



# Havering

LONDON BOROUGH

## Statement of Licensing Policy

# Document Control

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<b>V0.2</b>	updated	28/4/15	Maps added and typos corrected
<b>V0.3</b>	updated	30/04/15	Formatting, typos, PK comments included
<b>V0.4</b>	updated	12/10/15	Updated following consultation. Changes to special policy area, change to planning policy condition, maps moved to appendices, additional evidence added to appendix 8, reworked appendix 1 .
<b>V0.5</b>	updated	28/10/15	Revised wording from legal.

## Approval history

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<i>Add final version number e.g. V0.4</i>	<i>Add status of policy e.g. Final</i>	<i>Add date</i>	<i>Add name of approving body e.g. Cabinet</i>
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Equality Impact Assessment record

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The Statement of Licensing Policy of London Borough of Havering the Licensing Authority for the London Borough of Havering prepared under section 5 of the Licensing Act 2003 with due regard and weight to Guidance issued by the Secretary of State for the Home Office under section 182 of the Licensing Act 2003.

Determined for a five year period commencing xx January 2016.

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## 1. Executive Summary

1.1 The Licensing Act 2003 came into effect in 2005.

1.2 Section 5 of the Licensing Act 2003 requires each Licensing Authority to prepare a Statement of Licensing Policy that it will apply in exercising its functions pursuant to the Act. The Statement of Licensing Policy is valid for a term of 5 years when it must be revised again. The Licensing Authority may also review and revise the Statement of Licensing Policy within the statutory 5 years period. All revisions and reviews are subject to the statutory requirement for consultation. The document is made up of the Statement of Licensing Policy and supporting appendices. The appendices provide useful information for applicants and may be updated during the life of the Policy without consultation for example to include legislative changes.

1.3 Any decision taken by the Council in regard to determination of licences, certificates and notifications should promote the licensing objectives which are:

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

1.4 The Policy covers the licensable activities as specified by the Act which are:

- Sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the Club
- Regulated entertainment
- Late night refreshment

1.5 The Policy must have due regard to the guidance issued by the Secretary of State under S182 of the Licensing Act 2003 and other local strategies.

1.6 The Council has the ability to grant licences for premises and certificates for club premises. It also grants personal licences and accepts Temporary Event Notices.

1.7 Applicants for premises licences should be aware of the expectations of the licensing authority and the responsible authorities as to the steps for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

1.8 Where relevant the Council consults with the responsible authorities as described in the Act.

1.9 Local people, business and Members of the Council are able to have their say and their opinion heard through public consultation on this Policy and by making

representations about applications for premises licences or requesting reviews of licences for problem premises.

## 2. Introduction

2.1 The purpose of this Licensing Policy is to inform both applicants and residents about the way in which the Licensing Authority will implement the Licensing Act 2003 in Havering. The Policy along with national guidance and primary legislation forms the basis on which decisions are made.

2.2 In preparing this Policy the Council has consulted with and considered the views of a wide range of people and organisations including:

- Representatives of local business
- Local residents and their representatives
- Councillors
- Local Members of Parliament
- Representatives of existing licence holders including
  - The British Beer and Pub Association
  - Licensing solicitors
- The responsible authorities namely:
  - Metropolitan Police
  - London Fire and Emergency Planning Authority
  - London Borough of Havering- Director of Public Health
  - London Borough of Havering- Environmental Health Service
  - London Borough of Havering- Planning Service
  - London Borough of Havering-Trading Standards Service
  - London Borough of Havering-Children and Young Persons Service
  - 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)
- Other Council Departments including
  - Community Safety
  - Regeneration
  - Street Care
- Charitable organisations that deal with the social impact of alcohol misuse such as the Street pastors
- Local GP's surgeries.

2.3 The Authority will carry out its licensing functions with a view to promoting the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance

- The protection of children from harm

Each objective is of equal importance.

### **3. Principles and Aspirations.**

#### **The Borough**

3.1 Havering is one of the largest boroughs in Greater London, with a population of around 225,000 (from the last census) and an area approaching 40 square miles, half of which is in the Green Belt. It is located on the periphery of North East London. The area has good road and rail links. To the north and east the borough is bordered by the Essex countryside, to the south by a three mile River Thames frontage, and to the west by the neighbouring boroughs of Redbridge and Barking & Dagenham.

3.2 Havering has a lively cultural scene, centred on the Queen's Theatre and the Fairkytes Arts Centre. There is a Museum in Romford town centre. Leisure facilities are second to none, with three leisure centres with state-of-the-art equipment and facilities. The borough is also a great place to shop. There are 250,000 regular shoppers in Romford town centre alone. In addition to Romford there are small local shopping centres in Harold Hill, Collier Row, Hornchurch, Cranham, Upminster, Elm Park and Rainham. See map Appendix 11.

The main centres of night time economy are:

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

3.3 Clean, Safe, Proud is Havering Council's vision for the future which states the following

We want Havering to be clean and to look after our environment for future generations.

We want you to be safe – whether you're a pensioner walking through a town after dark, or a young child growing up without the security of a loving home.

And we want you to be proud to live in Havering – where we respect each other, value our traditions and work together to improve our quality of life.

3.5 When applications for new licences or for variation of existing licences are received, the authority will take into account the impact of the activities concerned with a view to creating a clean and safe borough.

## 4.0 Expectations of applicants

### 4.1 The licensing objectives

The prevention of crime and disorder

Public safety

The prevention of public nuisance

The protection of children from harm

are at the heart of the licensing regime. Applicants must demonstrate in their operating schedules as part of an application how they will address each objective. The Licensing Authority will make decisions about applications, variations and reviews based on the promotion of the same objectives. Those making representations to the Licensing sub-committee must base them on the Licensing objectives.

4.2 It is for these reasons that Havering is keen to see complete, detailed and meaningful operating schedules that will enable all parties to understand what is being sought by an application, and if granted how the premises will operate. In completing the operating schedule, applicants are expected to have regard to this Statement of Licensing Policy which sets out the expectations of the Authority as to the steps that are appropriate for the promotion of the licensing objectives.

4.3 The completion of a full and detailed operating schedule will give those reading the application greater confidence that the applicant seeks to make a positive contribution and is demonstrating a commitment to both those living in the vicinity and the licensing objectives. Applicants are expected to:

- Demonstrate knowledge of the local area when describing the steps they propose to take to promote the licensing objectives;
- Undertake enquiries about the area in which the premises are situated to inform the content of the application;
- Obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand;
  - The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children congregate.
  - Any risk posed to the local area by the applicants' proposed licensable activities;
  - Any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

Applicants are also expected to include positive proposals in their application as to how they will manage any potential risks.

4.4 Where specific policies apply in the area (for example, a Cumulative Impact Policy), applicants are also expected to:

- Demonstrate an understanding of how the Policy impacts on their application,
- Identify any measures they will take to mitigate the impact, and
- Confirm why they consider their application should be an exception to the Policy.

4.5 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises close to residential properties should consider how this will impact upon their smoking, noise management and dispersal policies, to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives and where there are no known concerns, acknowledge this in their application.

4.6 Lists of questions which should be considered in operating schedules are included in Appendix 2. A model pool of conditions which can also be of assistance is included at Appendix 4. The mandatory conditions which are applicable to all licences depending on what is being licenced are attached as Appendix 3. Whilst applicants are strongly encouraged to consider these they should not be regarded as standard conditions and should be tailored according to the individual application and location and be used to inform the operating schedule. By the use of a carefully considered operating schedule applicants can demonstrate that they have given thought to their application and the impact of their application on the local environment.

4.7 An operating schedule forms the basis for conditions that will be placed on the licence. It should contain details relating to the promotion of the licensing objectives that are capable of being translated into enforceable conditions as, if there are no representations against the grant of the licence these will form the basis of the conditions.

4.8 The failure by an applicant to clearly and fully demonstrate in the operating schedule that they have properly considered the promotion of the four licensing objectives is a legitimate concern should the application come before the Licensing sub-committee.

## **5.0 Location and Special Policies eg Cumulative Impact.**

### **Licensing Policy 1**

**In considering applications for new licences, variations to existing licences and licence reviews the Licensing Authority will take the matters listed below into account:**

- **whether the premises is located in an area of cumulative impact;**
- **the type of premises and their cumulative impact on the area and the mix of premises in the area;**
- **the location of the premises and the character of the area;**
- **the views of the responsible authorities;**
- **the views of other persons;**
- **past compliance history of current management;**
- **the proposed hours of operation;**
- **the type and number of customers likely to attend the premises;**
- **whether the applicant is able to demonstrate commitment to a high standard of management, for example through active participation in the Safe and Sound meetings and pub watch.**

### **Licensing Policy 2**

**The Licensing Authority has adopted a special Policy relating to Cumulative Impact in relation to:**

- **Romford town centre within the ring road**
- **St Andrews Ward**

**This Policy creates a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications that will add to the existing cumulative impact, will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact and not impact adversely on the promotion of the licensing objectives. The exception to this policy will be for applications for restaurants where alcohol is sold ancillary to a table meal and the terminal licensing hour is in line with the Policy.**

### **Licensing Policy 3**

**The Licensing Authority has adopted a Special Policy relating to cumulative impact in relation to**

- **Harold Hill**

**This Policy creates a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications**

**specifically for off sales only that are likely to add to the existing cumulative impact will be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact and not impact adversely on the promotion of the licensing objectives.**

5.1 The effect of adopting a special Policy of this kind is to create a rebuttable presumption that where representations are received applications will normally be refused unless the applicant can demonstrate, in their operating schedule, that there will be no adverse cumulative impact on the licensing objectives

5.2 It must be stressed that the rebuttable presumption created by this special Policy does not relieve Responsible Authorities or other persons of the need to make relevant representations. If there are no representations, the Licensing Authority must grant the application consistent with the operating schedule submitted.

5.3 This special Policy is not absolute. The circumstances of each application within the cumulative impact area will be considered upon its own merits and the Licensing Authority shall permit licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives to be granted.

5.4 Upon receiving representations in relation to a new or variation application the Licensing Authority will consider whether it would be justified departing from the Special Policy in the light of the individual circumstances of the case. The impact of an application is expected to be different for premises with different formats and characteristics. If the Licensing Authority decides that an application should be refused, it will still need to show that the grant of the application would undermine one or more of the licensing objectives and that conditions or restrictions would be an ineffective solution.

5.5 Examples of applications that the Licensing Authority may consider as exceptional may include, though not are limited to:

- Small premises with a capacity of 50 persons or less only intending to operate during hours specified in Licensing Policy 7
- Premises which are not alcohol led and operate only within the hours specified in Licensing Policy 7 such as coffee shops.

5.6 Examples of factors the Licensing Authority will **not** consider as exceptional include:

- Premises will be well managed and run
- Premises will be constructed to a high standard
- Applicant operates similar premises elsewhere without complaint
- Similar premises operate in the area.

5.7 The evidence relied upon for the cumulative impact policies is set out in Appendix 6 for Romford, Appendix 7 for St Andrews Ward and Appendix 8 for Harold Hill. The maps of the areas are included in the evidence appendices.

#### **Licensing Policy 4**

**The Licensing Authority will keep potential areas of saturation (areas where the Authority believes 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 Saturation Policy for the area that will create a presumption for the refusal of all new applications.**

5.7 Upminster ward which covers Upminster town centre is a stress area. There has been an increase in the numbers of licensed premises in Upminster, and since the Licensing Act was implemented, there has been a trend for later opening hours which has been matched by the times during which crimes and anti-social behaviour occurs.

After consultation with the Police, the Licensing Authority is not of the view that this area of the borough presently requires a Cumulative or Saturation policy however, this will be kept under review. See Appendix 9 for evidence.

#### **Shops Selling Alcohol**

##### **Licensing Policy 5**

**The Licensing Authority is concerned regarding the adverse impact on the licensing objectives arising from the increasing numbers of shops selling alcohol for consumption off the premises. The Licensing Authority will consider restricting the number of premises and the licensing hours to 23.00 in locations where longer hours undermine the licensing objectives.**

5.8 A previous Policy of the Licensing Authority was to permit shops, stores and supermarkets to sell alcohol for consumption off the premises during the hours that they are open for trading. This approach was consistent with the S182 guidance issued by the Secretary of State but it has resulted in an increase in the number of off licences in the Borough and has resulted in an increase in the hours during which alcohol is available for sale.

5.9 The Licensing Authority is aware that this approach is having a detrimental effect on local communities and through the Alcohol Strategy adopted by the Council in March 2014 seeks to restrict the opening hours to 23.00 hours.

## Development Management

### Licensing Policy 6

**The Licensing Authority considers that, in the interests of clarity and transparency, applicants should normally have in place the relevant planning consent for the intended use and hours of operation, or otherwise have lawful planning status, before making an application for a premises licence. However every application will be considered on its merits on a case by case basis**

5.10 . Licensing and Planning controls are two different regimes which operate independently. However the relationship between the two, especially as seen by the community, can cause confusion and lack of confidence in the fairness of process and outcome. That's particularly so where there results a mis-match between controls with which the operator is obliged to comply within the respective regimes.

5.11 This Policy is simply to promote clarity of process and so complies with the Guidance. Generally, any premises for which a licence is required must also have an appropriate authorised use under planning law. The planning permission for a premise determines its use and often its hours of operation. If this is not in place at the time the licence application is heard, there may be a conflict between the two and the applicant will be required to comply with any planning permission granted. In LBH experience that mis-match causes confusion and concerns about lack of transparency and fairness on the part of the local community

5.12 Applicants for Premises Licences should include information in respect of planning permission for the subject premises. Where there is no planning permission for the proposed use in place, applicants should include information regarding any planning applications being submitted, or any outstanding appeal or appeals against the refusal of planning consent.

5.12 Applicants are also advised to seeking planning advice before submitting applications for a Premises Licence where there is no planning permission in place for the proposed use. Planning advice may also be appropriate before an application to vary an existing Premises Licence is made. Where no planning consent is in place, applicants should, in appropriate circumstances, consider seeking a Provisional Statement under section 29 of the Licensing Act 2003.

5.13 Applicants should note that the grant of a Premises Licence is not also the grant of Planning Permission. Where premises are being used without the benefit of Planning Permission, the Local Planning Authority will take enforcement action by the service of an Enforcement Notice, Breach of Condition Notice, seeking an Injunction, or the service of a Stop Notice and will consider all other measures available to the Authority to abate the unlawful use without planning consent, including Closure Orders under the Anti-Social Behaviour Act 2014.

5.14 Applicants are advised that the Local Planning Authority is an Responsible Authority under the 2003 Act and is able to make representations against all applications on planning grounds relating to, inter alia, public nuisance, and thereby make representations regarding opening and closing hours, and in respect of any of the 4 overriding objectives of the Licensing Act 2003.

5.15 In framing this policy the Council acknowledges that it must ensure the lawful operation and independence of the Licensing and Planning control regimes. However this approach is consistent with strategic objectives for the community.

5.16 The Council's planning policies are set out in the Local Development Framework (LDF), adopted 2008 – see <https://www.havering.gov.uk/Pages/Category/Local-Development-Framework.aspx>. Planning decisions also have to have regard to National Planning Policy and the London Plan.

## 6.0 Licensing Hours

### Licensing Policy 7

When dealing with new and variation applications the Licensing Authority will give more favourable consideration to applications with the following closing times:

**Public Houses and Bars 23:00 hours-Sunday to Thursday**

**Midnight –Friday and Saturday**

**Nightclubs 01:00 hours Sunday to Thursday**

**02:00 hours Friday and Saturday**

**Restaurants and Cafes 23:00 hours Sunday to Thursday**

**Midnight- Friday and Saturday**

**Off licences 23:00 Monday to Sundays**

**Hot food and drink supplied by takeaways, fast food premises**

**Midnight- Sunday to Thursdays**

**01:00 Friday and Saturday**

**Hotel residents only 24 hours sale of alcohol for on sales only.**

Consideration will also be given to the type of area that the premises is located in with regulated activities normally being permitted until 23.30 in residential areas and 00.30 in mixed use areas.

