

LICENSING COMMITTEE

AGENDA

| | | |
|---------------|------------------------------------|--------------------------------------------------|
| 6.00pm | Monday 12 November 2007 | Havering Town Hall Main Road, Romford |
|---------------|------------------------------------|--------------------------------------------------|

Members 10 : Quorum 4

COUNCILLORS:

Conservative Group

Peter Gardner (Chairman)
Georgina Galpin (V C)
Lynden Thorpe (V C)
Melvin Wallace (V C)
Robert Benham
Pamela Light

Residents' Group

John Mylod
Linda Van den Hende

Rainham Resident Group

Coral Jeffrey

Labour Group

Tom Binding

**For information about the meeting please contact: Taiwo Adeoye (01708) 433079
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NOTES ABOUT THE MEETING

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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 21 November 2006, and to authorise the Chairman to sign them.

5. APPROVAL OF HAVERING'S STATEMENT OF LICENSING POLICY FOR THE LICENSING ACT 2003 – Report attached

6. LICENSING PERFORMANCE INDICATORS 2007-2008 – Report attached

**Cheryl Coppel
Chief Executive**

**MINUTES OF A MEETING OF THE
LICENSING COMMITTEE
Havering Town Hall
21 November 2006 (7.30pm – 8.15pm)**

Present:

COUNCILLORS:

**Conservative
Group**

Georgina Galpin (in the Chair), Peter Gardner,
Pamela Light and Melvin Wallace

Residents' Group

Labour Group

Tom Binding

Apologies were received for the absence of Councillors Edward Cahill, Coral Jeffrey, Linda Van den Hende and John Mylod.

No Member declared an interest in the business before the meeting

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

All decisions were taken with no vote against

5 MINUTES

The minutes of the meeting held on 27 July 2006 were approved as a correct record and signed by the Chairman.

6 APPROVAL OF HAVERING'S DRAFT STATEMENT OF LICENSING PRINCIPLES FOR THE GAMBLING ACT 2005

The Committee received a report on the result of the consultation on Havering's Draft Statement of Principles for the Gambling Act 2005.

Under Section 349 of the Gambling Act 2005 were all licensing authorities to prepare and publish a statement of the principles that they proposed to apply in exercising their functions under the Act during the three year period of the policy.

The report outlined that a Licensing Authority must exercise their functions under the Gambling Act 2005 licensing objectives. The licensing objectives were:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way

Licensing Committee, 21 November 2006

- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

On 27 July 2006, the Committee had agreed the draft Statement of Principles for consultation. That statement was produced in accordance to the Gambling Commission's guidance to local authorities.

The Committee was informed that the consultation had lasted until 30 October 2006. The general concerns outlined in the report related to:

- The need for applicants for alcohol premises licences to supply plans of premises
- Codes of practice and
- Door supervision

Comments and changes had been considered in light of Government guidance and incorporated into the final version of the Statement of Principles, which is appended to these minutes.

The Committee noted that the Gambling Commission would be responsible for issuing Personal Licences and Operating Schedules while the Council would issue Premise Licences.

The Committee was informed that the Environmental Health Service, in conjunction with Financial Services, would determine fees to charge the applicants. The Committee requested to be briefed on the fees once determined.

The Committee commended the Licensing Divisional Manager for her work in drafting Statement of Principles.

RESOLVED

That the Committee recommend to Council that the Havering Draft Statement of Principles for the Gambling Act 2005 be adopted.

A copy of the Havering Draft Statement of principles for the Gambling Act 2005 is on display in the Members Resources Room.



| MEETING | DATE | ITEM |
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| Licensing Committee | 12 November 2007 | 5 |

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: Approval of Havering's Statement of Licensing Policy for the Licensing Act 2003

SUMMARY

This report is to advise the Licensing Committee of the results of the consultation of Havering's Draft Statement of Licensing Policy for the Licensing Act 2003.

RECOMMENDATION

That the Council be recommended to adopt the revised Statement of Licensing Policy.

REPORT DETAIL

1.0 Section 182 of the Licensing Act 2003 (hereafter termed 'the Act') requires all licensing authorities to prepare and publish a statement of Licensing Policy that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies. The current policy expires on the 7th January 2008.

1.1 The Statement of Licensing Policy has been reviewed and rewritten to include good practice, current guidance and experience from implementing the Act.

1.2 In exercising their functions under the Licensing Act 2003, Licensing Authorities must have regard to the licensing objectives. The licensing objectives are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

1.3 The Council is unable to enforce the Act until it has published its draft Statement of Licensing policy, carried out a consultation on the document and finally had the Statement of Licensing policy approved by full Council. Furthermore, it can only publish its Statement of Licensing Policy if it has paid due regard to guidance issued by the Government.

1.4 Havering's draft Statement of Licensing Policy was produced following the Department of Culture Media and Sport (DCMS) revised guidance to local authorities on the Licensing Act 2003.

1.5 The draft statement went for consultation to the following bodies as required by the Act

- The Chief Police Officer for the Borough
- The London Fire and Emergency Planning Authority
- Bodies representing local holders of premises licenses
- Responsible authorities as defined in the Act
- Residents in the borough

The consultees are listed in Annexe C.

The draft Statement of Licensing Policy was also published on the Havering website.

The consultation period lasted until the 20th October 2007. Comments have been received regarding CCTV, planning and the pool of conditions.

All of the comments have been considered in light of Government guidance and, where appropriate, incorporated into the final version of the Statement of

Licensing Policy, which is presented in *Annexe A* to this report. Some comments could not be included because they would not be covered by current legislation and others are covered by existing legislation which should not be duplicated in the Statement of Licensing policy. Changes that have been incorporated are presented in *Annexe B*.

Reasons for the decision

2.0 The Licensing Committee is requested to agree the contents of the Statement of Licensing Policy so that a report can be made to full Council on 6 December 2007 so that the new policy can be implemented from the 7th January 2008 when the current policy expires.

Financial Implications and risks:

3.0 This report is seeking approval to the attached Statement of Licensing Policy, in respect of the 2003 Licensing Act. All fees for these licenses are set by central government and, although the results of a government review are expected at some stage, the council currently runs most of these licensing operations at a financial loss. Therefore, the more prescriptive the licensing regime, the greater potential cost to the Council. The statement attached does not seek generally to be more prescriptive.

Legal Implications and risks:

4.0 The Council is required by section 5 Licensing Act 2003 and the Guidance issued under section 182 of the Act to have a licensing Policy which lasts for three years and to determine the policy before the beginning of each three year period . The current Statement of Licensing Policy expires on the 7th January 2008 .

4.1 The Authority must consult on its proposed policy before making any final determinations. The consultation must be meaningful in that the Committee must conscientiously take into account the responses of consultees before making any final decision about its content .

4.2 A failure to consult meaningfully or to implement a fresh policy before the beginning of the next period could result in a successful legal challenge from any aggrieved party with sufficient interest in the outcome.

Human Resources Implications and risks:

5.0 There are no direct human resources implications to this report

Equalities and Social Inclusion Implications and risks:

6.0 There are no direct equalities and social inclusion implications to this report.

| | |
|----------------|-----------------------------------------------------------------------------------------|
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CHERYL COPPELL
Chief Executive

Background Papers List

Annexe A Licensing Policy
Annexe B Consultation responses
Annexe C Comments received as a result of the consultation
Annexe D List of Consultees

Annexe A



Statement of Licensing Policy

Licensing Committee, 12 November 2007

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

Determined for a three year period commencing xx January 2008.

Licensing Committee, 12 November 2007

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Introduction

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

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

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

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

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

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

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

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

- Part 1 illustrates how licensing supports the broader role and objectives of the council.
- Part 2 sets out the specific policies related to the standards of management that the LLA will expect from prospective and current licensees.
- Part 3 covers some of the specific licensing matters highlighted in the Licensing Act and statutory guidance and sets out the policies that will let the LLA meet these requirements.
- Part 4 deals with specific area issues. It sets out our policies for ensuring that licensing will help enhance the development and vibrancy of these areas.

