



Havering

LONDON BOROUGH

Statement of Licensing Policy 2021-2026

Document Control

Document details

Title	Statement of Licensing Policy 2021-2026
Version number	V5.0
Status	draft
Author	Keith Bush
Lead officer	Andrew Blake Herbert
Approved by	Full Council
Review date	2026
Supersedes	<i>Statement of Licensing Policy</i>
Target audience	<i>Applicants, Residents, Licensing Committee, Councillors.</i>
Related to	

Version history

Version	Status	Date	Dissemination/Change
V1.0	<i>Initial draft</i>	<i>9th August 2019</i>	
V2.0	<i>Updated</i>	<i>3rd October 2019</i>	<i>Cumulative Impact zones reviewed and reworded. Change of wording following discussions with other service areas.</i>
V3.0	<i>Updated</i>	<i>21st April 2020</i>	<i>Mental health & wellbeing added</i>
V4.0	<i>Updated</i>	<i>19th May 2020</i>	<i>Comments from legal services incorporated</i>
V5.0	<i>Updated</i>	<i>21st July 2020</i>	<i>COVID 19 section added</i>

Approval history

Version	Status	Date	Approved by

Equality Impact Assessment record

Date	Completed by	Review date
15/10/2019	Keith Bush	2026

DRAFT

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.

The policy is determined for a five year period commencing (tbc)

DRAFT

Contents

1. Executive summary	7
2. Introduction	9
3. About the London Borough of Havering	10
4. Expectation of Applicants	15
5. Determination of Applications	17
6. Cumulative Impact	19
7. Cumulative Impact Assessment	20
8. Special Cumulative Impact Policy for Romford Town Centre	21
9. Special Cumulative Impact Policy for Hornchurch Town Centre	23
10. Special Cumulative Impact Policy for Gooshays	25
11. Development Management	27
12. Licensing Hours	28
13. Standards of Management	29
14. Alcohol induced crime and disorder and antisocial behaviour	30
15. Use of toughened glass and polycarbonates	30
16. Drugs Policy	31
17. Noise	32
18. Smoking, Drinking and eating outside	32
19. Dispersal policies	33
20. Deliveries	34
21. Children and Licensed premises	34
22. Children and Alcohol	35
23. Mental Health and Wellbeing	36
24. Adult Entertainment	37
25. Illicit Goods	38
26. Counter Terrorism	38

27. Temporary events	39
28. Provisional statements	40
29. Enforcement	40
30. COVID 19	41
30. Scheme of delegation	42

Appendices

1. Glossary of terms	43
2. Responsible Authorities and Useful Contact Details	47
3. Questions for applicants to consider when making an application	50
4. Mandatory Conditions	54
5. London Borough of Havering Pool of Model conditions	59

1. Executive Summary

1.1 The Licensing Act 2003 came into effect in 2005.

1.2 Section 5 of the Licensing Act 2003 hereafter referred to as 'the Act' 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-year 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 The Licensing Act 2003 sets out 4 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 Authority is required to make decisions based on these objectives and to promote them through its actions. Licensed premises are required to conduct their activities with reference to the promotion of these objectives.

1.5 Each of the licensing objectives is of equal importance in terms of licensing actions and decision-making. This means that each has equal weight under the legislation.

1.6 The Act identifies five other key aims that are important for all those involved in licensing to support and promote through good practice. These are:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licenced premises;
- Giving the police and licensing authorities the powers they need to manage and police the night time economy effectively and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities, and minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for late night refreshment, and regulated entertainment which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their area; and

- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.

1.7 The Policy covers the licensable activities as specified by the Licensing Act 2003 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

1.8 This policy only relates to licensable activities under the Licensing Act 2003. It does not cover other areas of licensing such as gambling and special treatments.

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

- Premises licences
- Club premises certificates
- Personal licences
- Temporary event notices (TENS)

1.10 A glossary of terms is included at Appendix 1.

1.11 The Policy must have due regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 and other local strategies.

1.12 Applicants for premises licences should be aware of the expectations of the licensing authority and the responsible authorities as to the steps to be taken 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.

1.13 Nothing in this policy is intended to undermine the rights of any person to apply under the 2003 Act for any of the variety of permissions and have that application considered on its individual merits.

