensure an efficient deployment of Police and Council Officers engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that resources are targeted at problem and high-risk premises.

Statement of Licensing Policy Relating to Enforcement

LP42 Once licensed, premises must be maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act and also the licence and any conditions attached to the licence. The Licensing Authority will make arrangements to monitor premises and take appropriate enforcement action to ensure this.

LP43 Where it is found that the terms of this policy are not being adhered to or are being ignored, the Licensing Authority may seek to revoke or vary a premises licence and to revoke a personal licence.

13. Live Music, Dancing and Theatre

Background and Guidance on Live Music, Dancing and Theatre Issues

13.1 In its role of implementing local authority cultural strategies, the Council recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community, particularly for children.

13.2 The Licensing Authority will consider the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.

13.3 When a licence holder proposes to hold a temporary event, they will be expected to develop and produce a risk assessment for the event.

13.4 When a licence holder proposes to hold a temporary event, they will be expected to notify all the relevant authorities at least 28 days before the date of the event.

Statement of Licensing Policy Relating to Live Music, Dancing and Theatre

LP44 When considering applications for Regulated Entertainment events and the imposition of conditions on licences or certificates, the Licensing Authority will carefully balance the cultural needs with the necessity of promoting the licensing objectives.

LP45 The Licensing Authority will continually monitor the impact of licensing on the provision of Regulated Entertainment, particularly music and dance. This is ensure that only necessary, proportionate and reasonable licensing conditions are imposed and these do not restrict such Regulated Entertainments.

LP46 The Council will take progressive measures to ensure that everyone can participate in the cultural life of the community and enjoy the arts in compliance with Article 15 of the International Covenant on Economic, Social and Cultural Rights 1976.

14. Administration, Exercise and Delegation Of Functions

Background and Guidance on Administration, Etc. Issues

- 14.1 This form of delegations is without prejudice to Staff referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case.
- 14.2 The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 14.3 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with them.
- 14.4 Where the responsible authorities and interested parties do not raise any representations about the application made to the Licensing Authority, it is the duty of the Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the Licensing Act 2003. (Chapter 7 Paragraph 7.4)
- 14.5 Therefore, the Licensing Authority may not impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It may then only impose conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations. However, in order to minimise problems and the necessity for hearings, it would be sensible for applicants and clubs to consult with responsible authorities when schedules are being prepared. This would allow for proper liaison before presentations prove necessary. (Chapter 7 Paragraph 7.5)
- 14.6 With many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made, has been delegated to Environmental Health Service Licensing staff. All such matters dealt with by Licensing staff will be

reported for information and comment only to the next ordinary meeting of the Licensing Committee.

- 14.7 If you wish to either obtain information, or require advice on any matters relating to this Statement of Licensing Policy, or need to obtain advice regarding the need to apply for a licence, you should contact:

The Licensing Team
Commercial Section
Environmental Health
Environmental Management & Regulation
London Borough of Havering
Mercury House, Mercury Gardens
Romford
Essex
RM1 3SL

Telephone: 01708 432738
Fax: 01708 432554
E-mail: Environmental.health@Havering.gov.uk
Website: www.Havering.gov.uk

- 14.8 The following Table of Delegations of Licensing Functions sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committees and Staff (Appendix 1).

Statement of Licensing Policy Relating to Administration, Etc.

- LP47 Any personal licence holder found to be ignoring any requirement relating to the administration, exercise or delegation of functions risk revocation of their personal licence and also the premises licence.
- LP48 The Licensing Authority may impose such conditions as to the regulation of premises, as are appropriate in the circumstances, to ensure that the licensing objectives are achieved.

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		All 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 person licence holder	If a police Representation		All other cases
Request to be removed as designated personal licence holder			All 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 complaint irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority a consultee and not the lead authority		All cases	
Determination of a police representation to a temporary event notices		All cases	
Revocation of Personal Licence	All cases		
Revocation of Premises Licence	All cases		

Conditions relating to the prevention of crime and disorder

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 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.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when licensing authorities are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options should be considered as measures which, if necessary, would promote the prevention of crime and disorder.

Whether or not any risk assessment shows these options to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should also be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

Under no circumstances should the following measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of possible conditions drawn from experience relating to differing situations and to offer guidance.