- 1.6 The LLA's statement of licensing policy aims to promote the following four licensing objectives:
- Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- 1.7 Conditions where appropriate will be tailored to the individual style and characteristics of the premises or event. Standard conditions may be made from a pool of model conditions. See Appendix 1
- 1.8 Licensing is primarily concerned with regulating licensable activities and conditions will focus on matters within the direct control of the operators of licensed premises, occurring within the premises or in the vicinity of the premises. The term "in the vicinity of" is not defined in the Licensing Act or the Guidance. In practice, what constitutes "the vicinity of the premises" will be a matter of judgement for authorised officers and in disputed cases, the courts. As such, the council proposes to consider each application on its merits. The term will normally relate to the direct impact of the activities at the premises on members of the public living, working or engaged in other normal activities in the area concerned.
- 1.9 The Act recognises three key groups with specific roles and duties in the implementation of the Act. Authorised persons are empowered by the Act to carry out inspection and enforcement roles. The Act recognizes the following authorised persons:
- Police officers
 - Officers of the licensing authority
 - Environmental health officers and those authorised under the Health and Safety at Work etc Act 1974
 - Officers of the Health and Safety Executive (HSE)
 - Authorised fire safety officers
 - In relation to vessels, an inspector, or a surveyor of ships appointed under the Merchant Shipping Act 1995
- 1.10 Interested parties are entitled to make representations (i.e. state their views for or against) to the LLA on applications for the grant, variation or review of premises licences. They are also entitled to ask for reviews of premises licences. An interested party is:
- A person living in the vicinity of a premises
 - A body representing persons who live in that vicinity
 - A person involved in a business in that vicinity
 - A body representing persons involved in such businesses

Any of these individuals may make their representations directly or request a representative such as a friend, a legal representative, a local ward

councillor or a member of parliament to make representations on their behalf.

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

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

In relation to vessels, the responsible authority will include:

- The Maritime and Coastguard Agency
- The Environment Agency
- The British Waterways Board
- Other persons specifically prescribed by the Secretary of State for Culture, Media and Sport by means of statutory instrument

Part 1 The wider picture.

- 2.1 Community safety strategy vision for Havering is to create a safe, welcoming, healthier and more prosperous place where people choose to live, work and visit.
- 2.2 The mission of the of the Havering community strategy is to:
- Create a thriving successful and healthy community for all
 - Make Havering an inclusive place in which to live, work and visit
 - Create a dynamic ,prosperous economy driven by a well educated and trained workforce
 - Create a good quality of life in Havering for now and the future, through actions that contribute locally, nationally and internationally to sustainable development.
- 2.3 The Council's corporate priorities laid out in the Corporate plan 2006-2009 are:
- To promote financial efficiency and value for money
 - To improve the quality of our service
 - To make Havering a better place in which to live and work.
- 2.4 Licensing relates to a number of different aspects of the community strategy. Licensing in Havering will, as far as possible, embrace the vision and act to support its achievement.

The Borough

- 2.5 The London Borough of Havering is a borough with an ancient history and an exciting future. It is located on the periphery of North East London The area has good road and rail links and boasts a 3 mile river frontage. It is currently a major centre for renewal and development.
- 2.6 Granted a royal liberty 540 years ago, the borough has held a regular street market since 1247. Today Havering is London's third largest borough, with a population of over 226,000 and an area of 11,227 hectares, of which over half is green belt.
- 2.7 Havering has a lively cultural scene, centred on the Queen's Theatre and the Fairkytes Arts Centre. Leisure facilities are second to none, with three recently renovated leisure centres with state-of-the-art equipment and facilities. The borough is also a great place to shop. There are 250,000 regular shoppers in Romford town centre alone. In addition to Romford there are small local shopping centres in Harold Hill, Collier Row, Hornchurch, Cranham, Upminster, Elm Park and Rainham. See map appendix 2

2.8 There are in the region of 460 licensed premises in the borough. Many premises open late at night and contribute to the thriving night time economy of the Borough. The main centres of night time economy are:

- Romford town centre which is a late night area, the premises being mainly pubs, restaurants, takeaways and clubs.
- Hornchurch town centre which is an earlier evening area with the premises predominantly being restaurants and wine bars.

Licensing policy 001

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

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

Alcohol Harm Reduction Strategy

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

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

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

Other Regulatory Systems

2.9 Care will be taken to ensure that where there is an overlap between the licensing regime and other regulatory regimes that control is exercised through the most appropriate system and that duplication is avoided unless

considered absolutely necessary. Other regimes which may impact on the operation of licensed premises and licensable activities include:

- Building Control
- Development Control –Planning conditions
- The operation of the Health and Safety at Work Etc Act 1974 and the various Regulations made under it
- The Environmental Protection Act 1990 and the Noise Act 1996 which deal in particular with statutory nuisance arising from noise
- The Anti Social Behaviour Act 2003 which includes a power to close noisy premises and deal with night time noise
- The Disability Discrimination Act 1995

Crime reduction and prevention.

Licensing policy 002

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

Licensing Policy 003

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

2.10 Pubwatch and Safe and Sound schemes support the creation of safe and secure social drinking environments. They are similar to neighbourhood watch schemes but are tailored to meet the needs of owners and staff of licensed premises. The scheme encourages the link up of security and information between premises within each scheme. This allows them to pass information about crime between themselves and the police thereby increasing the likelihood of arrests being made. The LLA actively encourages these schemes and is currently supporting schemes in Romford, and Hornchurch with new schemes being developed in other areas of the borough.

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

Licensing Policy 004

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

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

activities enhance cultural diversity, encourage the development of lifetime skills, support a healthy and fulfilled lifestyle and provide a positive diversion for young people.

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

Licensing Policy 005

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

Licensing Policy 006

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

Development Planning

Licensing Policy 007

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

2.13 The council's planning policies are set out in its Local Development Framework which is a portfolio of policy documents consisting of Local Development Documents, Supplementary Planning Documents, Site specific Allocations and area Action Plans. Area Action Plans focus on development planning and are different from the CNRS action plans, which focus on neighbourhood renewal and regeneration.

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

2.15 Where appropriate (e.g. as part of planning policy and area strategy reviews), the licensing committee will report to the relevant area committee on the situation regarding licensed premises in their area, including the general impact of alcohol related crime and disorder.

Noise

Licensing Policy 008

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

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

2.17 The LLA expects that premises intended for the provision of noise generating licensable activities are acoustically controlled and engineered to a degree where the noise from the premises when compared to the ambient noise level will not cause undue disturbance. The LLA recognises specific difficulties associated with other premises structurally linked to would-be licensed premises and the limit of sound insulation performance that can be achieved. In some circumstances licensed premises with amplified music adjoining residential properties may not be appropriate.

Part 2. Standards of Management

The Operating Schedule

Licensing Policy 009

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

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

Safer clubbing and drugs

Licensing Policy 010

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

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

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

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

Tables, Chairs and Beer Gardens

Licensing Policy 011

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

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

Part 3. Specific Licensing Policies

Licensing Policy 012

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

- 4.1 The planning consent, where it includes conditions on operational hours, sets the timeframes for operating a business from premises. The premises licence or club premises certificate sets the timeframes for the carrying on of licensable activities at that premise. Although these are two separate regimes, the LLA intends to reflect a degree of consistency in the way it makes its decisions. The LLA will not normally grant licences, which have the effect of extending the hours contained in the planning consent, where relevant representations have been received from the Local Planning Authority.
- 4.2 The general principle will be that the carrying on of licensable activities at premises should cease some time before the end of the operational hours granted by planning consent to allow for the premises to be cleared of patrons in a gradual and orderly manner. The LLA recognises that the time required for clearing premises of patrons will differ from business to business depending on the type of licensable activities provided and the nature of the clientele. It is for applicants themselves to judge what time scale is reasonable. However, the LLA recommends that between 30 minutes and one hour would be sufficient for the majority of businesses. Operating schedules should detail the applicant's proposals for clearing the premises or their dispersal policy which could include arrangements such as:
 - the provision of food
 - the management of the lighting as well as the nature and tone of the music
 - the balance between the continued sale of alcoholic drinks and the availability of non-alcoholic beverages
 - arrangements for accessing transport for customers

Licensing Policy 013

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

the premises is shown to be the focus or cause of nuisance or anti-social behaviour.

- 4.3 The LLA is mindful of the argument that in some situations, longer licensing hours for the sale of alcohol can help to minimise the impact of large concentrations of customers leaving premises simultaneously. Restricted licensing hours can encourage binge drinking, create noise and disturbance at fast food outlets, bus stops, train and underground stations, encourage the use of illegal taxi touts and generally produce peaks of disorder and disturbance.
- 4.4 In Havering many premises are already open for the sale of alcohol and late night refreshment and the provision of entertainment into the early hours of the morning. It is the intention of the LLA to permit licensing hours which enhance the development of a thriving and safe evening and night-time economy, as this is important for local investment and employment and for providing consumers with greater choice and flexibility.
- 4.5 The LLA recognises that in some areas longer opening hours can be adequately controlled through stricter conditions with regard to noise and disturbance but in other areas, further restrictions may be required. Where relevant representations are received, stricter controls with regard to noise will be applied in areas which have a denser residential use, compared with mixed use and commercial areas.
- 4.6 The LLA will normally allow shops, stores and supermarkets to sell alcohol for consumption off the premises during the hours that they are open for trading. The LLA will consider restricting the licensing hours where representations are received, and these controls would promote the licensing objectives.
- 4.7 Where relevant representations have been received, the LLA will, in making decisions about licensing hours, give special consideration to:
- the views of the responsible authorities
 - the views of people living in the vicinity of the premises
 - the views of other interested parties
 - any proposals for minimising crime and disorder, and public nuisance
 - the proposals for minimising noise and disturbance to people living in the vicinity of the premises.