**These hours are not pre-determined and each application will be considered on its merits.**

6.1 The above hours are intended to guide applicants on the Licensing Authority's expectations when preparing their operating schedules. The above hours are not pre-determined and each application will be considered on its merits. The evidence to support these hours is from the Licensing Strategy and front line officer reports.

6.2 For applications within the above hours there is no presumption that the application will automatically be granted in all cases where a relevant representation has been made. If no representations are received, the application will be granted by the licensing authority under delegated powers.

6.3 Applicants who wish to provide licensable activities outside the hours specified above should ensure that the operating schedule specifies detailed measures to militate against crime, disorder and public nuisance taking into account:

- The location of the premises and the character of the area in which they are situated
- The proposed hours during which licensable activities will take place
- The adequacy of the applicant's proposals to prevent crime and disorder and prevent public nuisance
- Whether customers have access to public transport when arriving at or leaving the premises
- The proximity of the premises to other licensed premises in the vicinity and the hours of operation of those other premises policies and proposals for the orderly dispersal of customers.

## **7.0 Standards of Management.**

### **The Operating schedule**

#### **Licensing Policy 8**

**When assessing the applicant's or licensee's ability to demonstrate a commitment to high standards of management the Licensing Authority will take into account whether the applicant or licensee:**

- **Can demonstrate comprehensive knowledge of best practice**
- **Has sought advice from the responsible authorities**
- **Has implemented any advice that has been given by the responsible authorities**
- **Is able to understand verbal and written advice and legal requirements**
- **Can demonstrate knowledge of the licensing objectives, relevant parts of the Licensing Policy and their responsibilities under the Licensing Act 2003**
- **Is able to run their business lawfully and in accordance with good business practices**
- **Is able to demonstrate a track record of compliance with legal requirements.**

**Where there is a history of non-compliance associated with the premises applicants will need to establish evidence of improvement in management standards and procedures.**

#### **Licensing Policy 9**

**The Licensing Authority seeks to promote mixed use premises with alcohol sales being offered to customers alongside entertainment and food. Applications for premises providing a seated environment for customers are encouraged. Applications for premises whose predominant offer is vertical drinking are not encouraged and the operating schedule for such applications will be expected to demonstrate robust arrangements for promoting the licensing objectives.**

### **Alcohol induced crime and disorder and antisocial behaviour**

#### **Licensing Policy 10**

**The Licensing Authority expects licensees to operate to the highest standards of management, and to cooperate with responsible authorities to prevent:**

- **The sale of alcohol to underage children;**
- **Drunkenness on premises;**
- **Irresponsible drinks promotions.**

**Where the Licensing Authority receives representations from responsible authorities that the management of a premise is supporting such activities, or that there is strong evidence linking patrons with alcohol related crime, disorder or antisocial behaviour the Licensing Authority will consider reviewing the licences to impose additional restrictions and controls to prevent or minimise the impact.**

7.1 Licensing enforcement is a multi-agency activity and it is important that work is coordinated between agencies to deliver solutions. The need for intervention will be risk based and take full account of data, intelligence and information available to both the Council and partners.

7.2 Where appropriate the Licensing Authority will consider imposing controls on products sold where representations indicate localised problems. This provision could include banning the sale of super strength beer, lager and cider in premises as part of a package of measures to deal with the problems associated with street drinking.

## **Risk assessments for significant events**

### **Licensing Policy 11**

**All licensees or managers of licensed premises, applicants for premises licences and premises users intending to use Temporary Event Notices (TENS) are required to undertake a comprehensive risk assessment to ensure that the four licensing objectives are considered and addressed prior to any music event which is:**

- **In a nightclub or large public house**
- **Run anytime between the hours of 22:00 and 08:00**
- **Promoted/advertised to the public any time before the event**
- **Predominantly feature DJs or MCs performing to a backing track**

7.3 The Licensing Authority recommends that the Metropolitan Police Promotion/Event Risk Assessment form 696 and the After Promotion/Event Debrief Risk Assessment Form 696A be used for this purpose. Where the risk assessment forms are used to assess the likely risks from 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 Licensing Authority within 14 days of any proposed event and debrief forms submitted within 14 days of the conclusion. Forms 696 and 696A are available from the Metropolitan Police Service. It is recommended that electronic completion and transmission of the forms is undertaken by licenses. E-mail addresses for submission are [ClubsFocusdesk-CO14@met.police.uk](mailto:ClubsFocusdesk-CO14@met.police.uk)

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.

## **Use of toughened glass and polycarbonates**

### **Licensing Policy 12**

**The Licensing Authority seeks to encourage the use of toughened glassware and polycarbonate on a risk based approach in licensed premises.**

**The Licensing Authority will consider imposing a condition prohibiting the sale of alcohol in annealed glass containers (glasses and bottles) and require the use of polycarbonate or other safer alternatives where:**

- **Local needs dictate**
- **A relevant representation is received**
- **The premises is operating beyond midnight**
- **The licence permits drinking outside.**

7.4 Evidence indicates that the majority of incidents with lacerations from annealed glass occurring inside licensed premises are accidents. However some are malicious and cause horrific injuries and lifetime scarring.

7.5 Outside premises, glass containers, as well as being potential weapons, add to street debris, pose risks to street cleaners and pedestrians and generally undermine the objective to minimise public nuisance.

7.6 The Licensing Authority believes that the use of safer alternatives to annealed glass will help promote public safety and the prevention of crime and disorder in licenced venues.

7.7 The Licensing Authority will take into account the nature of the venue when considering imposing conditions restricting the use of glass, including the uses of bottled drinks. Considerations will include:

- The type of venue
- The customer base
- The hours of operation
- The standard of management demonstrated by the current licensee
- The history of alcohol related crime and disorder associated with the premises
- The extent to which drinking is permitted outside
- The licensee's risk assessment
- The views of the local police

## Drugs Policy

### Licensing Policy 13

**The Licensing Authority 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 Licensing Authority will normally expect the submission of a Drugs Policy as part of the operating schedule for applications for new premises licences and for variations to existing licenses for night clubs and similar premises.**

7.8 The Licensing Authority requires licensees of all venues to take reasonable steps to:

- Prevent entry of drugs into licenced 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
- Have appropriately trained staff to deal with drug related incidents.

## Noise

### Licensing Policy 14

**The Licensing Authority is committed to protecting the amenity of residents and businesses in the vicinity of licenced premises, particularly when late hours have been sought. Where relevant representations are received, the Licensing Authority will impose appropriate restrictions or controls on the licence to support the prevention of undue noise disturbance from licensed premises.**

7.9 The changing nature of the town centres in Havering with increased residential use alongside commercial premises has led to increased noise complaints. The Licensing Authority 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.

7.10 The Licensing Authority 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 Licensing Authority 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 adjoining residential properties may not be appropriate.

7.11 The deregulation of regulated entertainment now exempts many forms of entertainment from being a licensable activity. These activities may still give rise to a nuisance and it is expected that licensees will act promptly if this happens to avoid the need for action by the Local Authority.

### **Licensing Policy 15**

**Licence holders and applicants are encouraged to consider whether early morning deliveries and collections at their premises could potentially result in public nuisance and to introduce measures to minimise the impact where appropriate. The Licensing Authority recognises that refuse collection times can sometimes be outside the control of the premises licence holder. When representations have been received from residents in the vicinity of licensed premises stating that they are being disturbed by early morning collections and deliveries, the applicant or premises licence holder is encouraged whenever possible to renegotiate different times with the relevant contractor and to liaise with local residents where appropriate to seek agreement on acceptable hours.**

### **Smoking, Drinking and eating outside**

#### **Licensing Policy 16**

**The Licensing Authority recognises that where gardens and tables and chairs are provided for smoking, eating and drinking outside, users can cause nuisance.**

**Where smoking, eating and drinking take place outside the Licensing Authority expects applicants to provide comprehensive details in their operating schedule on:**

- **The location of outside areas to be available for use**
- **How the outside areas will be managed to prevent noise, smell and pavement obstructions.**

**Where the Licensing Authority receives representations or a review application regarding the use of an outside area it will impose restrictions or conditions that are appropriate for preventing a public nuisance.**

7.12 The provision of tables and chairs outside the premises, either on the highway or 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.

## **Dispersal policies**

### **Licensing Policy 17**

**The Licensing Authority will normally require all licensed premises to be cleared of patrons within a reasonable period, usually 30 minutes, after the end of the time permitted for licensable activities. An application for a new late night premises licences or variation application will not normally be granted unless a proposed dispersal Policy is included in the operating schedule.**

7.13 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 Licensing Authority 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 Licensing Authority recommend 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.
- Issuing customers leaving the premises with lollipops and boiled sweets
- 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.

## **Adult Entertainment**

### **Licensing Policy 18**

**The Licensing Authority expects all applicants and licensees intending to provide adult entertainment to include the relevant details in their operating schedule, including controls they intend to put in place.**

**When considering applications which include adult entertainment, the Licensing Authority will take into account the nature of the area, the marketing, advertising arrangements and external views of the premises together with other factors proposed by the proprietor to militate against concerns.**

7.14 Premises providing adult entertainment on a regular basis will be subject to the licensing regime for Sexual Entertainment Venues. Premises licensed under the Licensing Act 2003 that are exempt from this regime will be subject to the following paragraphs of this Policy.

7.15 The location of the premises will be an important factor as it can impact on all four of the licensing objectives. The Licensing Authority will consider whether applications for new and variation premises licences that are located in close proximity to sensitive premises, such as:

- Residential accommodation,
- Schools,
- Children's and vulnerable persons' centres,
- Religious centres and public places of worship,
- Youth and community centres,

should be granted. Each application will be decided on its own merits and will depend upon the type of adult entertainment that is proposed and the applicant's ability to demonstrate the high standards of management.

7.16 The Licensing Authority considers adult entertainment to include activities such as topless waitresses, striptease and table dancing or any activity performed partially clothed or naked.

7.17 If relevant representations are received, the Licensing Authority will not normally grant a licence unless:

- The premises operating schedule specifies adequate arrangements for prohibiting children under the age 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 dressing room without passing through or come 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 19

**The Licensing Authority 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 safeguarding children 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.**

7.18 The Licensing Authority 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 Licensing Authority 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.

7.19 The Licensing Authority also recognises that children are one of the most vulnerable groups in our society and that some activities associated with the licensed premises are not appropriate for children. The Licensing Authority 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 take place on the premises may present as 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 underage children especially in relation to off-licence premises.

7.20 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, personnel working at the premises or licences have been associated with convictions for serving alcohol to underage children or have a reputation for allowing underage 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 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.

7.21 Requirements may include:

- Limitations on the hours when children, or children under certain age limits will be allowed access;
- Limitations on the parts of premises that children will be allowed access;
- Limitations or exclusion when certain activities are taking place
- Full exclusion of people under 18 from the premises where any licensable activities are taking place
- The need 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;
- A safeguarding children Policy;
- All staff to hold and up to date disclosure and barring record checks (DBS).

7.22 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 wellbeing of the admitted children during an emergency. Details of the licences arrangements must be included in the operating schedule.

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

## **Children and Alcohol**

### **Licensing Policy 20**

**The Licensing Authority is committed to tackling the illegal sale of alcohol to children, including proxy sales when adults buy alcohol for children. Premises within 400 metres of schools or colleges should consider licence conditions to control the products offered for sale and on display in windows. It expects licensees to implement measures to Challenge 25 standard to reduce the likelihood of underage sales from their premises and will take appropriate action, including review of licenses, where sales persist.**

### **Illicit Goods**

#### **Licensing Policy 21**

**The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licencing objectives.**

7.24 The Licensing Authority's approach is that the supply of illicit goods will be taken seriously as these matters undermine the licensing objectives. Licensees supplying illicit goods can expect the Licensing Authority to impose additional controls and run the risk of losing their licence.

## **Temporary events**

### **Licensing Policy 22**

**Where events qualify for a temporary events notice, 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 23**

**When considering objections to temporary event notices from the Police or Environmental Health, the Licensing Authority will take the following factors into account:**

- **Circumstances of the objection**
- **The applicant's willingness to comply with the conditions attached to the premises licence**
- **History of complaints**
- **The track record of the applicant**
- **Any other proposed control measures.**

7.25 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 168 hours can take place, following the notification of such events to the Licensing Authority and the Police. Environmental health and the Police only can object to the temporary event notice if they are of the opinion that the event is likely to undermine the licensing objectives.

7.26 Although the statutory legal minimum time required for notification of a temporary event to the Licensing Authority and the Police is 10 working days, or 5 days for a late temporary event notice, 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 Licensing Authority to publicise its preferred timescale for notification and this is indicated 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.

7.27 "Ten working days" notice means ten working days exclusive of the day on which the event is to start and exclusive of the day on which notice is given. Five

working days in respect of late TENS means five working days exclusive of the day on which the event starts and exclusive of the day on which the notice is given.

## **Provisional statements**

### **Licensing Policy 24**

**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.**

7.28 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 Licensing Authority 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.

7.29 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. 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.

## **8.0 Enforcement**

### **Review of Licences**

#### **Licensing Policy 25**

**The Licensing Authority will apply the full range of powers available to it when a review of a premise licence becomes necessary, including:**

- **Restricting hours of operation**
- **Removing licensable activities from the premises licence**
- **Imposing additional conditions**
- **Requiring the removal of a designated premises supervisor**
- **Suspending a licence**
- **Revoking a licence**

8.1 The Licensing Authority believes that the promotion of the licensing objectives is best achieved by mutual cooperation 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.

8.2 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.

8.3 Where a licence is revoked, any new application for the premises will be considered against the Policy. There will be a full consideration of the applicant and the operating schedule with no assumption that a licence premises can continue in that location.

## **Appendix 1 Alcohol and Health in Havering**

This appendix sets out some general background and gives some information on health which licensees may wish to consider when writing their application.

The inclusion in 2012 of local health bodies as responsible authorities under the Licensing Act (2003) enables health services to feed into the local strategy, comment upon applications and initiate reviews. The Licensing and Public Health teams work together within the council to ensure that the health impacts of alcohol licensing are considered. Although 'Health' is not a specific licensing objective the Council is acutely aware of the negative impact on the health of our residents caused by alcohol, reflected in hospital admissions and deaths from alcohol related illnesses, alcohol induced violence and domestic violence.

Alcohol consumption brings mixed fortunes to the local environment. On the one hand, the jobs and revenue generated by on and off-trade sales of alcohol can stimulate a local economy, whereby well-run community pubs and other businesses, together with moderate drinking, provide employment and social venues for the community. On the other hand, excessive consumption of alcohol has a negative impact on crime and health, on communities, and on children and young people. Drinking excessively is strongly correlated with other harmful factors, such as unemployment, poor mental health, and smoking. It is often implicated as one of the three major issues in the Troubled Families agenda, along with domestic abuse and mental ill-health.

### **Drinking levels and patterns (from the JSNA chapter on drug and alcohol)**

Whilst alcohol is a poison and there are no 'safe' levels, the NHS recommends that to minimise the harm caused by alcohol<sup>1</sup>:

The NHS recommends<sup>2</sup>;

(N.B. "Regularly" means drinking this amount every day or most days of the week).

The current recommended guidelines (state that men should drink no more than 3-4 units a day and women should drink no more than 2-3 units a day for no more than 2 or 3 days per week. Men and women should avoid alcohol for 48 hours after a heavy drinking session this is regarded as more than 3 to 4 units.