Any individual preparing an 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, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Text/Radio pagers

Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Such pagers provide two-way communication, both enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police. They enable the police to warn those operating a large number of other premises of potential troublemakers or individuals suspected of criminal behaviour who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that text or radio pagers should be considered appropriate necessary conditions for public houses, bars and night clubs operating in city and town centre leisure areas with a high density of licensed premises. Following individual consideration of the particular circumstances of the venue, such conditions may also be appropriate and necessary in other areas for the prevention of crime and disorder.

It is recommended that a condition requiring the text/radio pager links to the police should include the following elements:

- a requirement that the text/pager equipment is kept in working order at all times;
- a requirement that the pager link be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- a requirement that any police instructions/directions are complied with whenever given; and
- a requirement that all instances of crime or disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

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 of venues prone to such queuing.

Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with the number of such 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 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 (see Annex 3).

Bottle bans

Glass bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises.

It is recommended that a condition requiring that no sales of beverages in glass bottles for consumption on the premises should be expressed in clear terms and include the following elements:

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
- no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place);

In appropriate circumstances, the condition could include exceptions, for example, as follows:

“but bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.”

Plastic containers and toughened glass

Glasses containing drinks may be used as weapons during incidents of disorder and in untoughened form, can cause very serious injuries. Consideration could therefore be given to conditions requiring either the use of plastic containers or toughened glass which inflicts less severe injuries

where considered necessary. Location and style of the venue and the activities carried on there would be particularly important in assessing whether 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 also 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.

It should be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety (see Annex 3).

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may 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 should 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). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

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 the 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 should not only specify these areas, but also indicate the circumstances in which the ban would apply and times at which it should be enforced.

Capacity limits

Although most commonly made a condition of a licence on public safety grounds, consideration should 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 should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

Proof of age cards

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 should 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 Secretary of State strongly supports the PASS accreditation system (see paragraph 12.8 of the Guidance) which aims to approve and accredit various proof of age schemes that are in existence.

This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences and passports.

It should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought.

For example, the requirement might be to ensure sight of evidence of age from any person appearing to those selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This would ensure that most minors – even those looking older – would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.

Crime prevention notices

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime, which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could

be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Drinks promotions

Standardised conditions should not be attached to premises licences or club premises certificates which promote fixed prices for alcoholic drinks. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind. This can risk creating cartels. Using conditions to control the prices of alcoholic drinks in an area may also breach competition law. Conditions tailored to the individual circumstances of particular premises which address irresponsible drinks promotions may be permissible provided they are necessary for the promotion of the licensing objectives, but licensing authorities should take their own legal advice before a licence or certificate is granted in that form. Judgements may be subjective, and on occasions, there will be a very fine line between responsible and irresponsible promotions but an even greater distinction to whether the promotion in question can be subject to the imposition of a condition. It is therefore vital that such matters are considered objectively in the context of the licensing objectives and with the benefit of appropriate legal advice.

In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or discounting and levels of crime and disorder on or in the vicinity of the premises, it would be appropriate for the licensing authority to consider whether the imposition of a new condition prohibiting irresponsible sales promotions or discounting of prices of alcoholic beverages is necessary at those premises. However, before pursuing any form of restrictions at all, licensing authorities should take their own legal advice.

Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)

Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), 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.

Where necessary and appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises (if not volunteered by the venue operator and following representations on such grounds) which require adherence to:

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit.

Conditions relating to public safety (including fire safety)

It should be noted that conditions relating to public safety should be those which are necessary, in the particular circumstances of any individual premises or club premises, and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Fire Precautions (Workplace) Regulations 1997 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks. Conditions enforcing those requirements would therefore be unnecessary.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote public safety. Additional matters relating to cinemas and theatres are considered in Annex 4. It should also be recognised that special issues may arise in connection with outdoor and large-scale events.