Location, Cumulative Impact and Saturation

Licensing Policy 014

In considering applications for new licences or variations to existing licences and licence reviews following the receipt of relevant representations, the LLA will take

the matters listed below into account. These criteria will apply in different ways to different types of premises and licensable activities in the following order:

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

4.8 The LLA will also take into account the following considerations:

- the type of premises and mix of premises in the area
- the type of customers at the time of the application or type intended
- the numbers of customers likely to attend the premises
- whether the applicant is able to demonstrate commitment to a high standard of management, e.g. through active membership of a pub or club watch scheme or in the case of off-licences, a shop watch scheme
- the physical suitability of the building proposed for licensable activities, i.e. in terms of safety, access, noise control etc.

4.9 With regards to the location of proposed licensed premises and their impact on residents and businesses in the vicinity of these premises, each application will be dealt with on its merit.

4.10 Applications for late night premises in predominantly residential areas will be expected to reflect commitment to a very high standard of management.

Licensing Policy 015

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

4.11 The Licensing Act 2003 allows the LLA to consider the cumulative impact of licensed premises where the grant of a new licence would undermine one or more of the licensing objectives. Representations from a responsible authority or interested party that the cumulative impact of a new licence may result in the area becoming saturated, resulting in exceptional problems of nuisance and disorder which are beyond the control of individual licence holders will be considered. Such representations must be evidence-based and be related to the style and character of the proposed new premises. As

with all applications the LLA will consider the application on its own merits.

4.12 At the present time there is one stress area in the Borough. South Street in Romford which has a high predominance of licensed premises in a small area. The licensed premises in the area are a variety of off licenses, night clubs, vertical drinking establishments, late night refreshment premises and restaurants. After consulting with the police, the LLA is not of the view that there are areas of the borough where we should seek not to grant any further licences. We will keep this under review, and will be expecting that in key areas of the borough where there is a particular concentration of premises, licence holders exercise high standards of management, and work in collaboration with other licence holders in the vicinity.

Adult Entertainment

Licensing Policy 016

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

Licensing Policy 017

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

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

4.14 There are no longer any specific provisions in legislation to control or prohibit adult entertainment with a sexual content in licensed premises. The activities may however be relevant when considering the promotion of the licensing objectives. Following the receipt of relevant representations, the LLA will not normally grant a licence unless:

- the premises operating schedule specifies adequate arrangements for prohibiting children under the ages of 18 from entering the premises
- the premises operating schedule specifies adequate arrangements for preventing crime and disorder and preventing public nuisance
- the adult entertainment cannot be seen from the street
- the adult entertainment is in a designated area of the premises with segregation from the audience
- the adult entertainment is in a position where the performers will

- have direct access to a dressing room without passing through or coming into close proximity to the audience
- there is no external advertising of adult entertainment either at the premises or in its immediate vicinity.

Children and Licensed Premises

Licensing Policy 018

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

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

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

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

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

premises is the exclusive or primary purpose.

4.17 Requirements may include:

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

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

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

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

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

Temporary Events

Licensing Policy 019

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

4.22 The Licensing Act 2003 provides for certain occasions when events organised for less than 500 people at a time and each lasting for no more than 96 hours can take place following the notification of such events to the LLA and the police. It is only open to the police to object to the TEN if they are of the opinion that the event is likely to undermine the crime prevention objective.

4.23 Although the statutory legal minimum time required for notification of a temporary event to the LLA and the police is 10 working days, it is essential that adequate notice is given to allow for proper consideration of the proposed event in order to ensure that all the legal requirements for the authorisation have been met. Statutory guidance allows the LLA to publicise its preferred time-scale for notification and this is indicated in the policy statement above. The increased timescale will allow more time to resolve issues rather than see organisations faced with the cost of cancelling late because there is insufficient time to address representations.

Large events

Licensing policy 020

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

4.24 The Licensing Authority further recommends the Metropolitan Police Promotion / Event Risk Assessment Form 696 and the After Promotion / Event Debrief Risk Assessment Form 696A as useful and effective tools in for this purpose. Where the Risk Assessment forms are used to assess the likely risks for any promotion or event, the Licensing Authority anticipates that these will be completed in consultation with the Metropolitan Police. Risk assessments should be submitted to the Metropolitan Police and the Licensing Authority within 14 days of any proposed event and debrief forms submitted within 14 days of the conclusion.

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

Enforcement

Licensing Policy 021

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

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

Provisional Statements

Licensing Policy 022

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

- 4.28 Provisional statements provide limited assurance to prospective proprietors of licensed premises that an application for a premises licence in respect of specific premises or licensed activities will be likely to succeed. The LLA recognises that these may be necessary for the promotion of investment and employment opportunities in the borough. Applications for provisional statements must include the particulars of the premises (including plans), describe the works to be done and the licensable activities planned.
- 4.29 The granting of a provisional statement has the effect of precluding representations from being made to the subsequent premises licence application save in very exceptional circumstances. Although a provisional statement does not have limited duration, an indefinite provisional statement may come into effect as a premises licence several years after the provisional statement was granted, when material changes may have occurred, with the effect that the type of premises or licensable activity proposed is no longer appropriate to the location. Applicants are encouraged to seek to convert their provisional statements to premises licences at the earliest opportunity. The longer the delay before a premises licence is applied for the greater the potential for representations made in respect of an application for a premises licence not to be excluded.

4.30 Where premises are being constructed, extended or substantially altered to be used for licensable activities, the granting of a premises licence will be considered where detailed plans of the proposed structure exists and a detailed operating schedule covering the proposed activities can be completed. Such premises licences will have effect from a date to be specified on the licence.

Review of Licences

Licensing Policy 023

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

4.31 The power to review premises licences represents a crucial protection for the community, especially with regards to the promotion of the four licensing objectives.

4.32 Reviews of licences may be triggered at any stage by responsible authorities or interested parties because of a matter arising at the licensed premises and relating to one or more of the four licensing objectives. Reviews may also become necessary following the service of a closure order by the police or any formal enforcement action by officers of the local authority. It is the LLA's belief that the promotion of the licensing objectives is best achieved in an atmosphere of mutual co-operation between all stakeholders. Reviews will therefore be mainly reserved for circumstances where early warnings of concerns and the need for improvement have gone unheeded by the management of the licensed premises.

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

Glossary of Terms

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

- **Alcohol** includes spirits, wine, beer, cider, or any other fermented, distilled, or spirituous liquor of or exceeding 0.5% alcoholic strength at the time of sale
- **Club Premises or Qualifying Clubs** can supply alcohol to members or guests and can provide regulated entertainment. These clubs must comply with general and specific conditions in relation to size, membership and the nature of their operations.
- **Designated Premises Supervisor** is a personal licence holder who is for the time being specified in the premises licence as the Premises Supervisor. This may be the premises licence holder or another person.
- **Grandfather Rights** is a system of rights for the transfer of existing licences to premises licences and personal licences by the licence holders under the terms of their existing licence. The police can object to this transfer in certain circumstances.
- **Licensing Committee** is a committee of 10 to 15 councillors, appointed by the council.
- **Licensing Sub-Committee** is a committee of three councillors appointed from the licensing committee to whom the functions of the licensing committee can be delegated under the Act.
- **Personal Licence** – permits individuals to supply, or to authorise the supply of alcohol. The licensing of individuals separately from the licensing of premises permits the movement of personal licence holders from one premise to another, allowing greater flexibility. It ends the outdated regime where publicans are tied by licence to the premises they manage.
- **Regulated Entertainment** is entertainment that is provided to the public, or exclusively to members of a qualifying club and their guests, or entertainment provided for profit/personal gain. See list in paragraph 4 of this policy.
- **Representations** are complaints or comments on applications by responsible authorities (e.g. police) or interested parties (e.g. residents). They must be made in writing and will only be relevant if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. Representations by interested parties will not be relevant if they are considered by the licensing authority to be frivolous (i.e. not serious) or vexatious (i.e. arising out of unrelated disputes).
- **Temporary Events** – relatively small-scale events held in or on any premises involving no more than 499 people at any one time. Each

event, which must be covered by a Temporary Event Notice, can last up to 96 hours, and no more than twelve events can be held at any particular premises in a year.

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

LICENSING ACT 2003

LONDON BOROUGH OF HAVERING

POOL OF CONDITIONS

FOR USE WITH

PREMISES LICENCES

AND

CLUB PREMISES CERTIFICATES

LICENSING ACT 2003

LONDON BOROUGH OF HAVERING

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

GENERAL

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

Licensing Objectives

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

Licence Conditions

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

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

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

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

Licensing Committee, 12 November 2007

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

Operating Schedules

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

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

Legal Requirements

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

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

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

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

Conditions enforcing these arrangements are therefore unnecessary.

MANDATORY CONDITIONS

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

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

- M1 No supply of alcohol may be made under the Premises Licence;
- (a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or
- (b) at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
- M2 Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.