The Department of Health recommends that if you're pregnant, or planning to become pregnant, you should avoid alcohol altogether. But, if you do opt to have a drink, you should stick to no more than one or two units of alcohol (equivalent to one or two small glasses of wine) once or twice a week to minimise the risk to your

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<sup>1</sup> NHS Choices 'Alcohol Units' <http://www.nhs.uk/Livewell/alcohol/Pages/alcohol-units.aspx> (accessed 24.08.15)

<sup>2</sup> ibid

baby.<sup>3</sup> Additional antenatal advice from the National Institute for Health and Care Excellence (NICE) advises women to avoid alcohol in the first three months in particular, because of the increased risk of miscarriage.<sup>4</sup> Fetal alcohol spectrum disorders (FASD) result from mothers drinking alcohol during pregnancy. They are lifelong conditions that can have a severe impact on individuals and their families - leading to a wide range of difficulties including low IQ, memory disorders, attention disorders, speech and language disorders, visual and hearing defects, epilepsy and heart defects

For children, an alcohol-free childhood is recommended as the safest and healthiest option, or at the very least to delay consuming any alcoholic drink until at least 15 years old as vulnerability to alcohol abuse and dependence is greatest amongst young people who begin drinking before the age of 15<sup>5</sup>. If 15-17 year olds drink it should be rarely and never more than once a week, and should always be with the guidance of a parent or carer or in a supervised environment.

There is no guaranteed safe level of drinking, but those who choose to drink should aim to be in the lower-risk category to minimise the health risks.<sup>6</sup>

### **Parental Alcohol Misuse**

Drug and alcohol addiction does not just affect the individual involved, it also has a detrimental impact on their family – and if there are children involved the consequences can be long-lasting. Children growing up in families where parents are dependent on drugs or alcohol are seven times more likely to become addicted as adults.<sup>7</sup>

### **Toxic Trio (Mental Health, Alcohol Misuse, Domestic Violence)**

There is a clear association between having a mental illness and increasing risk of alcohol dependence<sup>8</sup> – if you drink too much, you put your mental health at risk. Conversely, if you have a mental health problem, you are more likely to drink at levels that put your health at risk. Similarly, there is a close inter-relationship between domestic violence and substance misuse, which both further impact mental ill health. Early identification of domestic abuse and/or mental health issues in substance misusers is highly important. Tackling this ‘toxic trio’ of issues is therefore

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<sup>3</sup> NHS Choices Alcohol in Pregnancy <http://www.nhs.uk/conditions/pregnancy-and-baby/pages/alcohol-medicines-drugs-pregnant.aspx#close> (accessed 24.08.15)

<sup>4</sup> NICE (2008) Antenatal Care <http://www.nice.org.uk/guidance/CG062>

<sup>5</sup> Draft Guidance on the Consumption of Alcohol by Children and Young People from the Chief Medical Officers of England, Wales and Northern Ireland. Available on:

<http://www.google.co.uk/url?q=https://www.education.gov.uk/consultations/downloadableDocs/CMO%2520Guidance.pdf&sa=U&ei=RDELU53jBobb7AbmioGgBA&ved=0CB4QFjAA&usg=AFQjCNESXAE0eWHRSt4KIUPnkQBCz8KApA>

<sup>6</sup> NHS Choices The Risks of Drinking too Much <http://www.nhs.uk/Livewell/alcohol/Pages/Effectsofalcohol.aspx>

<sup>7</sup> LGA Tackling drugs and alcohol Local government’s new public health role

[http://www.local.gov.uk/c/document\\_library/get\\_file?uuid=29b1bd72-bac4-46dd-9189-73ea23c38284&groupId=10180](http://www.local.gov.uk/c/document_library/get_file?uuid=29b1bd72-bac4-46dd-9189-73ea23c38284&groupId=10180)

<sup>8</sup> Weaver, T., Madden, P., Charles, V., Stimson, G., Renton, A., Tyrer, P., Barnes, T., Bench, C., Middleton, H., Wright, N., Paterson, S., Shanahan, W., Seivewright, N. & Ford, C. (2003). Comorbidity of substance misuse and mental illness in community mental health and substance misuse services. *British Journal of Psychiatrists* 183: 304-313.

a clear priority for Havering – the following section highlights the prevalence of mental health problems and domestic violence within the borough.

### Drinking trends in Havering

Just over 1 in 4 people (29%) in Havering drink at levels that put them at increased risk of ill health for conditions such as liver, mouth or breast cancer, pancreatitis and liver disease (see section 6.1 of the JSNA chapter on alcohol for further detail on the health harms of alcohol)<sup>9</sup>. This means that out of an adult population of around 170,000 people, just over 44,000 people drink at a level which puts them at increased risk of ill health. A further 14% of the Havering adult population (20,808 individuals) drink at a level which puts them at higher risk of serious health conditions. An estimated 15.99% of Havering’s population abstain from alcohol (mid 2009 estimate)<sup>10</sup>.

#### *Numbers of Higher, Increasing and Low Risk Drinkers in Havering*

Level	Higher Risk Drinkers	Increasing Risk Drinkers	Low Risk Drinkers
<b>Definition</b>	Drink at very heavy levels which significantly increase the risk of damaging their health and may have already caused some harm to their health. <ul style="list-style-type: none"> <li>• Men who regularly drink over 8 units per day</li> <li>• Women who regularly drink over 6 units per day.</li> </ul>	Drink above the recommended levels which increase the risk of damaging their health. <ul style="list-style-type: none"> <li>• Men who regularly drink over 3 to 4 units per day</li> <li>• Women who regularly drink over 2 to 3 units per day.</li> </ul>	Drink within the recommended alcohol guidelines. <ul style="list-style-type: none"> <li>• Men who regularly drink no more than 3 to 4 units per day</li> <li>• Women who regularly drink no more than 2 to 3 units per day.</li> </ul>
Havering	20,808 (14%)	44,292 (29%)	88,840 (58%)
England	2.6 million	7.4 million	25.9 million

### Prevalence of Alcohol Misuse in Havering<sup>11</sup>

- 3,316 estimated Dependent Drinkers
- 20,808 (14%) Higher Risk Drinkers – drink at very heavy levels which significantly increases the risk of damaging their health

<sup>9</sup> <http://www.haveringdata.net/research/jsna.htm>

<sup>10</sup> Local Alcohol Profiles for England (LAPE) (2014). Local Authority Alcohol Indicators, 2014 Update. Mid 2009 synthetic estimate of the percentage within the total population aged 16 years and over who report in abstaining from drinking. Available on: [http://www.lape.org.uk/downloads/LAPE\\_LA\\_Dataset\\_PHE\\_250414\\_FINAL.xlsx](http://www.lape.org.uk/downloads/LAPE_LA_Dataset_PHE_250414_FINAL.xlsx)

<sup>11</sup> JSNA Chapter: Drug and Alcohol Misuse in Havering (2014) <http://www.haveringdata.net/research/jsna.htm>

- 44,292 (29%) Increasing Risk Drinkers – drink above the recommended level which increases their risk of damaging their health
- 88,840 (58%) Low Risk Drinkers – drink within recommended guidelines
- Havering ranks 11th out of 15 Local Authorities (1 being best) in the same deprivation bracket for deaths from Liver Disease at a rate of 15 per 100,000
- The rate of mortality from chronic liver disease in women in Havering (6.67 per 100,000) is higher than that for London (5.83 per 100,000)
- 4% of all ambulance callouts in 2012-13 in Havering were alcohol related.
- 265 of people entering alcohol treatment in Havering consume more than 600 units of alcohol in the 28 days prior to treatment.
- There were 21,802 alcohol related admissions to A&E in Havering
- 761 alcohol related hospital admissions as an inpatient in Havering were wholly attributable to alcohol.

### **Amount of Alcohol Consumed/Binge drinking**

Binge drinking, which refers to a pattern of drinking in which a person consumes at least twice the daily recommended amount of alcohol in a single drinking session, can cause acute intoxication and lead to problems such as accidents, injury and violence. Most common in younger age groups and is often associated with 'pre-loading'.

'Pre-loading' is a term that relates to people drinking alcohol at home or in the streets before going on to pubs and clubs. It has been associated with higher overall alcohol consumption and a greater likelihood of being involved in a violent incident. People pre-load on alcohol because it is much cheaper to buy from a supermarket or other off licence than in a pub or bar. Research suggests that for young people 'Pre-loading' is seen as a supplementary form of drinking and as a result are more likely to drink excessively, become intoxicated and encounter more alcohol-related problems than those who do not. Whether this extends to older groups is an area for further exploration. 'Pre-loading' presents a challenge for policy makers as this research found one of the key reasons for 'Pre-loading' was for the social aspect and it is therefore important that any interventions to reduce this consider how to replace it with something equally meaningful.<sup>12</sup>

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<sup>12</sup> Foster, J. (2013) 'Alcohol 'Pre-loading': A Review of the Literature'. Alcohol and Alcoholism Vol. 49, No. 2, pp. 213–226, 2014

## Young people and alcohol

The health risks of excessive and prolonged use of alcohol usually begin in adolescence. The Smoking, drinking and drug use among young people in England in 2012 survey<sup>19</sup> is the latest in a series designed to monitor smoking, drinking and drug use among secondary school pupils across England aged 11 to 15 years. Data from this 2012 survey (published in 2013), in which over 7,500 children responded, showed that 43% of pupils had ever had an alcohol drink.<sup>13</sup>

Despite the downward trends, there remain serious concerns. The proportion of children in the UK drinking alcohol remains well above the European average. We continue to rank among the countries with the highest levels of consumption among those who do drink, and British children are more likely to binge drink or get drunk compared to children in most other European countries<sup>14</sup>.

- In 2009, the Tell Us 4 Survey showed that 42% of young people aged 11-15 years nationally have never had alcohol compared with 45% in Havering
- In 2013, 269 young people in Havering were asked at what age they had their first alcoholic drink; nearly 75% answered that they were aged 15 or under when they had their first drink

Early age of drinking onset is associated with an increased likelihood of developing alcohol abuse or dependence in adolescence or adulthood; vulnerability to alcohol abuse is greatest amongst young people who begin drinking before the age of 15.

## Recommendations to Licensees

Given the range of health and social impacts of alcohol on a community, it is recommended that businesses' applying for licenses in Havering outline as fully as possible how they will minimise the harmful impacts of alcohol. This includes, for example:

1. Security in and around the premises<sup>15</sup>
  - CCTV should be installed inside and outside the premises. External lighting provides an obvious means of crime deterrence.
  - Effective security policies based on risk assessments can protect your premises, staff and customers from threats, conflict or violence.

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<sup>13</sup> Fuller, E. (ed) (2013) Smoking, Drinking and Drug Use Among Young People in England in 2013. London: Health and Social Care Information Centre (HSCIC). Available on: <http://www.hscic.gov.uk/catalogue/PUB11334/smok-drin-drug-young-peopeng-2012-repo.pdf>

<sup>14</sup> Hibell B, Guttormson U, Ahlstrom S, et al (2012) The 2011 ESPAD report: substance use among students in 36 European countries

<sup>15</sup> City of London (2013) 'Code of Good Practice for Licensed Premises'  
<https://www.cityoflondon.gov.uk/business/licensing/alcohol-and-entertainment/Documents/CoL-code-of-good-practice.pdf>

## 2. Underage sales of alcohol<sup>16</sup>

- Operate a strict 'No ID – No Sale' policy. 'Challenge 21' scheme serves as a reminder to staff of the need to be vigilant in preventing underage sales and to customers that it is against the law for anyone under 18 to purchase alcohol. Adopting regular ID checks for purchasers, e.g. Challenge 21 to prevent the sale of alcohol to under 18s
- Prominently advertise the scheme in your premises so that customers are aware, in particular, display proof of age signs at the point of sale.
- A 'Challenge 25' scheme gives staff additional support and encouragement to ask for ID from any person appearing to be under 25 years of age to prove that they are over 18.

## 3. Drinks promotions<sup>17</sup>

- A documented policy on responsible drinks promotions should be in place at the premises and should adhere to industry codes such as those recommended by the British Beer and Pub Association (BBPA) and The Portman Group. This is in addition to adherence with the mandatory licensing condition regarding irresponsible promotions.
- Any drinks promotion should market the availability of soft drinks.
- Drink-aware posters can be displayed in the premises to remind customers of the unit content in alcoholic drinks and the safe alcohol consumption limits.

## 4. Training<sup>18</sup>

- Staff should be aware of their responsibilities under the Licensing Act 2003 and be able to recognise appropriate 'cut off' points for serving drunken customers, so as to reduce the likelihood of fights or aggressive behaviour
- Ensuring all staff are trained in recognising excessive drinking behaviour, and delivering alcohol brief interventions where possible.
- Raising awareness of the dangers of excessive drinking within their establishments, particularly around the impact on mental health, illegal drug use and so-called 'legal highs' in conflict management should be provided to give them the knowledge and confidence to deal with difficult situations and reduce crime and disorder at the premises.

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<sup>16</sup> ibid

<sup>17</sup> ibid

<sup>18</sup> ibid

## **Appendix 2. Questions for applicants to consider when making an application.**

The following questions should be considered, although they will vary according to the use of each premise, the following list is not exhaustive and is intended to act as a prompt for matters to consider. Licensees/applicants should use their own experience and knowledge of their customers and location to add or amend to these and form them into an operating schedule. The content of an operating schedule subsequently becomes the basis of conditions on the licence and should be in a form that can be expressed as an enforceable condition. Failure to do this may lead to a representation from the Licensing Authority, a responsible authority or other person.

### **Crime and Disorder**

- Is there CCTV, if so what are the areas covered, does it have the ability to see clear full face recording of patrons entering, does it record the patron search area at the entrance, what is the period for retention of recordings and the provision of instant access to the Police and Authority officers, the ability to produce copies or download images?
- Are SIA door staff employed, numbers of door supervisors, door supervisors wearing high visibility clothing, use of search arches/wands, location of such searches, all such staff to have their details recorded and checks made with SIA website to ensure that licences are current, staff to sign in when commencing work and out when they leave. Is any induction/training given to new door staff?
- Are female door supervisors deployed?
- Do door staff receive any venue specific training to enable them to deal effectively with the clientele of the venue?
- Is there use of ID scanning and recording systems, if so what are the hours during which such systems will be in place, that all patrons will be required to use the system?
- Will there be a “No ID No entry” Policy?
- Are any measures proposed to prevent possession, supply or consumption of illegal drugs and possession of weapons? For example, designing out areas or surfaces where there is a likelihood of drug use;
- Is there a clear written Policy regarding persons caught using/supplying drugs? Is there provision of safe storage for any seized drugs?
- Has the use of plastic or toughened glass for the serving of alcohol been considered, will glass bottles be handed across the bar?
- Any restrictions on patrons taking drinks outside the premises?

- Any restrictions on numbers of patrons using outside smoking area?
- Are patrons searched on re-entering from smoking areas if there is potential for patrons to have contact with non patrons?
- Location of lighting inside/outside the premises?
- Is there a proof of age scheme to be introduced, if so what and is there any dress code used at the premises?
- How is the number of patrons in the premises managed, including reference to any capacity restriction?
- How is capacity counted if appropriate?
- What is the frequency of staff training, what training is given, availability of completed training records and details of the content of training?
- What measures are used to manage queuing?
- Any dispersal Policy?
- Is there a drinking up time before the terminal time of the licence?

For premises selling alcohol for consumption off the premises the following should be considered;

- Should beers, ales, lagers and ciders and anything similar that are sold/supplied in a can only be sold in multiple packs in order to discourage street drinkers?
- Will there be a restriction on the sales /supplies of beers, ales, lagers or ciders or anything similar of 6.5 ABV or above, excluding the sale of specialist branded alcoholic beverages?
- Will there be a restriction on the sale/supply of miniature bottles of spirits of 50ml or less at any time?
- Will ales, lagers and cider be supplied only in bottles of 2 litres and above in capacity?

### **Public Safety**

- What staff training will there be? Will it include an awareness of selling alcohol to those already drunk?
- The potential impact of drunkenness on levels of violence?
- For premises operating to later hours what is the availability of taxis and public transport?