Whether or not any risk assessment shows any of the measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

In addition, to considering the points made in this Annex, those preparing operating schedules or club operating schedules, licensing authorities and responsible authorities should consider:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6

- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804

- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through: www.streetartsnetwork.org/pages/publications

- The London District Surveyors Association’s “Technical Standards for Places of Public Entertainment” ISBN 0 9531229 2 1

The following British Standards should also be considered:

- BS 5588 Part 6 (regarding places of assembly)
- BS 5588 Part 9 (regarding ventilation and air conditioning systems)
- BS 5588 Part 9 (regarding means of escape for disabled people)
- BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

However, in consulting these texts, which were prepared prior to the coming into force of the Licensing Act 2003, those creating operating schedules or club operating schedules, licensing authorities and responsible authorities should again note that under no circumstances should any conditions be regarded as standard for all premises.

Any individual preparing an operating schedule or club 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, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Disabled people

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- disabled people on the premises are made aware of those arrangements.

Escape routes

It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- all exits doors are easily openable without the use of a key, card, code or similar means;
- doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- any removable security fastenings are removed whenever the premises are open to the public or occupied by staff;
- all fire doors are maintained effectively self-closing and shall not be held open other than by approved devices (for example, electromagnetic releases operated by smoke detectors);
- fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut; and
- the edges of the treads of steps and stairways are maintained so as to be conspicuous.

Safety checks

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- safety checks are carried out before the admission of the public; and
- details of such checks are kept in a Logbook.

Curtains, hangings, decorations and upholstery

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- hangings, curtains and temporary decorations are maintained in a flame-retardant condition;
- any upholstered seating meets on a continuous basis the pass criteria

for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990;

- curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment; and
- temporary decorations are not used without prior notification to the licensing authority/fire authority.

Accommodation limits

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded; and
- the licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

Fire action notices

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration.

Outbreaks of fire

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- the fire brigade must be called at once to any outbreak of fire, however slight, and the details recorded in a Fire Logbook.

Loss of water

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- the local Fire Control Centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

Access for emergency vehicles

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- access for emergency vehicles is kept clear and free from obstruction.

First aid

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- adequate and appropriate supply of first aid equipment and materials is available on the premises;
- if necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

Lighting

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- in the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present;
- fire safety signs are adequately illuminated;
- emergency lighting is not altered;
- emergency lighting batteries are fully charged before the admission of the public, members or guests; and
- in the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end

of which the public should have left the premises is one hour.

Temporary electrical installations

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- temporary electrical wiring and distribution systems are not provided without [notification to the licensing authority at least ten days before commencement of the work] [prior inspection by a suitable qualified electrician];
- temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909; and
- where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

With regard to the first bullet above, it should be recognised that ten days notice may not be possible where performances are supported by outside technical teams. For example, where temporary electrical installations are made in theatres for television show performances. In such circumstances, the key requirement is that conditions where necessary should ensure that temporary electrical installations are only undertaken by competent qualified persons, for example, employed by the television company.

Indoor sports entertainments

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- if necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature;
- where a ring is involved, it is constructed and supported by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame-retardant;
- at any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring; and
- at water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of

the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

Alterations to the premises

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition relating to public safety in question. The applicant will need to propose in a new operating schedule reflecting the proposed alteration to the premises how he or she intends to take alternative steps to promote the public safety objective. The application for variation will enable the responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

Special effects

The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Special effects, which should be considered, include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority or [inspection by] the fire authority.

Theatres, cinemas, concert halls and similar places (promotion of public safety)

In addition to the points made in Annex 2, there are particular matters in the context of public safety and fire safety which should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and should be established through risk assessment and standardised conditions should be avoided. The following points are for consideration and do not represent a mandatory list.

Premises used for closely seated audiences

Attendants

(a) The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
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)

(b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.

(c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).

(d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.

(e) No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.

(f) 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.

Standing and sitting in gangways etc

- (a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.

- (b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.

- (c) In no circumstances shall anyone be permitted to-
 - (i) sit in any gangway;
 - (ii) stand or sit in front of any exit; or
 - (iii) stand or sit on any staircase including any landings.

Drinks

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony Fronts

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

Special effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff. 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 (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority or [inspection by] fire authority.

Scenery

Any scenery should be maintained flame-retardant.

Safety curtain

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

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non-combustible material or inherently or durably treated flame-retarded fabric.

Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide when a

further inspection would be necessary and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

Premises used for film exhibitions

Attendants - premises without a staff alerting system

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

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1 - 250	Two

And one additional attendant for each additional 250 members of the audience present (or part thereof)

Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor
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Attendants – premises with a staff alerting system

(a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience 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 - 500	Two	One
501 - 1000	Three	Two
1001 - 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

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

- (i) the holder of the premises licence or the manager on duty at the premises; 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 go on being alerted to an emergency situation.

(c) Attendants shall as far as 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 audience have access.

(d) The staff alerting system shall be maintained in working order.

Minimum lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

Flammable films

No flammable films should be allowed on the premises without the prior notification of the licensing authority/fire authority.

Conditions relating to the prevention of public nuisance

It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote the prevention of public nuisance.

Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for licences and certificates will also depend on local knowledge of the premises.

Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted (other than where they are protected by the transitional provisions of the Licensing Act 2003) by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which results from artificially early fixed closing times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public as such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is

open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

Noise and vibration

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises;
- prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- the placing of refuse – such as bottles - into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might 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. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

Conditions relating to the protection of children from harm

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

Access for children to licensed premises - in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for individual licensing authorities. Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the licensing authority considers it necessary to protect children from harm. Whilst applications in relation to premises licences and club premises certificates must be judged by licensing authorities on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- for any premises with known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
 - explain their reasons; and
 - outline in detail the steps that they intend to take to protect children from harm on such premises,
 - for any premises, not serving alcohol for consumption on the premises,

but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.
- in any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

Age Restrictions – specific

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities following relevant representations made by responsible authorities and interested parties will need to consider a range of conditions that are to be tailored to the particular premises and their activities where these are necessary.

Licensing authorities are expected to consider:

- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- types of event or activity in respect of which no age restrictions may be needed, for example;

- family entertainment; or
- non-alcohol events for young age groups, such as under 18s dances,
- Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example;
 - during “Happy Hours” or on drinks promotion nights;
 - during activities outlined in paragraph 1 above.

Age restrictions – cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of section 20, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 or by the licensing authority itself, conditions restricting the admission of children to film exhibitions should include:

- a condition that where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- a condition that when films are classified, by either the film classification body as specified in the licence or the licensing authority, they should be classified in the following way:
 - 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,
- that conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on 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 advertising a film, of the statement approved by the Board indicating the classification of the film;
- a condition that when a licensing authority has made a recommendation on the restriction of admission of children to a film,

notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

“Where a programme includes a film recommended by the licensing authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 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 parent or legal guardian has first been obtained.”

Theatres

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities.

The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

Licensing authorities are also expected to consider whether a condition should be attached to a premises licences which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency (See Annex 4).

Performances especially for children

Where performances are presented especially for unaccompanied children in theatres and cinemas, conditions are anticipated to be needed which require:

- an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Licensing authorities are expected, having regard to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show.

Licensing authorities should familiarise themselves with the requirements of these Regulations and not duplicate any of these requirements. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority should consider the matters outlined below.

- Venue – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- Fire safety – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- Special effects – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- Care of children – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's

packaging or point-of-sale advertising is found to be in breach of the Code, the

Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.

Where appropriate and necessary, consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

Proof of Age cards

Proof of age cards is discussed under Annex 2 in connection with the prevention of crime and disorder. However, where necessary and appropriate, a requirement for the production of proof of age cards before any sale of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm. Any such requirement should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences and passports. The Secretary of State strongly supports the PASS accreditation system (see paragraph 12.8 of the Guidance) which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photodriving licences, student cards and passports. As for conditions relating to crime and disorder, it should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This would ensure that most minors – even those looking older – would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.

Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

Conditions relating to specific premises, for example lap-dancing venues

The Licensing Authority considers that additional safeguards need to be in place for the protection of the performers and the vulnerable, in particular children, who may resort to premises offering this type of entertainment. Consequently, the Licensing Authority has drawn up, in this Appendix, conditions in addition to those mentioned in Appendix 2 – 6.

Generally, performers are usually presented on an on-going basis. Depending on the venue, performers dance individually either on a stage or a podium and there may be concurrent performances to customers at tableside and in booths. Dances usually last for the duration of one record during which the performer removes their clothing to full nudity to coincide with the point at which both the record and performance end.