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

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

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

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

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

Section 21 Licensing Act 2003, Mandatory condition: door supervision

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

CONDITIONS RELATING TO CRIME AND DISORDER

General

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

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

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

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

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

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

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

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

Bottle and glasses

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

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

emotion fuelled by alcohol might arise, may be a necessary condition

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

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

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

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

Open containers not to be taken from the premises

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

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

Capacity limits

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

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

Where there is an agreed maximum capacity, this figure shall include all staff and

entertainers. The capacity may be set for each part of the premises where appropriate. The figure may detail seating capacity and vertical capacity. Where there is a change of use of the premises throughout the trading day the figure should show the change of capacity and the times where relevant.

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

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

For example.

[*Ground Floor*] [*number*] persons

[*Basement*] [*number*] persons

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

Note: *This is not a standalone condition.*

CCTV

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

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

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

CD16 The installation or upgrading of any CCTV system shall comply with current best practice. In addition the documentation listed below shall be included in a 'System File' which should be readily available for inspection by the relevant authority;

Site plan showing position of cameras and their field of view.

Code of Practice.

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

Operational requirement.

Incident log.

Maintenance records including weekly visual checks.

CD17 To obtain a clear head and shoulders image of every person entering the premises on the CCTV system, persons entering the premises should be asked to remove headwear, unless worn as part of religious observance.

CD18 The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. For premises using a video recording system, the cassette tapes shall be used on no more than 12 occasions to maintain the quality of the recorded image.

CD19 The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the 'System File'. Any alteration to the system should only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.

Misuse of drugs

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

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

CD20 The Licence Holder shall implement a written Drugs Policy. This shall detail the strategies to minimise the use and supply of illegal drugs within the premises. The Drugs Policy shall include a structured training programme covering the issues relevant to the misuse of drugs in relation to licensed premises, which will be delivered to all staff. This Policy shall be approved in writing by Havering Police.

CD21 The Designated Premises Supervisor shall hold a National Certificate of Drugs Awareness qualification, run by the BII or similar accredited body.

CD22 All staff shall be trained in dealing with persons who are incapacitated through the use of drugs or the combined effect of drugs and alcohol.

Erotic Dancing etc

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

CD23 The premises shall not be used for striptease or entertainment of a like kind, which involves nudity, or the sexual stimulation of patrons.

This Condition does not apply to any entertainment that is an integral part of a licensed performance of a play.

CD24 The approved activities shall take place only in the areas designated by the Licensing Authority and the approved access to the dressing room(s) shall be maintained whilst striptease or entertainment of a like kind is taking place and immediately thereafter.

CD25 [*Striptease, lap dancing pole-dancing or table-side dancing*] shall be permitted at the premises between the hours of [hh.mm] and [hh.mm] on [day(s)].

CD26 No displays shall be permitted, outside or in the vicinity of the premises, of any descriptions, photographs or other images that indicates that [*striptease, lap dancing, pole-dancing or table-side dancing*] takes place on the premises.

CD27 No audience participation shall be permitted

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

“NO PERSON UNDER 18 WILL BE ADMITTED”

CD29 Performers shall be aged not less than 18.

CD30 Arrangements shall be put in place to restrict access to the dressing room at all times when the [*striptease, lap dancing, pole-dancing and/or table-side dancing*] is taking place, and until such time as all performers have vacated it.

CD31 There shall be no physical contact between customers and the dancers except for the placing of money or tokens in a garter or into the hands of the dancer at the beginning or conclusion of a performance.

CD32 There shall be no physical contact between dancers whilst performing.

CD33 A CCTV system shall be installed to cover all areas where [*striptease, lap dancing, pole-dancing and/or table-side dancing*] will take place in addition to the front entrance and [location]. All cameras shall continually record whilst the premises are open to the public and video recordings shall be

kept available for a minimum of one calendar month with date and time stamping.

CD34 Recordings shall be made available to an Authorised Person of the Licensing Authority or Havering Police together with facilities for viewing.

CD35 The recordings for the proceeding two events shall be made available immediately on request, and recordings outside this period shall be made available within 24 hours.

CD36 Whilst [*striptease, lap dancing, pole-dancing and/or table-side dancing*] takes place not less than [*number*] registered Door Supervisors shall be on duty on the premises.

CD37 The performance of [*striptease, lap dancing, pole-dancing and/or table-side dancing*] within the premises shall not be visible from the street outside at any time.

CD39 Whilst dancers are performing there shall be a minimum distance of one metre between the dancer and the seated customers and prominent, clear notices shall be displayed at each table stating this requirement.

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

Promotions or Major events

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

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

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

CD 41 The licensee shall undertake a risk assessment of any promotion or event (as defined below) using the MPS Promotion/Event Risk Assessment (Form 696)

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or an equivalent and provide a copy* to the Metropolitan Police Service and the licensing authority not less than 14 days before the event is due to take place.

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

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

CONDITIONS RELATING TO PUBLIC SAFETY (Including Fire Safety)

General

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

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

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

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

Disabled people

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

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

Escape routes

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

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

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

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

present.

- PS5 All fire doors shall be self-closing and shall not be held open other than by devices approved by the Fire Officer.
- PS6 Fire-resisting doors to ducts, service shafts and cupboards shall be kept locked shut.
- PS7 The edges of the treads of steps and stairways shall be conspicuously displayed.

Fire Log-book

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

Safety checks

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

Curtains, hangings, decorations and upholstery

- PS10 Hangings, curtains, and temporary decorations shall be maintained flame-retarded.
- PS11 Any scenery shall be maintained flame-retarded.
- PS12 Temporary decorations shall not be provided except with consent from the Licensing Authority. When seeking consent for temporary decorations the Licensing Authority shall be advised of the period for which it is desired to retain them.

PS13 Curtains, hangings and temporary decorations shall be arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment.

Accommodation limits

PS14 The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed [number], subject to the following maximum occupancies:

[Ground Floor] [number] persons

[Basement] [number] persons

PS15 The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed [number] ([number] low density use).

PS16 The premises shall be provided with adequate facilities to monitor and control the number of persons present at the premises. The number of persons (including staff and performers) on the premises during any licensable activity shall be provided to any Authorised Person immediately on request.

Fire action notices

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

Outbreaks of fire

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

Loss of water

PS19 The telephone number of the local Fire Control Centre shall be readily available at the premises.

PS20 The Designated Premises Supervisor/Duty Manager shall notify the local Fire Control Centre as soon as possible if he/she is aware that the water supply to any hydrant, hose reel, sprinkler, drencher or other fire

extinguishing installation is cut off or restricted.

Access for emergency vehicles

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

First aid

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

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

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

Lighting

PS25 Management lighting

(a) In the absence of adequate daylight the management of lighting in any area accessible to the public shall be fully in operation whilst the public are present.

(b) Except as permitted under (d) below there shall be adequate illumination to enable people to see their way in and out of the premises.

(c) Fire safety signs shall be adequately illuminated except as permitted under (d) below.

(d) If essential to the entertainment and subject to the written consent of the Licensing Authority, the management lighting in the entertainment area may be reduced or extinguished provided:

(i) the lighting be controlled from a position with a clear view of the entertainment area; and

(ii) an operator remains by the controls whilst the lighting is reduced or extinguished; and

(iii) the operator restores the management lighting at once in the event of any emergency; and

(iv) the escape route signs remain adequately illuminated.

PS26 Emergency lighting

(a) The emergency lighting installation shall not be altered in any way except with the written consent of the Licensing Authority.

(b) The emergency lighting battery shall be fully charged before the admission of the public.

(c) In the event of failure of the normal lighting the public shall be evacuated from the premises:

(i) if the emergency lighting battery has a one hour capacity the public shall leave the premises within 20 minutes unless within that time the normal lighting has been restored and the battery is being re-charged; or

(ii) if the emergency lighting battery has a 3 hour capacity the public shall leave the premises within one hour unless within that time the normal lighting has been restored and the battery is being re-charged.

(d) The public shall not be re-admitted to the premises until the normal lighting has been fully restored and the battery fully recharged except

(i) where the emergency lighting battery has a one hour capacity and if the failure of the normal lighting was fully rectified within 20 minutes of failure and the battery is being re-charged; or

(ii) where the emergency lighting battery has a 3 hour capacity and if the failure of the normal lighting was fully rectified within one hour of failure and the battery is being re-charged.

Temporary electrical installations

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

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

(b) Temporary electrical wiring and distribution systems shall comply with recommendations of BS 7671 or where applicable BS 7909.

(c) Temporary electrical wiring and distribution systems shall be inspected and certified by a competent person before they are put into use. A copy of the certificate shall be sent to the Council as soon as possible.

(d) Temporary electrical wiring and distribution systems shall be provided only for a period of up to 3 months. This period may be extended subject to a satisfactory electrical test and inspection report being submitted to the Licensing Authority at the end of each 3 month period.