- Is a scheme such as “cabwise” promoted?
- Is a telephone available inside the premises for patrons to call taxis?
- Are staff given training to recognise and deal with vulnerable persons and is there a written Policy?
- Any measures to combat drink spiking?
- Is there a dispersal Policy to reduce queuing for taxis and transport?

### **Public Nuisance**

- Is an acoustic report needed if application involves live or recorded music and later hours?
- Can details of the location and types of any schemes designed to attenuate noise from the premises be provided?
- Can details of any measures to minimise the noise caused by patrons outside the premises be provided?
- The location and availability of any taxi ranks, bus stops, train or tube stations in relation to the premises which are operational at or just after the terminal hour of the licence?
- Provide details of the location and management of any outdoor areas within the property boundary for use by patrons drinking, eating, smoking, queuing or congregating outside, and the hours of use of such areas. The hours of use should also be included:
- Include details of dispersal policies and consider the role of door supervision and winding down periods;
- Will you reduce music sound levels and temp towards the end of the evening?
- Will lighting be increase towards the end of the evening?
- Will there be an area for patrons to use whilst waiting for taxis?
- Any wind down/chill out areas?
- Any use of outside areas such as tables and chairs on the highway or smoking areas?
- If the operation of the venue will attract additional litter such as food cartons or publicity flyers what measures will be put in place to deal with this?
- Will there be litter patrols for takeaways?

## **Protection of Children**

Venues that are family friendly are particularly welcome; applicants are encouraged to make this clear in their application and to make this explicit in the operating schedule.

- Adoption of a proof of age schemes, details of which should be provided;
- Details of which proofs of age will be accepted;
- Any regular training of all staff, details of which should be recorded;
- Will new staff be trained on induction?
- Will a refusals register be used to record instances when sales have been refused?
- The frequency with which the refusals register will be checked to see if it is consistently used;
- Any restrictions on the hour's children may be present?
- Any requirements for accompanying adults to be present?
- Compliance with the BBFC film classification system.

## **Appendix 3 Mandatory Conditions Correct as at April 2015**

### **All Premises Licence authorising supply of alcohol**

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises Licence –
  - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
  - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
    - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to

condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification Policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification Policy.

(3) The Policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the Policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

(a) a holographic mark or

(b) an ultraviolet feature.

6. The responsible person shall ensure that –

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

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

## Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 –

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the

permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **If the Premises Licence allows Exhibition of Films**

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section “children” means any person aged under 18; and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

If the Premises Licence has conditions in respect of Door Supervision

except theatres, cinemas, bingo halls and casinos

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

(a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## Appendix 4

London Borough of Havering

Pool of Model conditions

Conditions attached to a licence or certificate are steps or actions the holder of the premises licence or club premises certificate will be required to take, or refrain from taking, at all times when licensable activities are taking place at the premises in question.

Conditions are required to be clear, appropriate and enforceable and must be expressed in terms that are unambiguous. Further, such conditions should be open transparent and reasonable

Conditions must not be applied universally and treated as standard conditions. Licensing conditions are to be tailored to the size style characteristics and activities taking place at the premises concerned.

License conditions are not required where other regulatory regimes provide sufficient protection to the public e.g. Fire safety legislation.

The pool of model conditions is neither exclusive or exhaustive. The model conditions relate to the four licensing objectives and can be used where appropriate to the particular circumstances of individual premises.

The pool of model conditions does not restrict any applicant, responsible authority, or other persons from proposing any alternative conditions nor would it restrict a licensing sub-committee from imposing any reasonable condition on a licence it considered appropriate for the promotion of the licensing objectives.

Further information relating to conditions can be found in the guidance issued under section 182 of the Licensing Act 2003 which can be found at

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

## **Prevention of Crime and Disorder.**

### **CCTV**

**CD01** The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the Police or the Licensing Authority recordings of the previous two days immediately when requested.

(n.b. The above condition is an example of the wording that could be used for premises where the customers might commit serious crime. The CCTV requirements would be expected to be 'scaled down' accordingly for smaller premises or those premises which are unlikely to prove as troublesome.)

### **Promoted events**

**CD02** There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 23.00 and 07.00 by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.

### **Incident Management**

**CD03** An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the London Borough of Havering. The log will record the following:

- All crimes reported to the venue
- All ejections of customers
- Any incidents of disorder (disturbance caused by either one person or a group of people). (There is no requirement to record the above incidents where they do not relate to a licensable activity).
- Seizures of drugs or offensive weapons
- Any faults in the CCTV system or searching equipment or scanning equipment

- Any refusal of the sale of alcohol during the hours the premises is licensed to sell it.

**CD04** There must be at the premises a lockable 'Drugs Box' to which no member of staff except the DPS and/or XX shall have access. All controlled drugs (or items suspected to be or to contain controlled drugs) found at the premise must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the Metropolitan Police Service for appropriate disposal.

### **Door supervisors**

**CD05** On any occasion that regulated entertainment is provided, not less than \*\*SIA registered door supervisors shall be engaged to control entry.

**CD06** At least \*\* female door supervisor(s) shall be engaged at the premises at such times as door supervisors are required to be provided.

**CD07** When the premises is carrying on licensable activities after \*\*.\*\*. hours, at least \*\* registered door supervisor(s) is (are) to be on duty at each door used for entry or exit.

**CD08** A written search Policy that aims to prevent customers or staff bringing illegal drugs, weapons or other illegal items onto the premises at any time shall be in place and operate at the premises.

### **Late night provisions**

**CD09** There shall be no admission or readmission of customers to the premises after \*\*.\*\*. hours save for customers using the agreed smoking area at the premises.

**CD10** On occasions where licensable activities are carried on past \*\*.\*\*. hours admission of customers will be restricted to (enter restriction e.g. a particular entrance, a particular area of licence premises etc.).

### **Public Safety**

**PS01** All glasses in use at the premises shall be either toughened glass or polycarbonate material.

**PS02** No drinks of any sort are to be supplied to customers in glass bottles.

### **The Prevention of Public Nuisance**

#### **Noise (regulated entertainment)**

**PN01** All doors and windows shall remain closed at all times after \*\*.\*\*. hours during the provision of regulated entertainment except for entry or exit, or in the event of an emergency.

**PN02** Loudspeakers shall not be located in the entrance lobby (specify another location if appropriate) or outside the premises.

### **Noise (persons)**

**PN03** A written dispersal Policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to the neighbours.

**PN04** Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

**PN05** Customers permitted to temporarily leave and then re-enter premises eg, to smoke, shall not be permitted to take drinks or glass containers with them.

**PN06** There shall be no sale of alcohol in unsealed containers for consumption off the premises.

**PN07** The Licence holder shall make available a contact telephone number to nearby residents and the London Borough of Havering Licensing team to be used in the event of complaints arising.

### **The Protection of Children from Harm**

**PC01** A log shall be kept at the premises and record all refused sales of alcohol for reasons that the person(s) is( are) .or appears to be , under \*\* years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be made available on request by the Police or an authorised officer of the London Borough of Havering.

**PC02** A 'Challenge \*\*' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of \*\* shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of identity card.

**PC03** Children under the age of \*\* years shall not be allowed on the premises after \*\*. \*\* hours unless accompanied by an adult.

**PC04** Children under the age of \*\* years shall not be allowed on the premises.

**PC05** No single cans or bottles of beer or cider shall be sold at the premises.

### **General**

**GC01** Any designated queuing area shall be enclosed within appropriate barriers to ensure that the highway is kept clear.

**GC02** Alcohol shall only be sold to a person sitting down eating a meal and for consumption with that meal.

**GC03** Alcohol shall be sold to customers by waiter/waitress service only.

**GC04** There shall be no sales of alcohol for consumption off the premises.

**GC05** Sales of alcohol for consumption off the premises shall only be supplied with a meal.

**GC06** There shall be no admission after \*\*. \*\* other than to

- Residents of the hotel and their bona fide guests
- Persons who have pre-booked to attend a function at the premises

**GC07** No entertainment, performance, service, or exhibition involving nudity or sexual stimulation shall be permitted.

## **Appendix 5 Good Practice Guidance**

### **Restrictions on drinking areas**

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

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

### **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.

**CDGPG2** 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.

**CDGPG3** Prominent, clear notices shall be displayed at every public entrance stating the actual operating hours of the premises.

**CDGPG4** 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.

### **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.

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.

**CDGPG5** Premises which have a Policy that includes the searching of persons shall have Door Supervisors of both sexes on duty at all times.

**CDGPG6** 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**

**CDGPG7** All occasions when persons have been refused service shall be recorded in writing and kept at the premises for six months.

**CDGPG8** Prominent, clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved

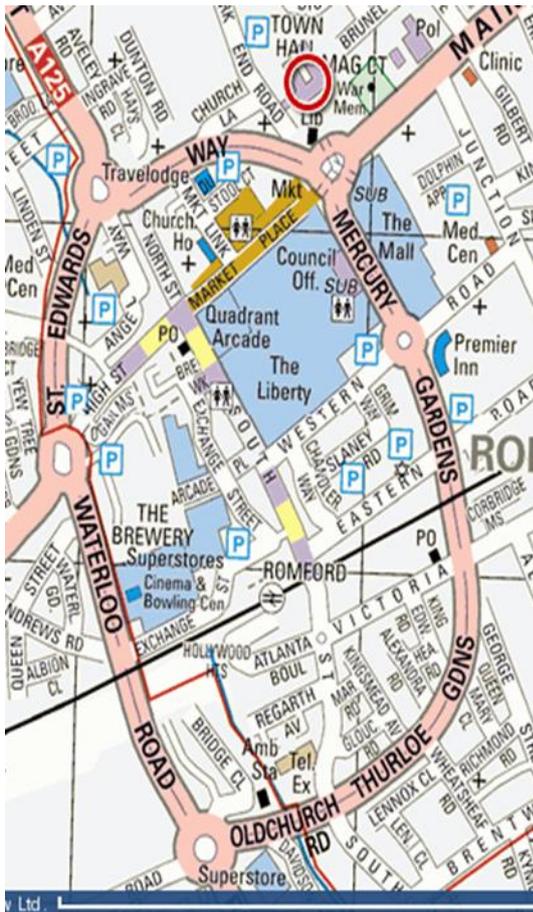
**CDGPG9** No single cans or bottles of beer or cider shall be sold at the premises.

## **Safe and Sound Partnership**

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

**CDGPG10** The Licence Holder shall sign up to the Safe and Sound approved charter.

## Appendix 6 Crime Analysis for Romford Town Ward



The following data demonstrates the impact of late night venues on temporal patterns of crime, particularly violent crime and disorder, in retail and commercial areas. It is estimated that 44% of all violence, as reported via the Crime Survey for England & Wales formerly known as the British Crime Survey, is alcohol related (either whereby a victim, a perpetrator, or both have consumed alcohol).

Violent crime in Havering occurs disproportionately during the 10pm-2am time frame (extending to 4am in Romford Town), during and following a Friday and Saturday night. This includes almost 1 in 4 assault with injury offences (Actual Bodily Harm) and a third of serious assaults (Grievous Bodily Harm). Furthermore, 1 in 5 sexual offences (much lower in volume) occur during this time frame.

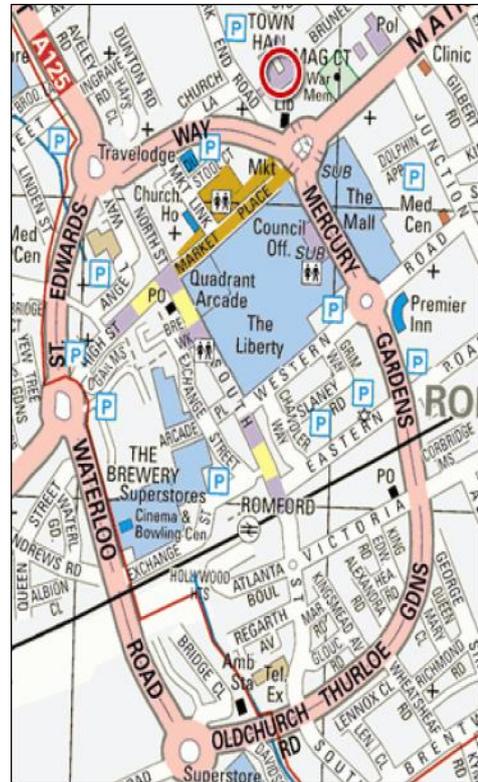
The offence types that will be focussed on in the mapping and temporal analysis are as follows:

- Actual Bodily Harm (assault/violence with injury – defined as leaving a mark on the skin)
- Common Assault (assault/violence without injury – defined as assault with no visible injury)
- Grievous Bodily Harm (assault/violence with injury – more serious injury sustained, including weapon enabled)

- Affray
- Public order offences (threatening or insulting words, causing alarm and distress)
- Violent Disorder

Map of Location:

Romford Town centre historically has experienced a high volume of alcohol related and night time economy violent crime and disorder. Of London’s 12 Metropolitan Centre’s Romford Town had the highest rate of violent crime in 2009 (this has improved to 5<sup>th</sup> in 2013). However, the town centre remains a hotspot and due to the volume of late night venues which continue to thrive around South Street.



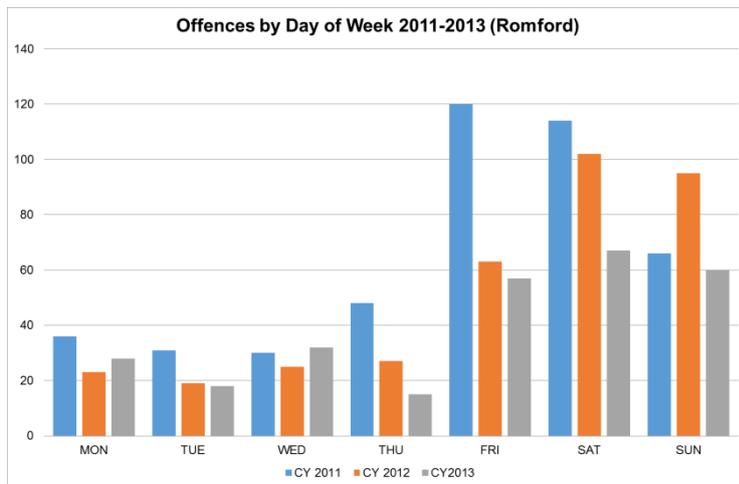
The night life in Romford continues to attract visitors locally, but also from other London boroughs. Almost half of violent offences in Romford town centre involve victims / suspects who live outside of Havering. In the region of 15,000 people use on-licence premises each weekend in Havering, with some venues remaining open until 4am/5am which increases the potential for customers to become more intoxicated, and therefore vulnerable to becoming a victim of crime; or where alcohol acts as an inhibitor becoming a perpetrator of crime.

An analysis of violence with injury crimes in Romford town centre for 2013 found almost 90% of incidents to involve a victim and/or perpetrator who had consumed alcohol.

Time Period	Offences
2011 calendar year	445
2012 calendar year	354
2013 calendar year	277

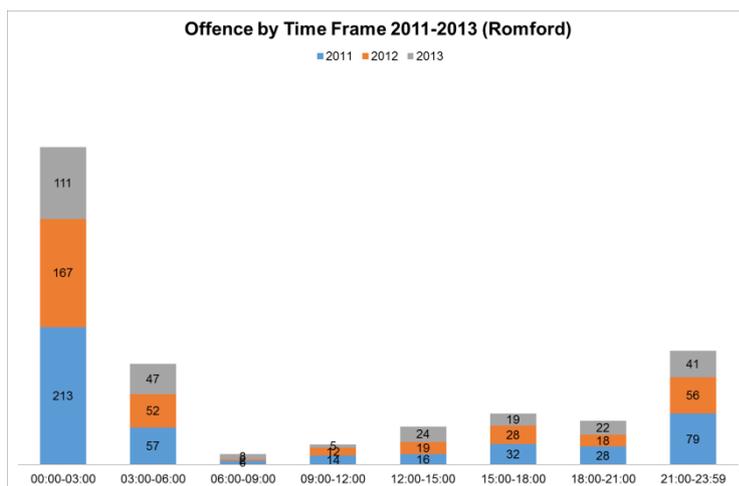
The total volume of 1,076 offences between 2011 and 2013 compares to 1,163 when the analysis was last completed for three year period covering Apr-07 to Mar-10. This represents a decrease of -7.5% in violent crime and disorder in Romford Town.