1.14 Equally, nothing in this policy is intended to override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.

1.15 Local people, businesses and Members of the Council are able to comment through public consultation on this Policy.

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
- Members of the Business Improvement District
- Representatives of existing licence holders
- The responsible authorities namely:
 - Metropolitan Police Service
 - 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-Havering Children Social Care (CSC)
 - 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)
 - Home Office (Immigration enforcement)
- Other Council Departments
- Charitable organisations that deal with the social impact of alcohol misuse

2.3 The contact details for the Responsible Authorities and other useful contact details are given in Appendix 2.

3. About the London Borough of Havering

3.1 Havering is one of the largest boroughs in Greater London, with a population of around 256,000 (Based on ONS UK statistics 2017) and an area approaching 40 square miles, half of which is in the Green Belt.

3.2 Havering 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.

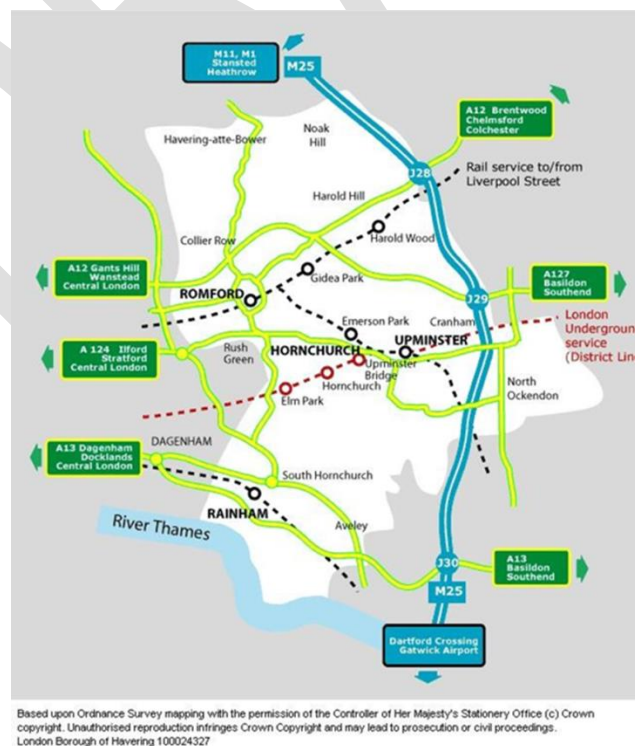
3.3 Havering has a lively cultural scene, centred on the Queen's Theatre and the Fairkytes Arts Centre. There is also a museum and Brookside Theatre in Romford town centre. The borough is also a great place to shop. In addition to Romford there are smaller local shopping centres across the borough.

3.4 The main centres of night time economy are:

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

3.5 A map of the London Borough of Havering is shown in Figure 1 below:

Figure 1: London Borough of Havering Transport Links & Shopping Hubs



3.6 Havering continues to have an aging profile which is older than London as a whole.

3.7 Havering together with Bromley are London's least diverse Boroughs. However, of all London Boroughs, Havering has had the highest percentage increase between the 2001 Census and the 2011 Census as the percentage of ethnic minority population has more than doubled, with the following ethnic groups seeing the highest increase:

- Black or Black British: African
- White Other, and
- Asian/ Asian British: Indian.¹

3.8 Havering Council views the changing demographics of the borough as a positive and will be proactive in helping all community groups to feel a sense of belonging.

Other Policies and Objectives

3.9 Other statutory obligations which fall outside the requirements of the Licensing Act 2003 may apply to the provision of any regulated activities at a premises and the responsibility for compliance lies with the licence holder

3.10 In October 2018 the Council adopted the following Community Cohesion and Equality Objective:

'To nurture and promote a cohesive, healthy and optimistic Borough underpinned by mainstreamed inclusive British values, where everyone experiences dignity and equal life chances, and where neighbours, colleagues and different community groups interact, respect and value each other, regardless of: age, class, colour, disability, education, ethnicity/race, gender, gender reassignment, health status, marital status, nationality, political perspective, religion, sexuality, or socio-economic status.'