Indoor Sports Entertainments

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

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

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

- PS31 A registered medical practitioner or a registered paramedic shall be present at any sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- PS32 Dressing room accommodation and washing facilities for participants shall be provided to the satisfaction of the Licensing Authority.
- PS33 The ring shall be sited, constructed and supported to the satisfaction of the Licensing Authority. Any material used to form a skirt around the ring shall be flame-retarded to the satisfaction of the Licensing Authority.
- PS34 At wrestling or other entertainments of a similar nature members of the public shall not occupy any seat within 2.5m of the ring.
- PS35 Staff adequately trained in rescue and life safety procedures shall be stationed and remain within the vicinity of the water at all material times. The Licensing Authority shall approve the number of such staff.
- Note: The Licensing Authority will normally accept the number of such staff as recommended in Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England.

Special Effects

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

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

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

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

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

Premises used for Closely Seated Audiences

PS39 The premises shall not be used for a closely-seated audience, except in accordance with the approved seating plan(s), a copy of which shall be kept available at the premises and shall be shown to any Authorised Person on request.

PS40 All seats shall be fixed and installed.

PS41 A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any Authorised Person on request.

PS42 Unless the Licensing Authority requires or approves otherwise the number of attendants on each floor or tier in a closely-seated auditorium shall be as set out on the table below.

| Number of members of public present on a floor or tier | Minimum number of attendants required to be present on that floor or tier |
|---------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| 1-100 | One |
| 101-250 | Two |
| 251-500 | Three |
| 501-750 | Four |
| 751-1000 | Five |
| And one additional attendant for each additional 250 persons (or part thereof). | |

PS43 Any attendant shall be readily identifiable to members of the public

PS44 Attendants must be available at all times to ensure the prompt discharge of their duties in the event of any emergency.

PS45 No article shall be attached to the back of any seat which would reduce the clear width between seats or cause a tripping hazard or obstruction.

PS46 Sitting on floors shall not be permitted.

PS47 Waiting and standing shall not be permitted in [*parts of the premises*].

PS48 In no circumstances shall anyone be permitted to –

(i) sit in any gangway; or

(ii) stand or sit in front of any exit; or

(iii) stand or sit on any staircase including any landings.

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

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

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

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

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

Premises used for Film Exhibitions

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

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

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

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

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

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

(i) the Licence Holder or Duty Manager; or

(ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or

(iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to if alerted to an emergency situation.

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

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

CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

General

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

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

Noise and Vibration

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

- PN1 No nuisance shall be caused by noise emanating from the premises or by vibration transmitted through the structure of the premises.
- PN2 The premises shall be arranged to minimise the risk of noise nuisance to nearby properties.
- PN3 Noise emanating from the premises as a result of regulated entertainment shall not exceed the following noise levels expressed as [*x minute Leq*] at [*stated location*];

| Frequency Range | From a hours to b hours | From y hours to z hours |
|-------------------------------|-------------------------|-------------------------|
| [<i>Whole range</i>] | <i>x dBA</i> | <i>y dBA</i> |
| [<i>63Hz octave band</i>] | <i>x dB</i> | <i>y dB</i> |
| [<i>125 Hz octave band</i>] | <i>x dB</i> | <i>y dB</i> |

- PN4 Noise emanating from the premises as a result of regulated entertainment

- shall not exceed [x dBA] as measured 1 metre from any residential dwelling.
- PN5 Noise emanating from the premises as a result of regulated entertainment shall be inaudible when monitored at the position delineated in red on the plan annexed to the licence.
- PN6 A noise limiting device shall be installed, fitted and maintained in such a manner as to control all sources of amplified music or speech at the premises.
- PN7 The noise limiter(s) shall be set so as to maintain the maximum level as follows at all times when regulated entertainment takes place:
[Location] x dB(A)
[Location] y dB(A)
- PN8 No [Regulated Entertainment] shall take place until a scheme of soundproofing the [relevant parts] of the premises has been submitted to and approved by the Licensing Authority. The work must be completed to the Licensing Authority's satisfaction prior to any [Regulated Entertainment] taking place.
- PN9 A [*sound trap lobby / acoustic door / automatic door closer*] shall be installed to [*describe the location*].
- PN10 [*Openings / specify*] in the external fabric of the premises must be acoustically sealed to the satisfaction of the Licensing Authority.
- PN11 All [*external doors / windows*] must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.
- PN12 An alarm shall be fitted to [*all external windows / fire doors*] which alerts staff when [*they / it*] are opened without authorisation.
- PN13 A circuit cut off device shall be fitted to the [*door*] which automatically switches off the sound system when the door is opened. This device shall be tested each day prior to entertainment commencing.
- PN14 No music or speech shall be relayed via external speakers other than for events with the prior approval of the Licensing Authority.
- PN15 Prominent, clear notices shall be displayed at [*all exits / in the beer garden*] requesting that customers respect the needs of local residents and leave the premises and the area quietly.

- PN16 The [*garden / patio*] must not be used by customers after the hours of [*hh:mm*] and [*hh:mm*].
- PN17 Entertainment is to be held internally only and no music or speakers shall be provided to external areas of the premises.
- PN18 No inflatable play equipment shall be used without the agreement of the Licensing Authority with respect to its hours of use and other conditions as may be appropriate.
- PN19 The [*car park/ garden*] shall be managed to ensure that it is not used for [*ball games /skateboarding/ other noisy recreational activities*]
- PN20 Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between [*hh:mm*] and [*hh:mm*].
- PN21 Arrangements must be put in place to ensure that waste collection contractors do not collect refuse between [*hh:mm*] and [*hh:mm*].
- PN22 Staff shall be given adequate training to prevent them causing unnecessary noise when they leave the premises and prominent, clear notices displayed at all points where staff leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly.
- PN23 The Designated Premises Supervisor or a nominated representative shall receive and respond to complaints throughout the duration of all Regulated Entertainment.
- PN24 No fireworks or other pyrotechnics shall be used other than with the prior written consent of the Licensing Authority.
- PN25 The Licence Holder shall have full control over the sound amplification equipment to the main stage. The volume shall be adjusted according to the requirements of the Licensing Authority / Responsible Authority.
- PN26 The specification and orientation of all speakers shall be agreed with the
Licensing Authority / Responsible Authority.

Light Pollution

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

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

CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM

General

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

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

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

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

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

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

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

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

Age Restrictions - Cinemas

The Licensing Authority recognises the following film classifications:

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

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

Theatres

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

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

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“NO PERSON UNDER 18 WILL BE ADMITTED”

Performances Especially for Children

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

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

Teenage Discos or Similar Events

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

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

Good practice Guidance

Restrictions on drinking areas

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

CDGPG 1 No outside area shall be used for consumption of alcohol or provision of Regulated Entertainment unless the area is clearly marked or defined

Proof of age

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

CDGPG2 All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 18 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.

CDGPG3 Prominent clear notices shall be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.

Crime prevention notices

Notwithstanding reluctance from the trade it may be necessary at some premises to support local crime prevention initiatives by displaying notices that warn customers of the prevalence of crime which may target them. For example, warning about pickpockets or bag snatchers or warnings about leaving bags unattended because of concerns about terrorism.

CDGPG4 Crime prevention notices and advice shall be displayed (if advised by Havering Police) in order to support local crime prevention initiatives.

Other signage

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

CDGPG5 Prominent, clear notices shall be displayed at every public entrance stating the actual operating hours of the premises.

CDGPG6 Prominent, clear notices shall be displayed at every public entrance stating any restrictions relating to the admission of children to the premises or other admission restrictions.

Drinks promotions

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

CDGPG7 When operating drinks promotions on any day of the week a written policy shall be produced. The policy shall detail the extra measures in place to deal with departing patrons both throughout and at the end of the promotion. It shall include the policy for refusing to serve persons who are drunk. The policy shall be agreed in writing by Havering Police.

CDGPG8 Alcoholic drinks shall not be supplied in such a way which will enable persons to consume unlimited quantities of alcoholic drinks on payment of a single payment.

Door supervisors

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

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

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

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

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

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

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

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

Off sales

CDGPG11 All members of staff at the premises shall seek “credible photographic proof of age evidence” from any person who appears to be under the age of 18 years and who is seeking to purchase alcohol. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a “PASS” logo.

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

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

Safe and Sound Partnership

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

CDGPG14 The Licence Holder shall sign up to the Safe and Sound approved charter.

Designated Sporting Grounds

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

CDGPG15 In all public concourse bars that also provide food, prominent, clear notices shall be displayed that when the bars are closed no alcohol is for sale at the food outlets.

CDGPG16 All bars in public concourse areas shall have suitable shutters which can be closed and when closed no alcohol shall be on view from the public area.

CDGPG17 All alcohol served in the public concourse bars shall be supplied in non-glassware drinking vessels (e.g. plastic, polystyrene, waxed paper).

CDGPG18 There shall be [*number*] trained stewards positioned in each of the concourse areas while the bar is open for the sale of alcohol.