The Licensing Authority will look at each application to operate such premises on an individual basis. It will take into account the suitability of both the applicant and the premises when assessing the appropriateness of the application. The Licensing Authority will take into account how the premises are currently occupied and used, in addition to the development potential of the existing premises to meet the licensing conditions in all respects.

General

1. Physical changes to premises will be required including the construction of a separate performing area as dancing stations for the performers. There will be separate customer lounge areas, again with appropriate chairs and furnishings. Separate dance booths may also be provided. Any alterations must take place in consultation with the appropriate authorities and any requirements of the licensing authority.
2. A separate area will be provided for the dancers' own facilities with changing rooms, showers etc. A housemother is to be appointed and will be directly responsible for the dancers' welfare, times of arrival and departure, point of entrance to and exit from the club and ensure that dancers leave the club by a separate exit from that used by customers.
3. Dancers will be expected either to use known persons to collect them or taxis arranged through and known by the club managers. Dancers will not be permitted to leave the building with customers or to be given lifts by customers.
4. Rules of conduct for dancers and premises must be put in place and rigorously enforced. Dancers will all be subject to induction procedures, which will include familiarisation with house rules and general requirements of conduct. A copy of the proposed rules must be supplied to the authority and agreed beforehand. Dancers will be made aware that

rules apply not only during their performances but also during the entire time that they spend on the club premises.

5. A full training programme is to be provided for all staff, this is to include the recruitment and training of the dance team and the constant monitoring of dancers, staff and customers on an on-going basis in order to ensure the maintenance of high standards.
6. A full management team must be put in place supervised by the designated premises supervisor who will have all necessary personnel to carry out the management function including kitchen staff, bar staff, waitresses, door security and dancers. All security staff must either be registered by the Council or licensed by the Securities Industry Authority.
7. The provision of appropriate music by a disc jockey (DJ) is an integral part of the performance. The DJ controls the times of the record tracks, which determine the length of the dances (typically 3 to 4 minutes with a maximum of 5 minutes). The DJ will also call the names of the dancers throughout the evening to perform on the stage and on the podiums. The DJ must be trained to be aware of any unusual or incorrect behaviour by dancers, customers, members of staff or other persons on the premises. Similar training will be given to all other members of the staff including dancers so that there will always be a substantial security presence within the venue.
8. The premises must be equipped with close-circuit television both internally and externally and this arrangement will be run in consultation from time to time with the Licensing Authority, the Police and the Borough Crime Prevention Design Advisor with equipment being changed or up-graded as necessary.

Special Conditions: Stage, tableside and booth dancing

Premises

9. The outside appearance of premises offering this type of entertainment must be low key without obvious posters or signs advertising the use inside and with discreet signage. Music is to be played at a level, which permits conversation, and all necessary sound attenuation measures will be taken to ensure that no noise nuisance is caused to neighbours. Suitable air conditioning and/or ventilation will be provided.
10. There shall be no sexually explicit external advertising likely to cause offence as to the nature of the activity being held on the premises.
11. A clear copy of these conditions shall be exhibited at all times in or near the performers allocated changing areas. These conditions shall be protected against defacement.

12. A notice outlining conditions 6, 25 and 26 shall be clearly displayed at each customer's table and at the entrance to the premises.
13. Performances will only take place in designated areas of the premises. These areas are to be marked on plans deposited with the Licensing Authority. A performance must not take place outside the designated areas.
14. The entertainment and performance area shall not be visible from the highway (includes footways).
15. The premises will be equipped with a closed circuit television system.
16. No person other than the performers and authorised members of staff shall be permitted in the changing room(s).
17. No spouse, partner or friend of the performer shall be allowed in the performance area without the management's approval.
18. No photographic, filming, recording or electronic transmission of performances shall take place without the prior consent of the management.
19. To the extent that the law permits striptease, it shall be deemed in these conditions to apply to striptease by the lap/table dancer. On the days that entertainment includes striptease, only those performers engaged by (Company Name/ Licensee) shall be permitted to perform striptease.
20. Any performance will be restricted to dancing and the removal of clothes, there must not be any other form of sexual activity or the use of sex articles as defined in the Local Government (Miscellaneous Provisions) Act.
21. Striptease shall only be permitted at premises holding a premises licence, including the appropriate licence for regulated entertainment.
22. The premises licence holder must ensure that only Door Supervisors either registered with the Council or licensed by the Securities Industry Authority are employed at the premises.