Equality Act 2010

3.11 The Licensing Authority expects all operators to run their venues in an inclusive manner. It is recommended that licensees make themselves familiar with the requirements of the Equality Act 2010 for the access and provision of services for persons within the protected groups identified by the legislation.

3.12 The Equality Act 2010 provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.

¹ Demographic and Diversity Profile of Havering's Population January 2015

3.13 As a public authority the Council must adhere to the Equality Act 2010. The Act also applies to any business that provides goods, facilities or services to members of the public including licensed premises such as pubs, bars, nightclubs and restaurants.

3.14 Under the Equality Act It is against the law to discriminate against someone because of:

- Age
- Pregnancy and Maternity
- Race
- Disability
- Gender
- Gender Identity
- Sexual Orientation
- Religion
- Marriage & Civil Partnerships

These are known as “Protected Characteristics”

3.15 Discrimination can come in one of the following forms:

- direct discrimination - treating someone with a protected characteristic less favourably than others
- indirect discrimination - putting rules or arrangements in place that apply to everyone, but that put someone with a protected characteristic at an unfair disadvantage
- harassment - unwanted behaviour linked to a protected characteristic that violates someone's dignity or creates an offensive environment for them
- victimisation - treating someone unfairly because they've complained about discrimination or harassment

3.16 Under section 20 of the Equality Act 2010 operators of licensed business such as pubs, bars, nightclubs and restaurants are also required to make reasonable adjustments to ensure that their premises are accessible to disabled people. A failure to do so will also amount to discrimination

3.17 It is important to note that the duty to make reasonable adjustments cannot wait until either a complaint is received or when someone with a disability wants to visit a particular your venue.

3.18 Havering's Vision

The Havering Plan is 'Cleaner, Safer, Prouder-Together'. Its vision from 2019 to 2020 is split across four priorities, opportunities, communities, places and connections.

Opportunities

Helping people get on in life by creating jobs and skills opportunities and building genuinely affordable homes

- Jobs and skills training
- Business growth
- Value for money
- Town centre improvements

Communities

Helping young and old fulfil their potential through high-achieving schools and by supporting people to live safe, healthy and independent lives

- Best start in life
- Stronger families
- Healthy and active
- Supporting the vulnerable

Places

Making sure that our neighbourhoods are a great place to live by investing in them and keeping them clean, green and safe with access to quality parks and leisure facilities

- Clean and safe
- Quality leisure facilities
- Great parks
- Genuinely affordable homes

Connections

Making it easier for people to get around and online by investing in road, transport links, faster internet and free Wi-Fi in town centres

- Road improvements
- Better public transport
- Broadband investment
- Digital access and skills

3.19 The Mayors Vision for London as a 24-hour City

3.20 Since the publication of the last Statement of Licensing Policy the Mayor of London has outlined his vision for London as a 24-hour city and has also appointed a Night Czar and a Night Time Commission to encourage the development of London as a vibrant, diverse, cultural city with a night time economy that is of global significance.

3.21 Currently Havering as an outer London Borough does not have a 24-hour economy and whilst the Mayor's vision will be considered and reflected in the licensing system in Havering, the authority recognises that these ambitions need to be balanced against the needs and wishes of the residents and other businesses and that the Authority's overriding duty is to promote the licensing objectives.

4. Expectations of applicants

4.1 The licensing objectives 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 expects 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;
 - Steps to protect vulnerable residents
 - 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.
 - Any other relevant policies that the local authority has adopted.

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

4.5 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.

4.6 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.

4.7 Lists of questions which should be considered in operating schedules are included in Appendix 3. A pool of model conditions which can also be of assistance is included at Appendix 4. 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. The mandatory conditions which are applicable to all licences depending on what is being licenced are attached as Appendix 5. By the use of a carefully considered operating schedule applicants can demonstrate that they have given thought to their application and the impact on the local environment.

4.8 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. Conditions should not be added that duplicate other regulatory regimes as far as possible.

4.9 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. Determination of Applications

5.1 This Licensing Authority when determining applications, authorisations and notices that have attracted relevant representations and review applications, will normally work within the framework of this Policy and also take into account the Guidance issued by the Department of Culture, Media and Sport under section 182 of the Act. However, this Licensing Authority reserves the right to depart from this Policy and the Guidance whenever it considers it correct and appropriate to do so.