CDGPG19 A Personal Licence Holder shall be present at the Designated Sporting Ground throughout the hours that any of the public concourse bars are open and selling alcohol.

Queue Management and Dispersal Procedures

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

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

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

Litter and Refuse

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

PNGPG3 The licence holder shall comply with the Voluntary Code of Practice For The Fast Food Industry (DEFRA 2003) or any document which supersedes this.

PNGPG4 After close of business a rubbish patrol should pick up any flyers or rubbish which has been left in the close vicinity of the premises by customers including any bottles, which may have been taken off the premises.

Children in Performances

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

given to the following conditions.

CPGPG1 Dressing rooms and other backstage facilities shall be large enough to safely accommodate the number of children taking part in any performance. Every child shall have a seat and not be expected to sit on tables or to stand.

CPGPG2 All chaperones, supervisors and production crew shall receive instruction on the fire procedures applicable to the venue.

CPGPG3 Any person who is engaged in supervising children shall have been subject to a check through the Enhanced Disclosure of the Criminal Records Bureau.

CPGPG4 Child performers shall be supervised at all times including transfer from stage to dressing rooms and anywhere else in the premises.

CPGPG5 Child performers shall be accounted for at all times in case of an evacuation or emergency. To achieve this the following actions shall be taken prior to the arrival of the children at the venue:

(i) allocation of dressing rooms/changing areas with a list of the names of the children using each dressing room plus the names of the chaperones responsible for each dressing room/changing area

(ii) each chaperone to have a list of the children for whom they are responsible

(iii) the venue manager and management team to have copies of all the lists including any last minute alterations

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

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

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 web site, 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.

CPGPG7 The premises shall comply with the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks and with the Portman Group's Retailer Alert Bulletins.

Proof of Age cards

Proof of age cards can be used 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 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, 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.

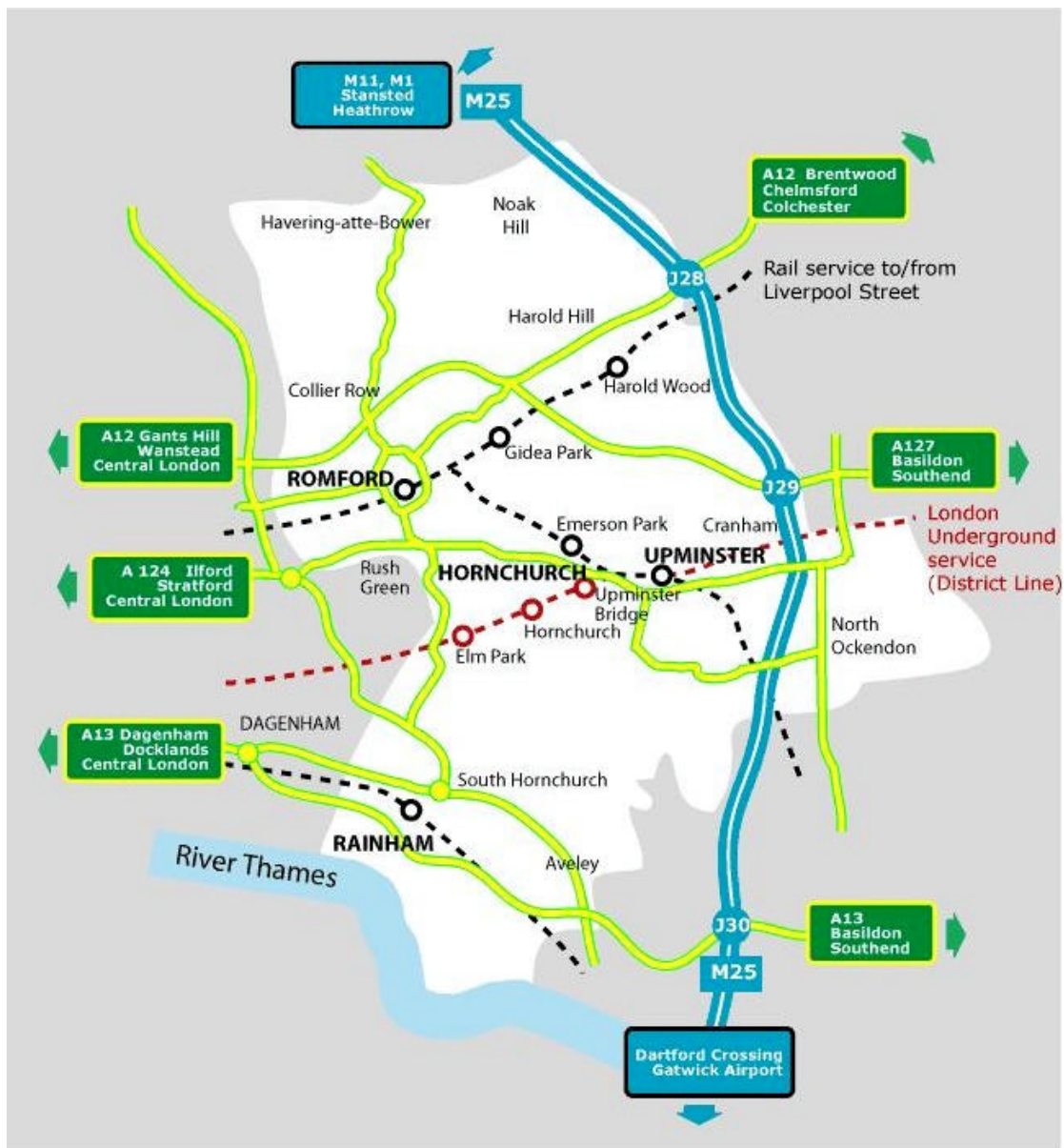
CPGPG8 All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 18 years and who is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.

Appendix 2

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

| MATTER TO BE DEALT WITH | FULL COMMITTEE | <i>SUB-COMMITTEE</i> | <i>OFFICERS</i> |
|--------------------------------------------------------------------------|-----------------------|----------------------------|---------------------------|
| 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 premises supervisor | | If a police Representation | All other cases |
| Determination of request to be removed as designated premises supervisor | | If a police Representation | 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 is irrelevant, frivolous, vexatious, etc | | | 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 | |

Appendix 3



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London Borough of Havering 100024327

Appendix 4
Useful contact Names and Addresses

- 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: licensing@havering.gov.uk
Website: www.havering.gov.uk

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

Telephone: 01708 432848
E-mail: planning@havering.gov.uk

- Trading Standards
Langtons Cottage
Billet Lane
Hornchurch

Telephone: 0845 0505 205
E-mail: trading.standards@havering.gov.uk

- Childrens and Family Services
London Borough of Havering
Scimitar House
23 Eastern Road
Romford
Essex
RM1 3NH

Telephone: Main Town Hall Switchboard 01708 434343

- Building Control
Mercury House
Mercury Gardens
Romford
RM1 3SL

Licensing Committee, 12 November 2007

Telephone: 01708 432700
Fax: 01708 432690

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

Telephone: 01708 432570

- Streetcare
Mercury House
Mercury Gardens
Romford
RM1 3SL

Telephone: 01708 432563
Fax: 01708 432881

- Community Safety
Room 515, 5th Floor
Mercury House
Mercury Gardens
Romford
RM1 3SL

Telephone: 01708 432246

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

Telephone: 01708 779158

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

Telephone: 020 7587 2132
Fax: 020 7587 2133
E-mail: haveringgroup@london-fire.gov.uk

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

Telephone: 01708 771771

- Health and Safety Executive
FOD London Division
Rose Court
2 Southwark Bridge
London
SE1 9HS

Telephone: 020 7556 2100

Fax: 020 7556 2200

Website: www.hse.gov.uk

- 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

Appendix 5 Summary of licensing policy

Licensing policy 001

The LLA will seek to promote the Community strategy vision through the councils corporate plan and where appropriate, it will consider any local strategies or locally agreed plans when determining licensing applications

Licensing policy 002

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

Licensing Policy 003

The LLA will encourage membership of, and full participation in local pubwatch and safe and sound schemes.

Licensing Policy 004

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

Licensing Policy 005

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

Licensing Policy 006

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

Licensing Policy 007

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

Licensing Policy 008

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

Licensing Policy 009

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

Licensing Policy 010

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

Licensing Policy 011

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

Licensing Policy 012

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

Licensing Policy 013

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

Licensing Policy 014

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

- the views of responsible authorities
- the views of interested parties
- past compliance history of current management

- the proposed hours of operation.

Licensing Policy 015

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

Licensing Policy 016

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

Licensing Policy 017

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

Licensing Policy 018

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

Licensing Policy 019

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

Licensing policy 020

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

Licensing Policy 021

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

Licensing Policy 022

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

Licensing Policy 023

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

Annexe B
Consultation comments

1. Metropolitan Police

Trudi

(cc. Insp Conway & PC Leonard)

I have looked over the CCTV conditions and made a number of alterations to reflect best practice and guidance. Please find attached my suggested changes.