The decline has accelerated in the last three years, falling from 445 in 2011 to 277 in 2013 (-38%).



The chart shows the distribution of reported and recorded offences by day for each of the last three years. Overall, Saturday (283), Friday (240) and Sunday (221) were the busiest days in Romford – Monday to Thursday all recorded less than 100. Combined, Friday and Saturday offences have noted a marked reduction since

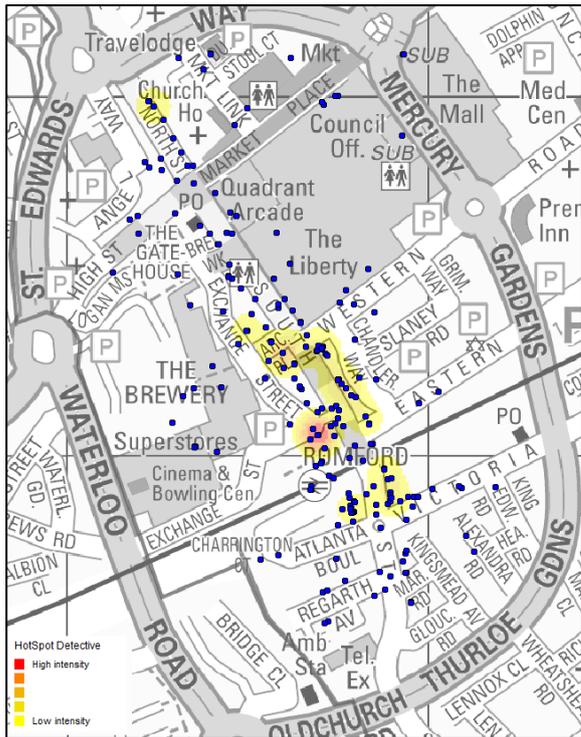
2011, falling from 234 to 124 in 2013 (-47%), which is greater than the overall reduction during this time frame.



The temporal link to the night time economy in Romford is even more pronounced than compared to Upminster and Hornchurch. Violent crime and disorder, as can be seen in the time frame chart, show a clear escalation in offences between 9pm-6am with an exponential peak at midnight-3am. This time period has seen notable reductions over the last three

years, from 213 (2011), to 167 (2012) to 111 (2013).

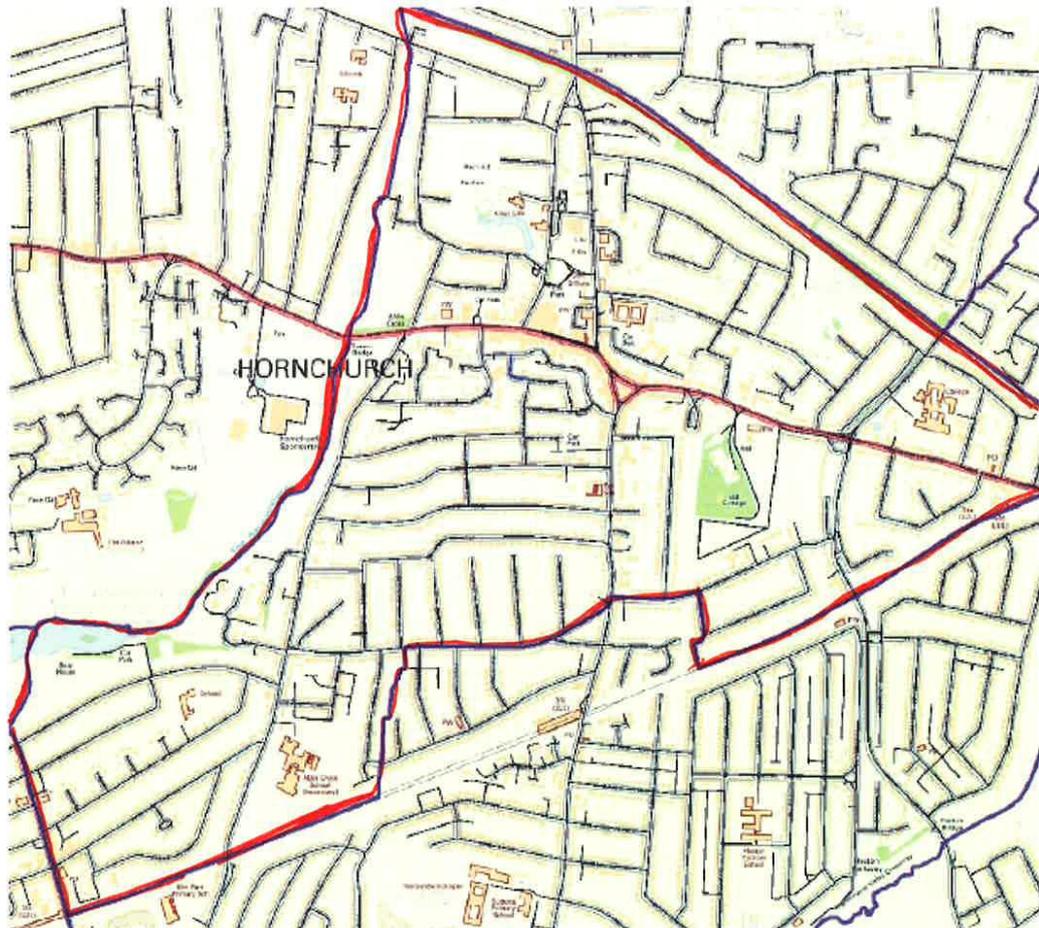
The map below shows the distribution of offences for each of the previous three years. Just over half of all violent incidents in Romford Town Centre took place on the street / outside, predominantly outside on-licence premises at the bottom end of South Street between Western Road and Victoria Road.



A third of all reported violence takes place within on-licence premises, whilst 40% of violence is recorded in / or directly outside the four latest opening premises in Romford Town Centre.

**Map Left - Violent crime hotspots Romford – NB. One point may represent multiple incidents)**

## Appendix 7 Crime Analysis for St. Andrews Ward



The following data demonstrates the impact of late night venues on temporal patterns of crime, particularly violent crime and disorder, in retail and commercial areas. It is estimated that 44% of all violence, as reported via the Crime Survey for England & Wales formerly known as the British Crime Survey, is alcohol related (either whereby a victim, a perpetrator, or both have consumed alcohol).

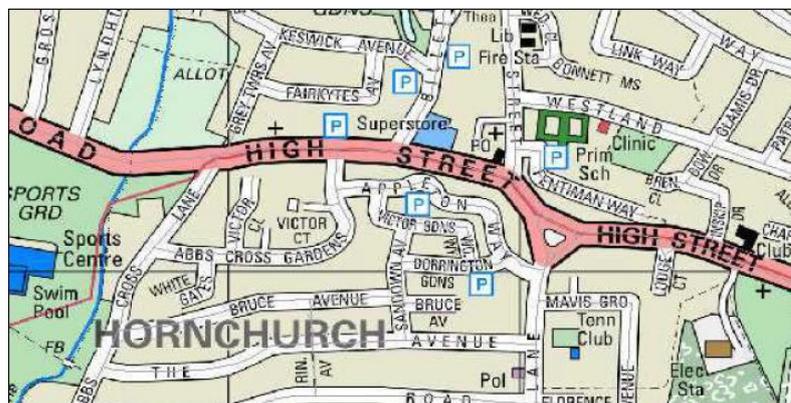
Violent crime in Havering occurs disproportionately during the 10pm-2am time frame (extending to 4am in Romford Town), during and following a Friday and Saturday night. This includes almost 1 in 4 assault with injury offences (Actual Bodily Harm) and a third of serious assaults (Grievous Bodily Harm). Furthermore, 1 in 5 sexual offences (much lower in volume) occur during this time frame.

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

- Actual Bodily Harm (assault/violence with injury – defined as leaving a mark on the skin)
- Common Assault (assault/violence without injury – defined as assault with no visible injury)
- Grievous Bodily Harm (assault/violence with injury – more serious injury sustained, including weapon enabled)
- Affray
- Public order offences (threatening or insulting words, causing alarm and distress)
- Violent Disorder

#### Map of Location:

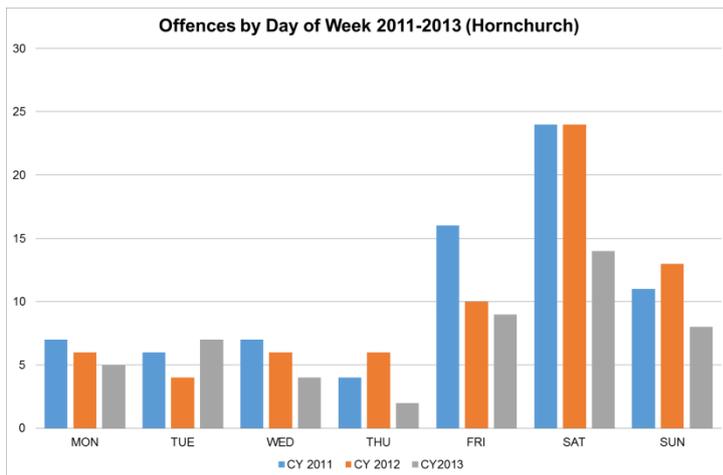
Hornchurch has a growing restaurant and late night premise economy, the second largest in Havering after Romford Town. A disproportionate amount of violent crime and disorder within Hornchurch continues to take place over the weekend (Fri, Sat, Sun – 67%) from 9pm-3am (54%). Three venues contribute to a disproportionate amount of late evening offences, however, overall there has been a reduction since the last time this analysis was conducted.



Time Period	Offences
2011 calendar year	75
2012 calendar year	69
2013 calendar year	49
January to June 2014	22

The total volume of 193 offences between 2011 and 2013 compares to 208 when the analysis was last completed for three year period covering Apr-07 to Mar-10. This represents a decrease of -7% in violent crime and disorder in Hornchurch. The decline has accelerated in the last three years, falling from 75 in 2011 to 49 in 2013 (-35%).

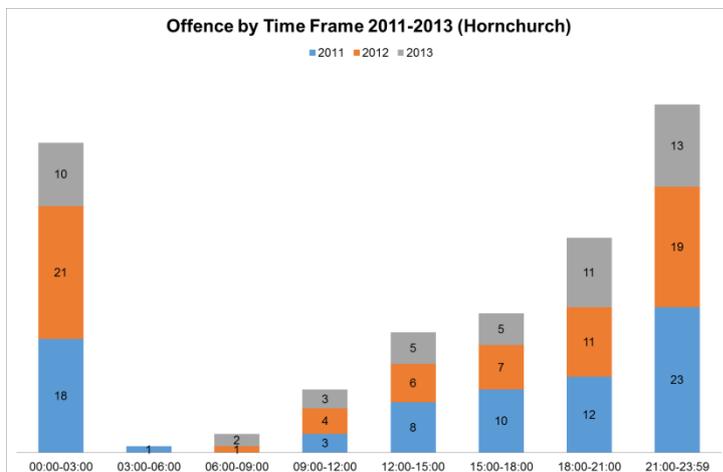
The chart shows the distribution of reported and recorded offences by day for each of the last three years. Overall, Saturday (62), Friday (35) and Sunday (32) were the busiest days in Hornchurch. Combined, Friday and Saturday offences have noted a marked reduction since 2011, falling from 40 to 23 in 2013 (-43%), which is greater than the overall reduction during this time frame.



The temporal link to the night time economy in Hornchurch is more pronounced than compared to Upminster. Violent crime and disorder, as can be seen in the time frame chart, show a clear escalation in offences between 9pm-midnight and midnight-3am.

As noted this time frame saw a significant reduction in the last

calendar year when compared with 2011 and 2012.

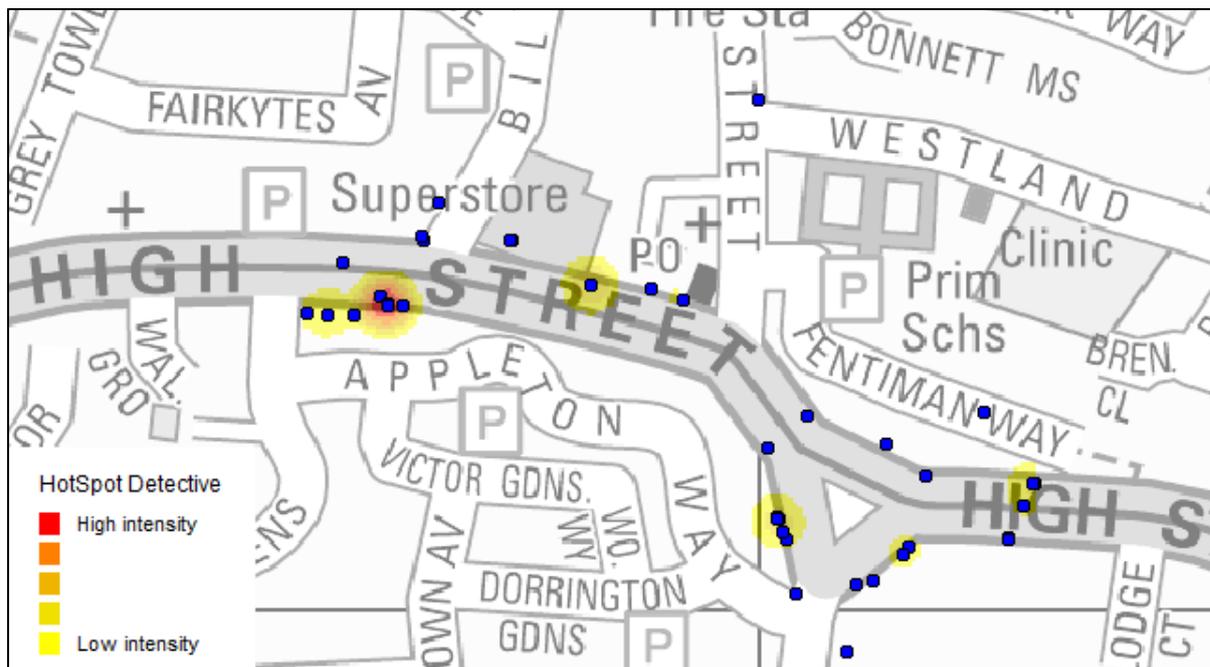


The map below shows the distribution of offences for each of the previous three years. A third of incidents were recorded as taking place on the street / outside whilst a further 40% took place within on-licence premises.