5.2 If, during the period of this Policy new Guidance is issued by the Government such Guidance will be taken into account by the Licensing Authority even if it is not referred to in this Policy.

5.3 When an application has not attracted relevant representations, the Licensing Authority is compelled under the provisions of the Act to automatically grant the application without regard to this Policy. The only exceptions to this are applications for:

- The review of a Premises Licence or Club Premises Certificate;
- A minor variation of a Premises Licence or Club Premises Certificate; and an
- An application for the mandatory alcohol condition requiring a Designated Premises Supervisor in respect of a premises licence to be dispensed with for a community premises

5.4 In considering applications for new licences, club premises certificates, 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 Safe and Sound meetings.

5.5 All opposed applications (with the exception of certain minor variations) will be determined by the Licensing Authority's Licensing Committee or one of its Licensing Sub-Committees.

Remote Hearings

5.6 The coronavirus pandemic has necessitated the use of remote licensing hearings. However, the Licensing Act 2003 (Hearings) Regulations 2005 apply equally to hearings held "in person" and remote hearings. Therefore under Regulation 14(1) a remote hearing shall still take place in public and the local authority shall determine the procedure to be followed at the hearing under Regulation 21. A participant may also still be excluded on the grounds of public interest (Regulation 14(2)) and if they are disruptive (Regulation 25)

5.7 In addition *The Local Authorities and Police and Crime Panels (Coronavirus) Flexibility of Local Authority and Police and Crime Panel meetings (England and Wales) Regulations 2020* ("Flexibility Regulations") make it clear that hearings before a licensing sub-committee can be both public and remote.

5.8 Regulation 5(1) of the Flexibility Regulations states that a meeting (which under Regulation 3 includes a meeting of a local authority sub-committee) is not limited to a meeting of persons all of whom, or any of whom, are present in the same place. Any reference to a "place" where a meeting is held, or to be held, includes more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

5.9 The council will conduct its remote licensing hearings in accordance with its "Protocol on the Operation of Licensing Sub-Committee Hearings during the COVID-19 Pandemic Restrictions". The protocol will be subject to regular review.

6. Cumulative Impact

6.1 The Licensing Authority will not adopt a 'cumulative impact' policy in relation to a particular area without having considered individuals and organisations listed in Section 5(3) of the Licensing Act 2003, i.e. those who have been consulted about this policy.

6.2 Having published a cumulative impact assessment the Licensing Authority must, within three years, consider whether it remains of the opinion set out in the assessment under section 5A of the Licensing Act 2003.

6.3 For areas where a cumulative impact policy is adopted, it 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.

6.4 It must be stressed that the rebuttable presumption created by the cumulative impact 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.

6.5 This cumulative impact 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 and not impact adversely on the licensing objectives.

6.6 Upon receiving representations in relation to a new or variation application the Licensing Authority will consider whether it would be justified departing from the cumulative impact 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.

6.7 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 section 12.

- Premises which are not alcohol led and operate only within the hours specified in section 12 such as coffee shops.

6.8 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.

7. Cumulative Impact Assessment

7.1 The Havering Community Safety Partnership produced a report titled 'London Borough of Havering Non Domestic Abuse Violence with Injury Problem Profile, May 2018'. The report was a twelve-month analysis and overview of Violence with Injury (Excluding Domestic Abuse) Offences, particularly outlining problematic hotspots and issues. The problem profile used the VLO (Victim, Location, and Offender) method of analysis.

7.2 This report has been used as the basis for the cumulative impact assessment. The report itself is not produced as an appendix to this policy as it is protectively marked confidential. However, its findings are summarised in sections 8, 9 and 10.

8. Special Cumulative Impact Policy for Romford Town Centre

8.1 The majority of late night licensed premises are concentrated within Romford Town Centre. A cumulative impact policy was adopted for this area under the previous Statement of Licensing Policy adopted on 7th January 2016.

8.2 The Havering Community Safety Partnership produced a report titled London Borough of Havering Non Domestic Abuse Violence with Injury Problem Profile, May 2018. It recognised that Romford is changing and that the night time economy is diversifying and growing. However, Romford Town ward was identified as the ward with the highest volume of violence with intent (VWI) offences in Havering. The timings and locations of the reported incidents indicated that many of these problems were linked to licensed premises.