I am currently having a more detailed look through the whole document and if I have any further comments I will forward them on to you before the end of the consultation period.

Regards

Donal Nolan Borough CPDA,
London Borough of Havering
Sustainable Communities
7th Floor, Mercury House,
Mercury Gardens, Romford,
Essex, RM1 3SL.

Tel. 01708 432 658
Mob. 07789 923 174

CCTV

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

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

CD15 - A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system will incorporate a camera covering each of the entrance doors and be

capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. All other areas of risk identified in the Operational Requirement shall have coverage appropriate to the risk.

CD16 - The installation or upgrading of any CCTV system shall comply with current best practice. In addition the documentation listed below shall be included in a 'System File' which should be readily available for inspection by the relevant authority;

Site plan showing position of cameras and their field of view.

Code of Practice.

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

Operational requirement.

Incident log.

Maintenance records including weekly visual checks.

.CD17 - To obtain a clear head and shoulders image of every person entering the premises on the CCTV system, persons entering the premises should be asked to remove headwear, unless worn as part of religious observance.

CD18 - The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. For premises using a video recording system, the cassette tapes shall be used on no more than 12 occasions to maintain the quality of the recorded image.

CD19 - The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the 'System File'. Any alteration to the system should only be carried out after consultation with and written approval of, Havering Police and the Licensing Authority.

Accepted all comments and included changes into the report.

>>> <Andy.Conway@met.pnn.police.uk> 21/09/2007 15:12:05 >>>

Sue,

condition CD3 the word 'should' should be replaced with 'must be approved in writing'

Conditions CD5 and CD11 seem very similar do we need both

CCTV conditions change the word 'will' to 'can'

I have also sent the conditions to PC Donal Nolan to check the CCTV stuff.

Andy Conway
Licensing Inspector

Romford Police Station
19 Main Road
Romford RM1 3BJ

Telephone 01708 759158
Metphone 59158
Email andy.conway@met.police.uk

Accepted wording changes but decided to keep both CD5 and CD11 in the report.

2. Councillor

Hi Trudi

I have been through the policy, and it is very much standard, I am sure used by most authorities, I have great concerns about 4.7 where relevant representations are received and in making a decision about hours, special consideration to be given to a list of points.

Many of these points have been raised in the past, and although I have not sat on a licensing committee for sometime being mayor at the present time and last year deputy mayor, our roles needed to be non political, previous to that when considering such points the legal representative would always come up with the point that if we did not just stick to the four main objection areas, if the applicant appealed we would have no legs to stand on, is this still the case, if so, then the wording is just there to tick a box, and I see it cannot help local people in any way and not allow members to make a decision taking the views of residents into account.

Appreciate your comments on this

4.10 - Also what is seen as a level of saturation regarding establishments in a small area?

Glossary of terms

Licensing sub committee - it has not been possible in most cases for members to be totally disengaged from the premises in question.

Most premises are in Romford, most members available are from Romford wards, this could be misleading, wording needs to explain such instances, if a member of the public or someone who did not get their licence read this, they could hold us to account.

Area of a licence need for entertainment, school plays, church events for charity, this really needs to be looked at seriously - we would be jeopardising

almost all the groups in the borough, its volunteers, charities etc that keep Havering floating

Georgina

Cllr Mrs Georgina V Galpin
Hylands Ward Conservative Councillor
Mayor

01708 458297
georgina.galpin@havering.gov.uk

7 Cobil Close, Westmoreland Avenue
Gidea Park, Hornchurch, RM11 2DU

Accepted change to glossary of conditions other comments are beyond the remit of this policy as it is set in primary legislation.

3. Legal Comments

Hi Trudi

Ive (finally!) finished reading the draft licensing policy. It all looks pretty good but there are a few queries in relation to the delegations of licensing functions:

* The 'request to be removed as designated personal licence holder' perhaps needs to be clarified as 'Determination of...'

* The matter of 'Decision to object when local authority is a consultee and not the lead authority'. Stephen and I have looked at this but cant work out in what situation it would be relevant!! Could you please explain where this would occur?

Thats all....

Thanks

Kirsty

Accepted changed wording and following discussion removed consultee paragraph.

4. Staff comments

Collated from draft circulated to licensing team staff

Para 1.3 inserted alternative wording.

Accepted.

Para 2.3 queried wording.

Clarified.

Para 2.5 inserted restaurants and takeaways

accepted.

Para 2.11 suggested inclusion of policy relating to parks.....*not*

accepted as felt it was covered by licensing policy 004.

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| Licensing Policy 007 Query re planning consent <i>as considered policy statement was adequate.</i> | <i>not accepted</i> |
| Licensing Policy 008 Query re definition of amenity <i>as considered policy statement was adequate.</i> | <i>not accepted</i> |
| Change of wording of will to may/is able to | <i>accepted.</i> |
| Para 3.1 remove transitional provisions | <i>accepted.</i> |
| Licensing Policy 012 query about wording | <i>not accepted.</i> |
| Para 4.16 wording of underage children | <i>not accepted.</i> |
| Licensing policy 019 query of justification of not more than 12 weeks <i>accepted as it was felt that 12 weeks was good practice.</i> | <i>not</i> |
| Licensing Policy 023 wording should be changed to will reserve the right to apply | <i>accepted.</i> |
| Pool of conditions insert clause stating that the pool is not a finite list of potential conditions etc | <i>accepted.</i> |
| M4 query re mandatory condition <i>wording from DCMS.</i> | <i>not accepted as</i> |
| CD2 query re requirement to hold recognised qualification <i>it was felt to still be pertinent to personal licence holders who grandfathered over their personal licence. It will not apply to anyone granted a personal licence since November 2005.</i> | <i>not accepted as</i> |
| CD5 query re wording | |
| CD18 remove duplicated wording | <i>accepted.</i> |
| Misuse of drugs paragraph should change wording to include other venues. <i>Accepted and changed to licensed premises.</i> | |
| CD33 suggested timing should be consistent <i>and changed to one calendar month.</i> | <i>accepted</i> |
| PS1 query re wording | <i>not accepted.</i> |
| PS12 query re wording <i>interpretation of Licensing Authority in it's broadest terms.</i> | <i>not accepted</i> |
| PS20 query re wording <i>wording is acceptable.</i> | <i>not accepted as existing</i> |
| PS28 query re timing <i>that the additional timing would be required for responsible authorities to have an input if required.</i> | <i>not accepted as considered</i> |
| PS 32,33,35,36,36 query re wording <i>not accepted interpretation of Licensing Authority in it's broadest terms.</i> | |
| PS51 query re wording..... | <i>.accepted changed to LFEP.A.</i> |
| PS59 query about flammable films. | <i>Accepted and removed.</i> |
| PN8,10,14,18,24,25,26 query re wording <i>not accepted interpretation of Licensing Authority in it's broadest terms</i> | |
| CP8 query re DPS <i>DPS/manager.</i> | <i>accepted inserted</i> |
| PNGPG3 query re shall comply <i>the good practice guide.</i> | <i>not accepted as this is in</i> |

Annexe C

| Page Number | Draft | Final | Origin of representation |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| 4 para 1.3 | | Addition of 'However the policy would appear to be relevant to all applications as it offers advice to applicants in order that they may comply in advance with what is expected of them.' | Responsible Authority |
| 11 para 2.13 | The council's planning policies are set out in its Unitary development plan(UDP) and supplementary planning guidance such as town centre strategies, area action plans and other planning policies. | The council's planning policies are set out in its Local Development Framework which is a portfolio of policy documents consisting of Local Development Documents, Supplementary Planning Documents, Site specific Allocations and area Action Plans. | Responsible Authority |
| 12 Licensing Policy 08 | The LLA is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises. Where relevant representations are received, | Replaced will with may. | Responsible Authority |

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| | the LLA will attach appropriate conditions to licences, necessary to support the prevention of undue noise disturbance from licensed premises. | | |
| 13 para 3.1 | A document referred to as the 'operating schedule' will be required for all new applications and variation applications but not for applications for conversion of existing licences under the transitional provisions. | Removed 'but not for applications for conversion of existing licences under the transitional provisions.' | Licensing officer |
| Glossary of terms Licensing subcommittee | The usual practice has been to have area based sub-committees dealing with matters in different areas of the borough. | Removed | Member of Licensing committee |
| Pool of Conditions License Conditions | | Added 'The pool of Conditions is not a finite list of potential conditions and other conditions may be created to address individual and specific circumstances.' | Licensing Officer |