Half of all violence within the night time economy hours in Hornchurch town centre took

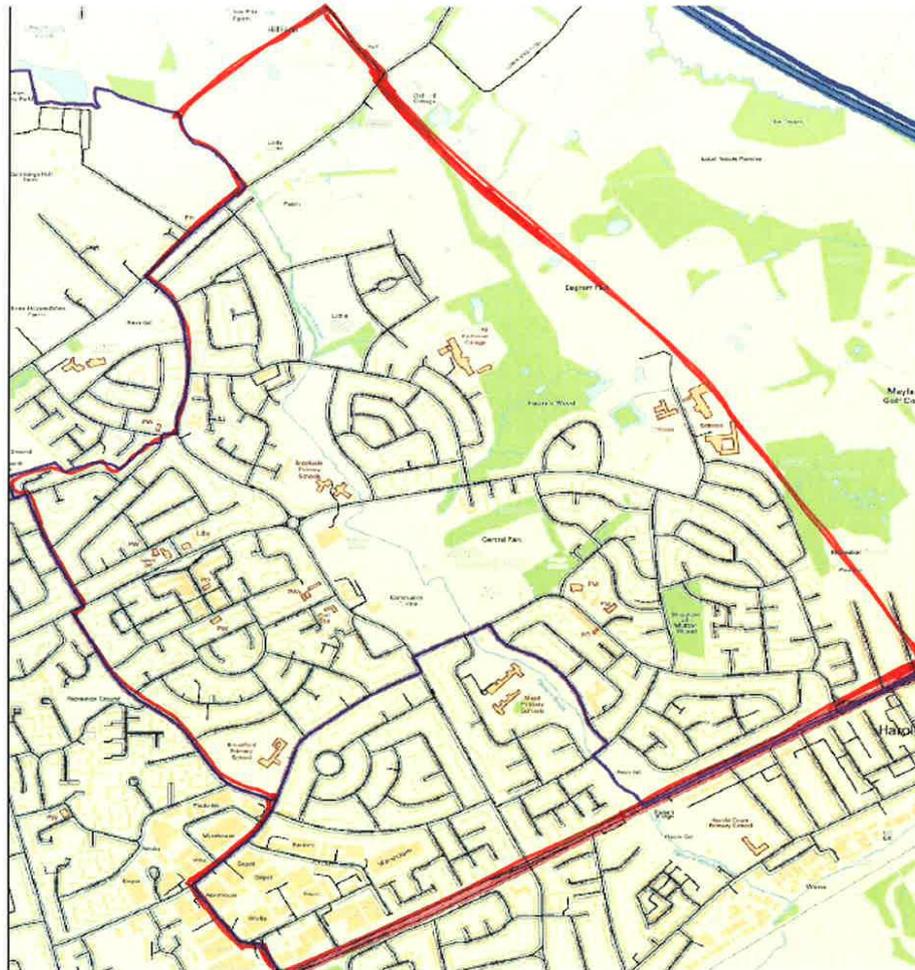
place within the vicinity of four on-licence premises during the previous 3-years.

**Violent crime hotspots Hornchurch – NB. One point may represent multiple incidents)**



## Appendix 8 Evidence for Harold Hill.

### Map area 1





There is a problem with street drinkers in the Hilldene area and there has been increased antisocial behaviour reported and increased shop lifting. A survey carried out by the safer neighbourhood team amongst the residents and businesses of the shopping centre received comments about increased shop lifting, fighting, urinating in the stair wells and intimidating behaviour.

The RM3 postcode (Harold Hill) has the highest number of families deemed to be troubled and the highest number of people in alcohol treatment services. The increased availability of alcohol from off sales contributes to the problem in an area where there is a high proportion of off sales premises to on sales premises. As of March 2015 Harold Hill Gooshays and Heaton Wards had 33 licensed premises to sell alcohol comprising of 6 on sales only, 8 on and off sales and 19 off sales only.

## Harold Hill: Demographic and health-related information

Updated 27/08/2015

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### Background

This paper provides demographic and health information for Harold Hill area to help inform the Havering licensing statement. Previous evidence in Joint Strategic Needs Assessment has suggested that we have higher figures for alcohol treatment for this area but more up to date evidence is needed.

### Methodology

1. Identifying Harold Hill area
2. Sources of Information
  - Demographic & Health information: Compare demographic and health information of new Harold Hill with Havering overall and those areas outside of the Harold Hill area
  - a. Census (2011)
  - b. Alcohol Treatment Providers (Apr. 2014 - March 2015)
  - c. Ambulance Incident Reports

#### 1. Identification of area

The Harold Hill area is not an official geographic region that can be defined by geographic areas. However, the area is historically recognised and the geography used for this paper is provided in Figure 1a, 1b and 2.

Havering borough can be broken down into smaller geographical areas known as Super Output Areas (SOA). There are currently two layers of SOA, Lower Layer Super Output Area (LSOA) and Middle Layer Super Output Area (MSOA). Havering currently has approximately 150 LSOAs. The LSOAs used to define the region are

2. Comparison of demographic and health information of new Harold Hill with Havering overall and those areas outside of the Harold Hill

London Datastore<sup>19</sup> produces a summary of demographic and related data for each Lower Super Output Area in Greater London.

Values for each indicator produced for LSOAs in the Harold Hill can be calculated for each indicator. This can be compared with a value for Havering and a value for those LSOAs not within the Harold Hill.

### Assumption

- Information for Harold Hill will be based on totals/averages of specific LSOAs. The assumption is that the performance of each indicator across this level of geography is uniform.

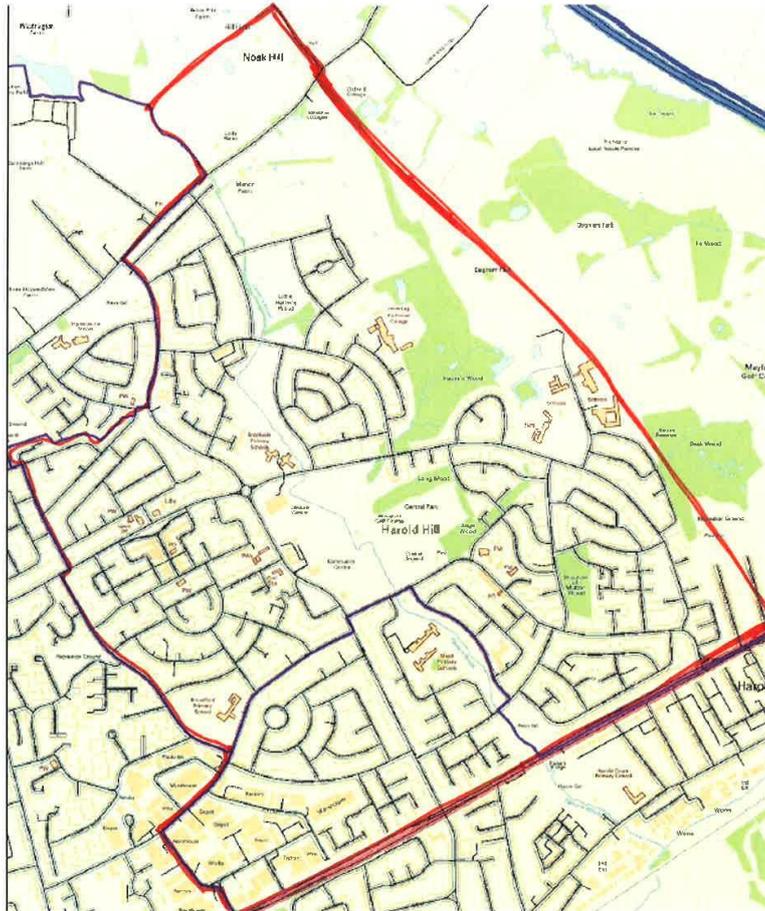
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<sup>19</sup> London DataStore is a free and open data-sharing portal (<http://data.london.gov.uk/>)

## Identification of Harold Hill

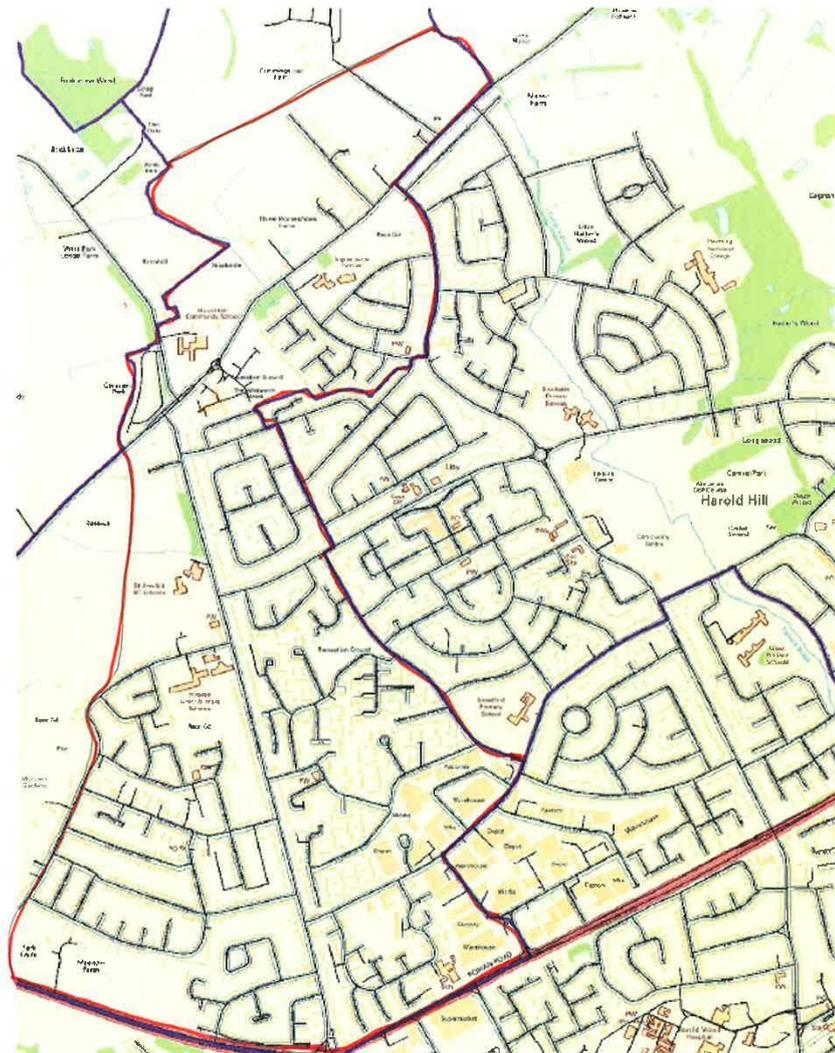
Figures below from both Licensing department (Figures 1a and 1b) and Community Safety Partnership (Figure 3) have been used to define geography.

Figure 1a. Harold Hill area 1 of 2



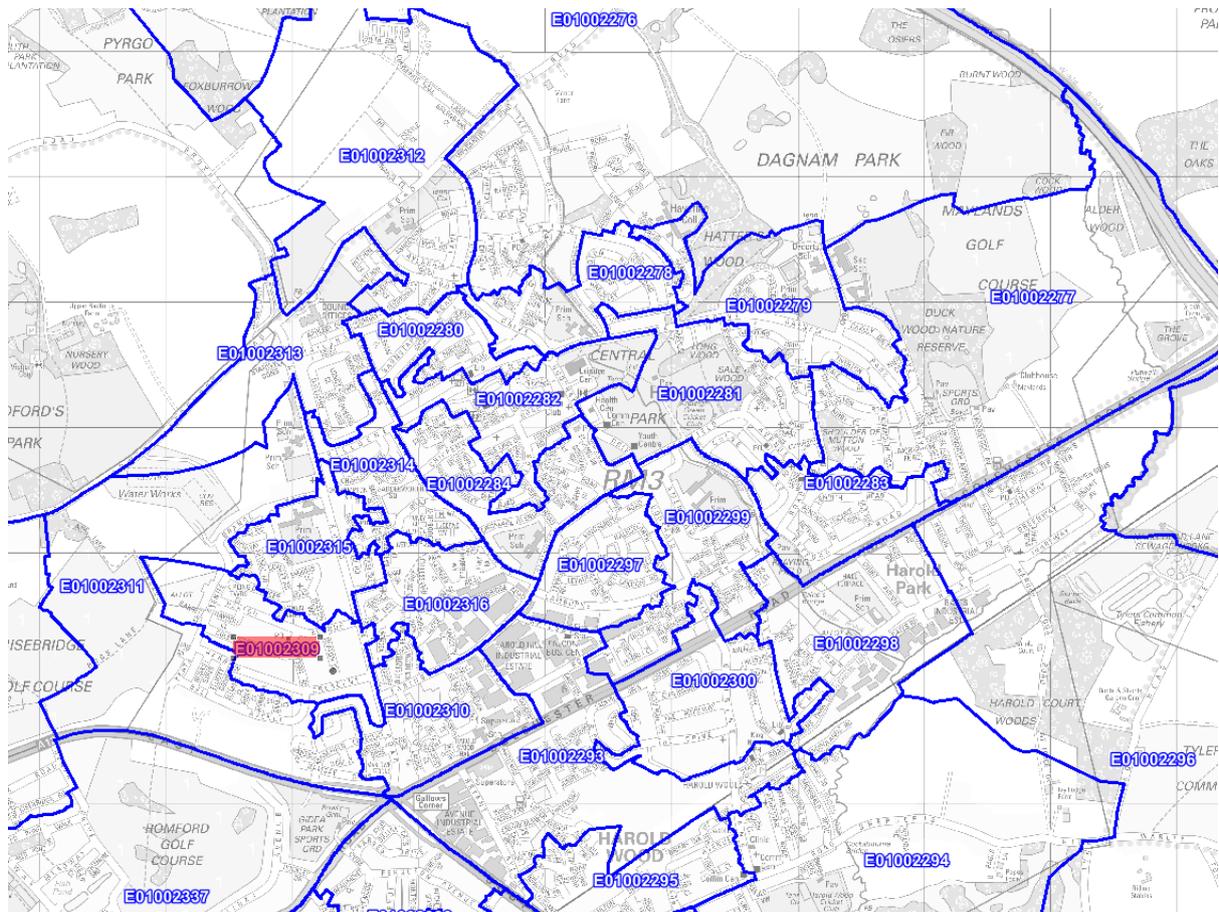
Source: Licensing Department

Figure 1b. Harold Hill area 2 of 2



Source: Licensing Department

Figure 2. Harold Hill area



Source: Community Safety Partnership

Table 1 . LSOA regions chosen to define Harold Hill area based on figures above and internal council knowledge

Harold Hill	LSOA	Notes
✓	E01002276	
✓	E01002277	
✓	E01002278	
✓	E01002279	
✓	E01002280	
✓	E01002281	
✓	E01002282	
✓	E01002283	
✓	E01002284	
✓	E01002297	
✓	E01002299	
✓	E01002309	
✓	E01002310	
✓	E01002311	
✓	E01002312	
✓	E01002313	
✓	E01002314	
✓	E01002315	
✓	E01002316	
✘	E01002293	predominantly commercial, industrial and retail space around Tesco/Gallows Corner, and a new build estate to the far south of the LSOA
✘	E01002298	part of 1 street is north of Colchester Road
✘	E01002300	part of 1 street is north of Colchester Road
✘	E01002294	
✘	E01002295	
✘	E01002296	
✘	E01002337	

## 1. Results

### Comparison of demographic and health information of new Harold Hill with Havering overall and those areas outside of the Harold Hill

#### a. Census 2011

Demographic and information on the wider determinants of health suggest that this a deprived area more susceptible to ill-health

#### Population

##### Proportion Change from 2001 to 2012

- Percentage change in population across all ages within Harold Hill is **greater** (7.5%) than the Havering average (6.7%) and non-Harold Hill (6.6%)
- Percentage change in population aged 0-15 within Harold Hill is **greater** (10.1%) than the Havering average (1.3%) and non-Harold Hill (-0.2%)
- Percentage change in population aged 16-29 within Harold Hill is **greater** (23.9%) than the Havering average and non-Harold Hill (18.6%)
- Percentage change in population aged 30-44 within Harold Hill has **increased** (1.5%) compared to decline in Havering average (-7.0%) and non-Harold Hill (-8.3%)
- Percentage change in population aged 45-64 within Harold Hill is **greater** (19.3%) compared to the Havering average (12.7%) and non-Harold Hill (11.9%)
- Percentage change in population aged 65+ within Harold Hill has **declined** (-16.0%) compared to an increase the Havering average (10.6%) and non-Harold Hill (14.7%)

##### Age Structure based on 2011 Census

- **Higher** proportion of people across younger and middle age groups (0-15, 16-29, and 30-44) for Harold Hill (22.5%, 18.4% and 21.4% respectively) compared to Havering average (18.7%, 17.6%, 19.5%) and non-Harold Hill (18.1%, 17.5%, 19.5% respectively)
- **Lower** proportion of people across older age groups (45-64 and 65+) for Harold Hill compared to Havering average and non-Harold Hill.