Licensees

23. The licensee must ensure that all performers:
 - Provide documentation proving they are over 18 years of age,
 - Provide documentation proving they are legally entitled to work in the United Kingdom.

24. If the performers are provided by an agency, they must produce documentation as required in 13, above. Details of the agency and performer are to be retained.
25. The licensee must prepare personal files for all the performers, including agency staff. These must be retained for at least 6 months after their employment has been terminated. All personal files are to be made available to the staff of the Licensing Authority, upon request, if required for investigative purposes.

Performers

26. The Licensing Authority will enforce either a minimum distance of one metre between dancers and customers or a "no touching" rule which is unequivocal. Both the customer and dancer know that there must be no physical contact throughout the performance thus ensuring intimacy without contact. The only exception is either at the beginning or at the end of a performance, when the performer can accept money by the customer placing money in a garter worn by the performer, or accepting money from the customer's hand into the hand of the performer. No money must change hands during the performance. The licensee shall ensure that gratuities are not thrown at any performer.
27. The only time any physical contact is allowed with a customer is when the performer introduces him/herself (handshake/ kiss on the cheek) at the start of the performance and again at the conclusion of the performance, or when a tip may be given to the performer.
28. The striptease entertainment shall be given only by performers/entertainers who are engaged exclusively for that purpose and have been provided with a copy of the performance code of conduct by the Licensee.
29. No performer shall perform with or towards any other performer and shall make no physical contact with another performer.
30. Tableside performers must remain standing during a performance.
31. At the end of a performance, performers must re-dress before leaving the performance area.
32. No performer shall give or accept telephone numbers from members of the audience.
33. To ensure that no performer makes any arrangement to meet a customer they will be obliged to leave the venue by an exit approved by the management of the premises.
34. No performer shall be allowed to work if, in the judgement of the Licensee, they appear to be under the influence of illegal substances.

35. If performers are invited to have a drink with a customer the performer shall remain clothed during this period. No performance is to be undertaken during this time.
36. Performers shall be provided with changing room(s). The changing rooms are to include make up lighting and mirrors.
36. On those days where the entertainment is by way of striptease, only those performers engaged by the licensee of the premises or their representative shall be permitted to perform striptease.
37. The venue will ensure that dancers are either collected by known drivers or have a lift home with a friend or colleague. Performers will be supervised to their vehicles, either personally or by CCTV.

Customers

38. Should a customer touch a performer, the performer may issue a verbal warning. If this happens again the performer shall immediately withdraw and report the matter to the Duty Manager who will take the appropriate action. At no time will the performer respond physically to such provocation. The Duty Manager, who if necessary may be supported by a Door Supervisor, will deal with the situation.
39. No customer shall be admitted to the premises if, in the judgement of the Management, they appear to be under the influence of illegal substances.
40. All customers shall be made aware of the "house rules".
41. Whilst striptease is taking place no customer under the age of 18 shall be allowed on any part of the premises licensed for the sale of alcohol and a notice shall be displayed in clear terms at each entrance that "NO PERSON UNDER 18 YEARS OF AGE TO BE ADMITTED".

General

42. The Licensing Authority reserves the right to amend, alter and vary the conditions relating to these types of premises, as it thinks fit.

Useful contact Names and Addresses

[Details to be provided where not complete]

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

Telephone: 01708 432777
Fax: 01708 432554
E-mail: environmental.health@Havering.gov.uk
Website: www.havering.gov.uk

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

Telephone: 01708 779---

- 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

- Planning

- Building Control

- Gillian Balfe
Town Centre Manager
London Borough of Havering
Mercury House, Mercury Gardens
Romford
Essex

RM1 3SL
Telephone: 01708 432570
E-mail: gillian.balfe@Havering.gov.uk

- Streetcare

- Karen McKinnon
Community Safety Officer (Implementation)
Room 515, 5th Floor
Mercury House
Mercury Gardens
Romford
RM1 3SL

Telephone: 01708 432246
E-mail: karen.mckinnon@Havering.gov.uk

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

Telephone: 01708 771771

- Child Protection Agency
- 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
Website: www.the-sia.org.uk