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| <p>CD3</p> | <p>The Licence Holder shall implement a written Children's Policy which should be approved the Police or Havering's Children and family services/</p> | <p>The Licence Holder shall implement a written Children's Policy which must be approved in writing with the Police or Havering's Children and family services.</p> | <p>Metropolitan Police</p> |
| <p>Page 35 CCTV</p> | <p>CCTV CD15 CD16 CD17 CD18 CD19</p> | <p>The presence of a properly specified and fully operational CCTV system can make an important contribution towards public safety and the prevention of crime. It will also assist in the investigation and identification of those involved should an incident occur immediately outside or inside licensed premises. Conditions may not just require CCTV on the premises, but also specify the precise location of each camera, the requirement to maintain all equipment in working order, retain a System File and to secure recordings for an appropriate period of time.</p> <p>An 'Operational Requirement' (OR) should be drawn up for each CCTV system to ensure that it is fit for purpose. Advice on how to</p> | <p>Metropolitan Police</p> |

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| | | <p>complete an 'OR' can be found in the Home office Scientific Development Branch (HOSDB) publication 55/06 'CCTV Operational Requirements Manual'. The Havering Police Crime Prevention Office will provide individuals conducting risk assessments when preparing operating schedules with advice relevant to current standards. At the time of publication these are provided for in the HOSDB publication 09/05 'UK Police Requirements for Digital CCTV Systems.</p> <p>CD15 - A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. All other areas of risk identified in the Operational Requirement shall have coverage</p> | |
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| | | <p>appropriate to the risk.</p> <p>CD16 The installation or upgrading of any CCTV system shall comply with current best practice. In addition the documentation listed below shall be included in a 'System File' which should be readily available for inspection by the relevant authority; Site plan showing position of cameras and their field of view. Code of Practice. Performance specification e.g. storage capacity, image file size, IPS for each camera and purpose of each camera position Operational requirement. Incident log. Maintenance records including weekly visual checks.</p> <p>CD17 To obtain a clear head and shoulders image of every person entering the premises on the CCTV system, persons entering the premises should be asked to remove headwear, unless worn as part of religious observance.</p> <p>CD18 The CCTV system shall incorporate a recording facility and</p> | |
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| | | <p>all recordings shall be securely stored for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. For premises using a video recording system, the cassette tapes shall be used on no more than 12 occasions to maintain the quality of the recorded image.</p> <p>CD19 The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the 'System File'. Any alteration to the system should only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.</p> | |
| Page 38 CD33 | Minimum of 28 days | Replaced with 'one calendar month' | Licensing officer |
| Page 45 PS37 | | Added working | Licensing officer |
| Page 47 PS51 | All scenery shall be | Replaced Licensing Authority with LFEPA | Licensing officer |

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| | maintained flame-retarded to the Licensing Authority's satisfaction | | |
| Page 48 | | Deleted PS59 | Responsible Authority |
| Appendix 2 Table of delegations | <p>Application to vary designated personal licence holder</p> <p>Request to be removed as designated personal licence holder</p> <p>Decision to object when local authority is a consultee and not the lead authority</p> | <p>Application to vary designated premises supervisor</p> <p>Determination of request to be removed as designated premises supervisor</p> <p>Deleted</p> | Legal services |

Annexe D

List of Consultees

Metropolitan Police

Councillors

Pub Watch

Town centre management

Legal services

British Beer and Pub Association

British Institute of Innkeepers.

Responsible Authorities :Trading standards, LFEPA, Planning, Environmental

Health Noise and Health and Safety, Childrens Social services.

Copies of the draft Policy were placed in the libraries and at the PASC.

The draft policy was placed on the Havering Council website.



| MEETING | DATE | ITEM |
|----------------------------|-------------------------|----------|
| LICENSING COMMITTEE | 12 NOVEMBER 2007 | 6 |

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: Licensing Performance Indicators 2007/08

SUMMARY

1.1 The purpose of this is to enable the Licensing committee to scrutinise the performance of the Licensing Team against the requirements of the 2003 legislation.

RECOMMENDATIONS

2.1 To agree the targets set for the Licensing team as appropriate and challenging.

2.2 To note the performance up to 31st August 2007 and to comment upon the performance so far.

2.3 To agree to receiving a performance report on a half-yearly basis.

REPORT DETAIL

3.1 The Licensing Act 2003 brought in modernised licensing laws for premises selling alcohol or providing public entertainment. Part of this modernisation was to make local authorities, such as Havering, responsible for issuing transferring licences under the old laws to the new law.

3.2 Since then the Licensing Team (Sustainable Communities) has issued new licences, upon application, and reviewed existing licences when a

complaint has been received that a licensee has acted outside the terms of his/her licence.

- 3.3 The Government Department responsible for the Licensing Act 2003 is the Department for Culture Media and Sport (DCMS). When the Licensing Act 2003 came into force on 7th February 2005 the Secretary of State had not issued national performance indicators for the licensing function.
- 3.4 Therefore each local authority is free to monitor its licensing function according to its own set of local priorities. As part of the modernisation of the Environmental Health function officers within the Sustainable Communities Directorate have developed a set of performance indicators and targets for Members to consider, comment upon and hopefully agree.
- 3.5 Under the constitution the Licensing Committee has the scrutiny function for Licensing hence, if agreed, the Committee will receive a performance report twice a year.
- 3.6 Appendix A provides details of the licensing Performance Indicators collected by the Environmental Health Service. The table shows the 2006/07 outturns (where available), the 2007/08 target, and the 2008/09 and 2009/10 improvement targets.

4. Financial Implications and risks:

- 4.1 The current budget has been developed around delivering the 2007/08 targets. Targets for future years will need to be delivered within existing budgets which may require the reprioritisation of resources. Where this is not possible funding will need to be addressed through the MTFS process or targets revised as appropriate.

5. Legal Implications and risks:

- 5.1 There is no legal requirement for this report, although the collection and reporting of statutory PIs through the annual performance plan is part of the current Best Value legislation. However, regular performance reporting to the relevant Overview and Scrutiny Committees and, in this case, the Licensing Committee is recognised and encouraged as best practice.

6. Human Resources Implications and risks:

- 6.1 None directly

7. Equalities and Social Inclusion Implications and risks:

- 7.1 The authority is expected to demonstrate that all residents and service users have equal access to its services. Publishing performance data and the targets that we set ourselves allows them to see the standards that we have set ourselves and how we are achieving them.

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|-----------------|------------------------------------------|
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| E-mail address: | barry.kendler@haverling.gov.uk |

CHERYL COPPELL
Chief Executive

Background Papers List

Annual Performance Plan, published June 2007.

Data have been extracted from the internal monthly monitoring reports produced by the Housing and Environmental Health Service.

Licensing LPIs : Housing and Environmental Health

| BVPI Code | BVPI / LPI | Outturn 2006/07 | 2007/08 Target | 2007/08 Outturn to Sept | 2008/09 Target | 2009/10 Target | Where used ¹ |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------|-------------------------|----------------|----------------|-------------------------|
| LPI 41 | Percentage of personal licences issued within five working days of receiving a completed application (except where they have to be referred to the Police) – non-cumulative | New indicator for 2007/08 | 90% | 100% | 92% | 95% | |
| LPI 42 | Percentage of Temporary Event Notices dealt with and returned to the applicant within two working days – non-cumulative | New indicator for 2007/08 | 90% | 100% | 92% | 95% | |
| LPI 44 | Percentage of people surveyed who were satisfied (or above) with the service received from the Environmental Health Team –non-cumulative | Not collected | 70% | 100% | No target set | No target set | |
| LPI 46a | Applications for Personal Licences – number approved | New indicator for 2007/08 | No target set | 85 | No target set | No target set | PP |
| LPI 46b | Applications for Personal Licences – number rejected | New indicator for 2007/08 | No target set | 0 | No target set | No target set | PP |
| LPI 47a | Applications for New Premises –number approved – non-cumulative | New indicator for 2007/08 | No target set | 35 | No target set | No target set | PP |
| LPI 47b | Applications for New Premises –number rejected – non-cumulative | New indicator for 2007/08 | No target set | 1 | No target set | No target set | PP |
| LPI 48 | No of applications for variations – non-cumulative | New indicator for 2007/08 | No target set | 24 | No target set | No target set | PP |
| LPI 49a | Number of reviews – originated by Police | New indicator for 2007/08 | No target set | 0 | No target set | No target set | PP |
| LPI 49b | Number of reviews – originated by member(s) of the public | New indicator for 2007/08 | No target set | 0 | No target set | No target set | PP |
| LPI 49c | Number of reviews – originated by other responsible authority | New indicator for 2007/08 | No target set | 1 | No target set | No target set | PP |

PP: Included in annual Performance Plan

| BVPI Code | BVPI / LPI | Outturn 2006/07 | 2007/08 Target | 2007/08 Outturn to Sept | 2008/09 Target | 2009/10 Target | Where used¹ |
|------------------|--------------------------------------------|---------------------------|-----------------------|--------------------------------|-----------------------|-----------------------|-------------------------------|
| LPI 50 | Percentage of licence fee income collected | New indicator for 2007/08 | 80% | 46% | 92% | 95% | |

All figures are cumulative unless otherwise stated.