##### Ethnicity

- **Higher** proportion of population from Black and Minority Ethnic (BAME) groups (14.3%) in Harold Hill compared to that of Havering average (12.3%) and non-Harold Hill (12.1%)

##### English as main language

- **Higher** proportion (3.8 %) of households where no people in household have English as a main language compared to Havering average (3.0%) and non-Harold Hill (2.9%);

##### Population Density

- **Higher** proportion of persons per hectare in Harold Hill (26.0 persons per hectare) compared to Havering average (21.1 persons per hectare) and non-Harold Hill (20.5 persons per hectare)

## Household

### Composition

- **Lower** proportion of couple households in Harold Hill compared to Havering average and non-Harold Hill.
- **Higher** proportion of lone-parent and one person households in Harold Hill (16.3%) compared to Havering average (11.8%) and non-Harold Hill (11.1%)

### Housing Tenure

- **Lower** proportion (20.1%) of households owned outright compared to Havering average (35.6%) and non-Harold Hill (35.7%);
- **Higher** proportion (39.2%) of social rented households owned outright compared to Havering average (14.2%) and non-Harold Hill (14.0%).

## Health

- **Higher** proportion (10.9%) of persons answering ‘Day-to-day activities limited a lot’ compared to the Havering average (8.2%) and non-Harold Hill (7.8%)
- **Higher** proportion (7.2%) of persons answering they had self-reported ‘Bad Health’ compared to the Havering average (5.2%) and non-Harold Hill (2.6%)

## b. Alcohol Treatment<sup>20,21</sup>

- 268.3 per 100,000 people aged 18 and over living in Harold Hill area have been treated for alcohol misuse from 2014 April to March 2015 compared to 155.3 per 100,000 aged 18 and over living outside the Harold Hill area.
- Figures show that for those in alcohol treatment, 73% are more likely to reside in the Harold Hill area compared to those outside living outside the Harold Hill area.

Table 2. Residents of Havering (split by those living in ‘Harold Hill’ and those who are not) in Alcohol Treatment for 2014/2015

	Numbers	Rate per 100,000 aged 18 and over	Treatment	Population aged 18 and over
<b>Havering</b>	<b>257</b>	<b>171.9</b>	<b>257</b>	<b>149505</b>
<b>Harold Hill</b>	<b>59</b>	<b>268.3</b>	<b>59</b>	<b>21991</b>

<sup>20</sup> Alcohol Treatment by LSOA, Crime Reduction Initiatives (CRI), 2014/15 [Accessed August 2015]

<sup>21</sup> Annual Mid-year 2013 Population Estimates [LSOA], Office of National Statistics, October 2014

<b>Non-Harold Hill</b>	198	155.3	198	127514
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### c. Binge-Drinking related Ambulance Incidents<sup>22</sup>

There were a total of 4563 binge-drinking ambulance incidents in Havering from Sep 2009 to Jun 2015. Comparisons below have been limited to those years where full year data was available (2010-2014). (see Table 2)

- Since 2010 to 2014, there has been a 31% increase in binge-drinking ambulance incidents in the Harold Hill area compared to a 22% increase in those areas outside Harold Hill
- The most recent data (first 6 months of 2015) for incidents occurring in Harold Hill (98) is already 44% higher than the previous year (68) compared to a -0.9% decrease for incidents occurring outside of Harold Hill.

Table 3. Alcohol-related ambulance incidents by location (split by those occurring in 'Harold Hill' and those that are outside the Harold Hill area)

	2010-2015	2010-2014	2009* (Sep-Dec)	2010	2011	2012	2013	2014	2015* (Jan-Jun)
<b>NUMBERS</b>									
<b>Havering</b>	<b>4563</b>	<b>4115</b>	<b>609</b>	<b>507</b>	<b>488</b>	<b>594</b>	<b>642</b>	<b>625</b>	<b>650</b>
<b>Harold Hill</b>	786	492	63	52	53	71	87	68	98
<b>Non-Harold Hill</b>	3777	3623	546	455	435	523	555	557	552
<b>YEAR TO YEAR RATE OF INCREASE</b>									
<b>Havering</b>				-4%	17%	27%	23%	28%	
<b>Harold Hill</b>				2%	37%	67%	31%	88%	
<b>Non-Harold Hill</b>				-100%	15%	22%	22%	21%	
<b>2009 to 2014 RATE OF INCREASE</b>									
<b>Havering</b>								23%	
<b>Harold Hill</b>								31%	
<b>Non-Harold Hill</b>								22%	

<sup>22</sup> Monthly Ambulance Service Incident Reports, Greater London Authority (GLA)

## Appendix 9 Crime Analysis for Upminster Ward

The following data demonstrates the impact of late night venues on temporal patterns of crime, particularly violent crime and disorder, in retail and commercial areas. It is estimated that 44% of all violence, as reported via the Crime Survey for England & Wales formerly known as the British Crime Survey, is alcohol related (either whereby a victim, a perpetrator, or both have consumed alcohol).

Violent crime in Havering occurs disproportionately during the 10pm-2am time frame (extending to 4am in Romford Town), during and following a Friday and Saturday night. This includes almost 1 in 4 assault with injury offences (Actual Bodily Harm) and a third of serious assaults (Grievous Bodily Harm). Furthermore, 1 in 5 sexual offences (much lower in volume) occur during this time frame.

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

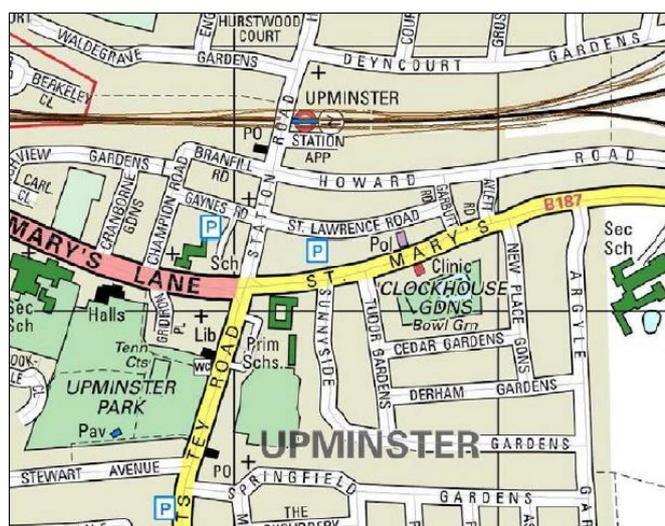
- Actual Bodily Harm (assault/violence with injury – defined as leaving a mark on the skin)
- Common Assault (assault/violence without injury – defined as assault with no visible injury)
- Grievous Bodily Harm (assault/violence with injury – more serious injury sustained, including weapon enabled)
- Affray
- Public order offences (threatening or insulting words, causing alarm and distress)
- Violent Disorder

Map of Location:

Upminster has a number of alcohol serving venues in close proximity to one another, dispersed between fast food businesses, restaurants and off licences. These are situated within close proximity to Upminster London Underground Station and Upminster Park.

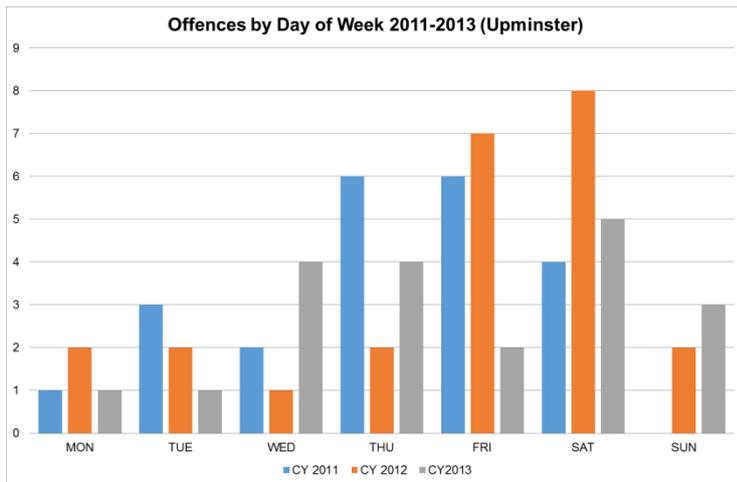
The proximity of off licences in relation to the park and underground station could be conducive to the facilitation of street drinking or drinking in public places, either by vagrants and/or young people who are underage.

The number of crimes has remained relatively stable in the previous three calendar years as shown in the table below:



Time Period	Offences
2011 calendar year	22
2012 calendar year	24
2013 calendar year	20
January to June 2014	12

The total volume of 66 offences between 2011 and 2013 compares to 116 when the analysis was last completed for three year period covering Apr-07 to Mar-10. This represents a decrease of -43% in violent crime and disorder in Upminster.

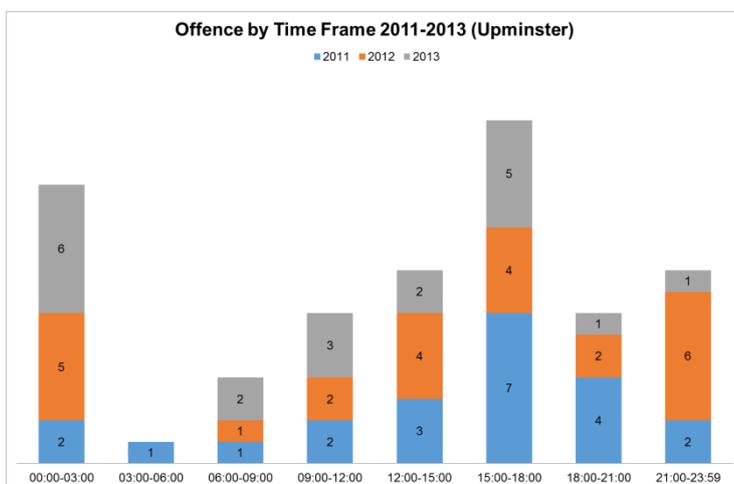


The chart shows the distribution of reported and recorded offences by day for each of the last three years. Overall, Saturday (17) and Friday (15) were the two busiest days in Upminster. Combined, these two days have experienced the most notable decline, falling from 15 in 2012 to 7 in 2013. There has been a small rise in the number

of offences on a Wednesday and Thursday, from 3 to 8.

In terms of hours of offences, 3pm-6pm is the busiest time period, this is common across most retail and transport interchanges as the volume of pedestrian traffic, including commuters, tourists/shoppers and schools children is at its highest during these hours.

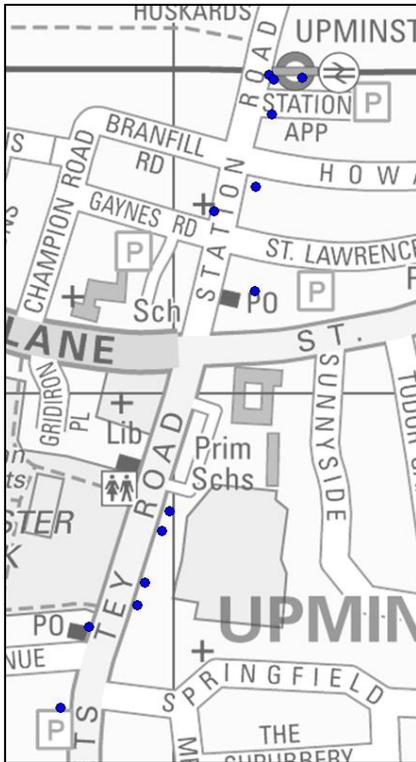
However, the additional rises in the 9pm-midnight and midnight-3am time frames are



the result of late night venues attracting / keeping people within the retail and transport area. These time periods have exceeded the 3pm-6pm time frame in 2012 (9pm-midnight) and 2013 (midnight-3am).

The increase in the midnight-3am time frame has been around the underground / rail station (a mini-cab/taxi office is also located here). Three-quarters of the offences taking place at midnight-3am are on a Saturday night. The increase at this time frame may be a combination of venues opening later (as oppose to more premises) and insufficient transport to leave the area after midnight. It would be worthwhile

establishing which the latest opening venues are on Saturday in Upminster.



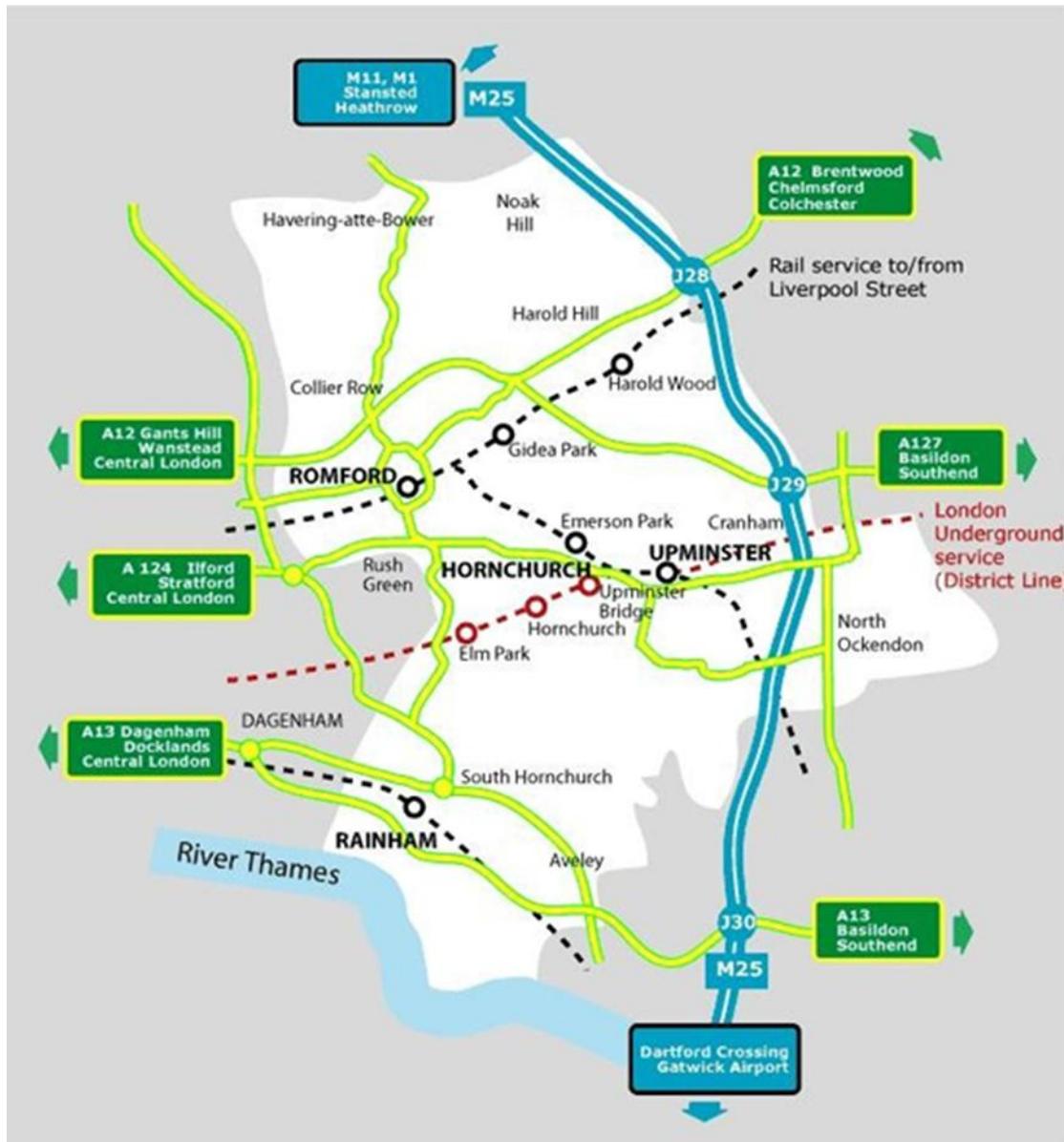
The map right shows the distribution of offences for each of the previous three years (where geographic information was available – one point may represent multiple offences). The highest volume of offences were on Station Road, and in close proximity to the Underground Station.

There were no licenced premises which had been the setting for more than 3 wounding offences over the previous three years. 60% of all incidents were recorded as taking place on the street / outside.

## Appendix 10 Scheme of delegation

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

# Appendix 11



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

## **Appendix 12 Responsible Authorities**

Metropolitan Police, Licensing Office, Romford Police Station, 19 Main Road, Romford RM1 3BJ

Fire Safety Regulation, North East Area 2, London Fire Brigade, 169 Union Street, London, SE1 0LL

Licensing, Public Protection, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

Health and Safety Section, Public Protection Service, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

Environmental Protection and Housing Section, Public Protection Service, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

Trading Standards Service, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

Planning Control and Enforcement Service, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

Children and Families' Service, Safeguarding and Service Standards, c/o Town Hall, Main Road, Romford, RM1 3BD FAO Alice Peatling

Practice Improvement Lead, Havering Clinical Commissioning Group, c/o Town Hall, Main Road, Romford, RM1 3BD

## Appendix 13

### Glossary of Terms

These definitions are provided to aid understanding of the draft Policy. They do not replace the meaning given to the terms in the Act or the statutory guidance.

Reference should therefore be made to these publications to clarify any of these terms for legal purposes.

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

- **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.
- **Karaoke** Singing by members of the public to musical backing or accompaniment. Usually involving pre-recorded music and numbers of members of the public singing in series.
- **Late night refreshment** premises a person providing late night refreshment at any time between the hours of 23:00 and 05:00. This consists of the supply of hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises. (Schedule 2, Licensing Act 2003).
  - Licensable activities those activities under the Licensing Act 2003 which require a licence from the Licensing Authority (Council) include the following:
    - The sale by retail of alcohol
    - The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club
    - The provision of regulated entertainment
    - The provision of late night refreshment.
- **Licensing Committee** is a committee of 10 to 15 councillors, appointed by the Council.
- **Licensing Sub-Committee** is a committee of three councillors appointed from the licensing committee to whom the functions of the licensing committee can be delegated under the Act.
- **Personal Licence** permits individuals to supply, or to authorise the supply of alcohol. The licensing of individuals separately from the 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.
- **Qualifying club** these clubs are organisations where members have joined together for particular social, sporting or political purposes and have then combined to buy alcohol in bulk as members of the organisation for supply to the club. There are technically no sales of alcohol by retail at such premises except to guests when guests make a purchase. Such clubs have traditionally not been “licensed”; they have registered with the magistrates’ courts having established that they qualify to be treated exceptionally. The 2003 Act preserves this special treatment and requires the club to “qualify” to be outside the normal premises licence arrangements. The new authority for the supply of alcohol and provision of other licensable activities on qualifying club premises is a club premises certificate and this is issued by the Licensing Authority. A qualifying club will normally be permitted under the terms of a

club premises certificate to sell and supply alcohol to its members and their guests only. In order to be a qualifying club, instant membership is not permitted and members must normally wait at least two days between their application and their admission to the club. Any qualifying club may choose to obtain a premises licence if it decides that it wishes to offer its facilities commercially for use by the general public, including the sale of alcohol to them. Such qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for the purposes of profit and which require a premises licence and are not eligible to be qualifying clubs.

- **Rebuttable presumption** is an assumption made by a court. It is taken to be true unless someone comes forward to contest it and prove otherwise. For example, a defendant is presumed innocent until proved guilty.
- **Regulated entertainment** Includes both entertainment and the provision of entertainment facilities. Subject to qualifying conditions, definitions and exemptions as set out in Schedule 1 of the Licensing Act 2003, where the following regulated entertainment takes place in the presence of an audience and is provided for the purpose of entertaining that audience. This includes:
  - A performance of a play
  - An exhibition of a film
  - An indoor sporting event
  - A boxing or wrestling entertainment (indoors and outdoors)
  - A performance of live music
  - Any playing of recorded music
  - A performance of dance
  - Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.
- **Representations** are complaints or comments on applications by responsible authorities (e.g. police) or interested parties (e.g. residents). They must be made in writing and will only be relevant if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. Representations by interested parties will not be relevant if they are considered by the licensing authority to be frivolous (i.e. not serious) or vexatious (i.e. arising out of unrelated disputes).
- **Security Industry Authority (SIA)** the Security Industry Authority was set up by the Private Security Industry Act 2001. The key role for the SIA involves the managing and issuing of licences for people working in particular areas of the private

security business. Another crucial area for the future is developing an approved contractor scheme. More details are available at [www.the-sia.org.uk](http://www.the-sia.org.uk)

- **Temporary Events** – relatively small-scale events held in or on any premises involving no more than 499 people at any one time. Each event, which must be covered by a Temporary Event Notice, can last up to 168 hours, and no more than twelve events can be held at any particular premises in a year (15 with effect from 1/1/16).
- **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.
- **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.
- **Vertical drinking** premises are premises with high capacities which are used primarily or exclusively for the sale and consumption of alcohol and have little or no seating for patrons.

## Appendix 13

### Useful contact Names and Addresses and Sources of information

Licensing, Public Protection, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

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

Planning Control and Enforcement Service, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

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

Trading Standards Service, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

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

Health and Safety Section, Public Protection Service, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

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

Public Health Section, Public Protection Service, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

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

Metropolitan Police, Licensing Office, Romford Police Station, 19 Main Road,  
Romford RM Telephone:

01708 7791581 3BJ

Fire Safety Regulation, North East Area 2, London Fire Brigade, 169 Union Street,  
London, SE1 0LL

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

Telephone: 020 7556 2100

Website: [www.hse.gov.uk](http://www.hse.gov.uk)

Streetcare, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1  
3BD

Telephone: 01708 432563

[Streetcare@haverling.gov.uk](mailto:Streetcare@haverling.gov.uk)

Community Safety Section, London Borough of Havering, Town Hall, Main Road,  
Romford, RM1 3BD

Telephone Number: 01708 432028

[communitysafety@haverling.gov.uk](mailto:communitysafety@haverling.gov.uk)

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

Telephone: 01708 771771

Security Industries Authority, PO Box 1293, Liverpool, L69 1AX

Tel 0844 892 1025 lines are open from 08.00 to 20.00 Monday to Friday

Website: [www.sia.homeoffice.gov.uk](http://www.sia.homeoffice.gov.uk)

London Borough of Havering public register of licensed premises.

<https://www.havering.gov.uk/Pages/ServiceChild/PublicRegister-LGSL-797.aspx>

## **Appendix 15 Summary of Licensing Policy Statements**

### **Licensing Policy 1**

**In considering applications for new licences, variations to existing licences and licence reviews the Licensing Authority will take the matters listed below into account:**

- **whether the premises is located in an area of cumulative impact;**
- **the type of premises and their cumulative impact on the area and the mix of premises in the area;**
- **the location of the premises and the character of the area;**
- **the views of the responsible authorities;**
- **the views of other persons;**
- **past compliance history of current management;**
- **the proposed hours of operation;**
- **the type and number of customers likely to attend the premises;**
- **whether the applicant is able to demonstrate commitment to a high standard of management, for example through active participation in the Safe and Sound meetings and pub watch.**

### **Licensing Policy 2**

**The Licensing Authority has adopted a special Policy relating to cumulative impact in relation to:**

- **Romford town centre within the ring road**
- **St Andrews Ward**

**This special Policy will create a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives. The exception to this policy will be for applications for restaurants where alcohol is sold ancillary to a table meal and the terminal licensing hour is in line with the Policy.**

### **Licensing Policy 3**

**The Licensing Authority has adopted a special Policy relating to cumulative impact in relation to**

- **Harold Hill**

**This special Policy will create a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications specifically for off sales only that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.**

### **Licensing Policy 4**

**The Licensing Authority 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 5**

**The Licensing Authority is concerned about the adverse impact on the licensing objectives arising from the increasing numbers of shops selling alcohol for consumption off the premises. The Licensing Authority will consider restricting the number of premises and the licensing hours to 23.00 in locations where representations are received and where longer hours will undermine the licensing objectives.**

### **Licensing Policy 6**

**The Licensing Authority considers that, in the interests of clarity and transparency, applicants should normally have in place the relevant planning consent for the intended use and hours of operation, or otherwise have lawful planning status, before making an application for a premises licence. However every application will be considered on its merits on a case by case basis**

## **Licensing Policy 7**

**When dealing with new and variation applications the Licensing Authority will give more favourable consideration to applications with the following closing times:**

<b>Public Houses and Bars</b>	<b>23:00 hours-Sunday to Thursday</b> <b>Midnight –Friday and Saturday</b>
<b>Nightclubs</b>	<b>01:00 hours Sunday to Thursday</b> <b>02:00 hours Friday and Saturday</b>
<b>Restaurants and Cafes</b>	<b>23:00 hours Sunday to Thursday</b> <b>Midnight- Friday and Saturday</b>
<b>Off licences</b>	<b>23:00 Monday to Sundays</b>
<b>Hot food and drink supplied by takeaways, fast food premises</b>	<b>Midnight- Sunday to Thursdays</b> <b>01:00 Friday and Saturday</b>
<b>Hotel residents only</b>	<b>24 hours sale of alcohol for on sales only.</b>

**Consideration will also be given to the type of area that the premises is located in with regulated activities normally being permitted until 23.30 in residential areas and 00.30 in mixed use areas.**

**These hours are not pre-determined and each application will be considered on its merits.**

## **Licensing Policy 8**

**When assessing the applicant's or licensee's ability to demonstrate a commitment to high standards of management the Licensing Authority will take into account whether the applicant or licensee:**

- Can demonstrate comprehensive knowledge of best practice**
- Has sought advice from the responsible authorities**
- Has implemented any advice that has been given by the responsible authorities**
- Is able to understand verbal and written advice and legal requirements**

- **Can demonstrate knowledge of the licensing objectives, relevant parts of the Licensing Policy and their responsibilities under the Licensing Act 2003**
- **Is able to run their business lawfully and in accordance with good business practices**
- **Is able to demonstrate a track record of compliance with legal requirements.**

**Where there is a history of non-compliance associated with the premises the Licensing Authority is unlikely to grant a new or variation application unless there is evidence of significant improvement in management standards.**

### **Licensing Policy 9**

**The Licensing Authority seeks to promote mixed use premises with alcohol sales being offered to customers alongside entertainment and food. Applications for premises providing a seated environment for customers are encouraged. Applications for premises whose predominant offer is vertical drinking are not encouraged but if made, the operating schedule will be expected to demonstrate robust arrangements for promoting the licensing objectives.**

### **Licensing Policy 10**

**The Licensing Authority expects licensees to operate to the highest standards of management, and to cooperate with responsible authorities to prevent:**

- **The sale of alcohol to underage children;**
- **Drunkenness on premises;**
- **Irresponsible drinks promotions.**

**Where the Licensing Authority receives representations from responsible authorities that the management of a premise is supporting such activities, or that there is strong evidence linking patrons with alcohol related crime, disorder or antisocial behaviour the Licensing Authority will consider reviewing the licences to impose additional restrictions and controls to prevent or minimise the impact.**

## **Licensing Policy 11**

**All licensees or managers of licensed premises, applicants for premises licences and premises users intending to use Temporary Event Notices (TENS) are required to undertake a comprehensive risk assessment to ensure that the four licensing objectives are considered and addressed prior to any music event which is:**

- **In a nightclub or large public house**
- **Run anytime between the hours of 22:00 and 08:00**
- **Promoted/advertised to the public any time before the event**
- **Predominantly feature DJs or MCs performing to a backing track**

## **Licensing Policy 12**

**The Licensing Authority seeks to encourage the use of toughened glassware and polycarbonate on a risk based approach in licensed premises.**

**The Licensing Authority will consider imposing a condition prohibiting the sale of alcohol in annealed glass containers (glasses and bottles) and require the use of polycarbonate or other safer alternatives where:**

- **Local needs dictate**
- **A relevant representation is received**
- **The premises is operating beyond midnight**
- **The licence permits drinking outside.**

## **Licensing Policy 13**

**The Licensing Authority 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 Licensing Authority 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 licenses for night clubs and similar premises.**

## **Licensing Policy 14**

**The Licensing Authority is committed to protecting the amenity of residents and businesses in the vicinity of licenced premises, particularly when late hours have been sought. Where relevant representations are received, the Licensing Authority will impose appropriate restrictions or controls on the licence to support the prevention of undue noise disturbance from licensed premises.**

## **Licensing Policy 15**

**Licence holders and applicants are encouraged to consider whether early morning deliveries and collections at their premises could potentially result in public nuisance and to introduce measures to minimise the impact where appropriate. The Licensing Authority recognises that refuse collection times can sometimes be outside the control of the premises licence holder. When representations have been received from residents in the vicinity of licensed premises stating that they are being disturbed by early morning collections and deliveries, the applicant or premises licence holder is encouraged whenever possible to renegotiate different times with the relevant contractor and to liaise with local residents where appropriate to seek agreement on acceptable hours.**

## **Licensing Policy 16**

**The Licensing Authority recognises that where gardens and tables and chairs are provided for smoking, eating and drinking outside, users can cause nuisance.**

**Where smoking, eating and drinking take place outside the Licensing Authority expects applicants to provide comprehensive details in their operating schedule on:**

- The location of outside areas to be available for use**
- How the outside areas will be managed to prevent noise, smell and pavement obstructions.**

**Where the Licensing Authority receives representations or a review application regarding the use of an outside area it will impose restrictions or conditions that are appropriate for preventing a public nuisance.**

## **Licensing Policy 17**

**The Licensing Authority will normally require all licensed premises to be cleared of patrons within a reasonable period, usually 30 minutes, after the end of the time permitted for licensable activities. An application for a new late night premises licence or variation application will not normally be granted unless a proposed dispersal Policy is included in the operating schedule.**

#### **Licensing Policy 18**

**The Licensing Authority expects all applicants and licensees intending to provide adult entertainment to include the relevant details in their operating schedule, including any controls they intend to put in place.**

**When considering applications which include adult entertainment, the Licensing Authority will take into account the nature of the area, the marketing, advertising arrangements and external views of the premises together with other factors proposed by the proprietor to militate against concerns.**

#### **Licensing Policy 19**

**The Licensing Authority 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 safeguarding children 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 20**

**The Licensing Authority is committed to tackling the illegal sale of alcohol to children, including proxy sales when adults buy alcohol for children. Premises within 400 metres of schools or colleges should consider licence conditions to control the products offered for sale and on display in windows. It expects licensees to implement measures to Challenge 25 standard to reduce the likelihood of underage sales from their premises and will take appropriate action, including review of licenses, where sales persist.**

## **Licensing Policy 21**

**The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licencing objectives.**

## **Licensing Policy 22**

**Where events qualify for a temporary events notice, 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 23**

**When considering objections to temporary event notices from the Police or Environmental Health, the Licensing Authority will take the following factors into account:**

- **Circumstances of the objection**
- **The applicant's willingness to comply with the conditions attached to the premises licence**
- **History of complaints**
- **The track record of the applicant**
- **Any other proposed control measures.**

## **Licensing Policy 24**

**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 25**

**The Licensing Authority will apply the full range of powers available to it when a review of a premise licence becomes necessary, including:**

- **Restricting hours of operation**
- **Removing licensable activities from the premises licence**

- **Imposing additional conditions**
- **Requiring the removal of a designated premises supervisor**
- **Suspending a licence**
- **Revoking a licence**