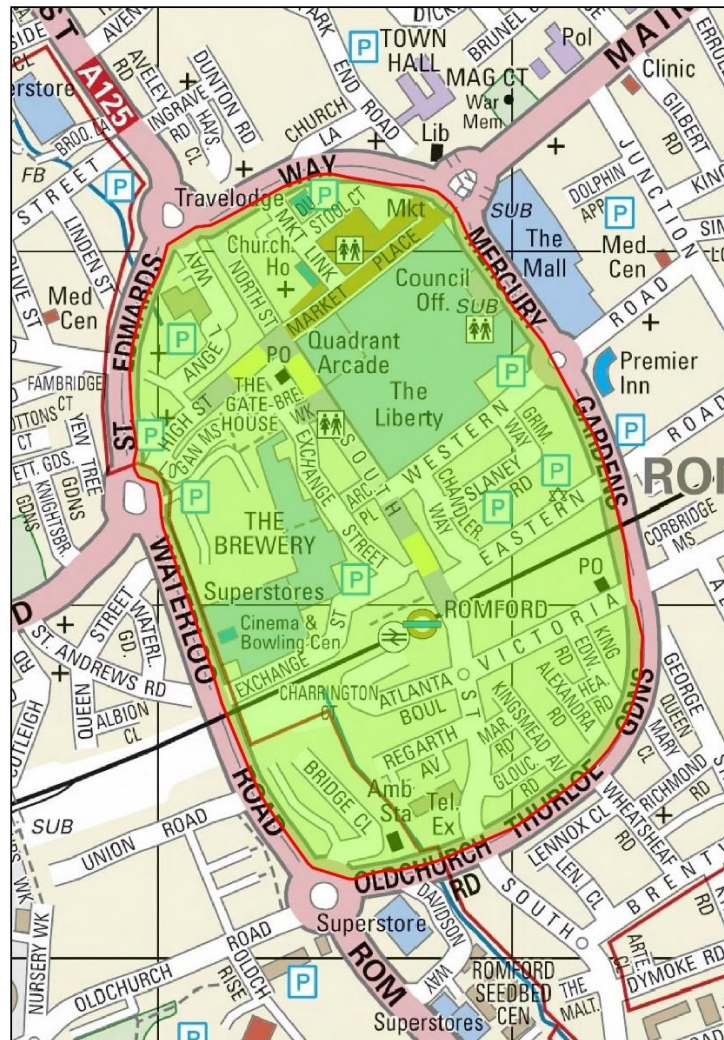
8.3 Common assault committed in Romford Town centre accounted for 20% of all incidents in the borough. 15% of those common assault offences occurred between peak hours of 2100hrs and 0400hrs on Friday, Saturday and Sunday.

8.4 In January 2017, Romford Town/Havering was chosen as one of 33 areas to work with the Home Office as part of a 'Local Alcohol Action Area' to target alcohol related harms. A Public Spaces Protection Order (PSPO) is also in force within Romford Town Centre which seeks to restrict alcohol related nuisance.

8.5 On the basis of the above evidence the Licensing Authority is of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and the provision of late night refreshment within the ring road is having a cumulative impact and undermining the licensing objectives. It is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives and a cumulative impact policy has been adopted in this area.

8.6 The area covered by the policy is shown in figure 2 overleaf.

Figure 2-Romford Town Cumulative Impact Zone



© Crown copyright and database rights 2019 Ordnance Survey 100024327

9. Special Cumulative Impact Policy for Hornchurch Town Centre

9.1 Hornchurch Town Centre houses the second biggest day and night time economy in Havering. A cumulative impact policy was adopted for this area under the previous Statement of Licensing Policy adopted on 7th January 2016 which covered all of the St Andrews Ward.

9.2 In the Havering Community Safety Partnership report, London Borough of Havering Non Domestic Abuse Violence with Injury Problem Profile, May 2018, temporal analysis showed that 46% of VWI offences in Hornchurch occurred between 2100hrs and 0200hrs. 57% of offences occur on Friday, Saturday and Sunday.

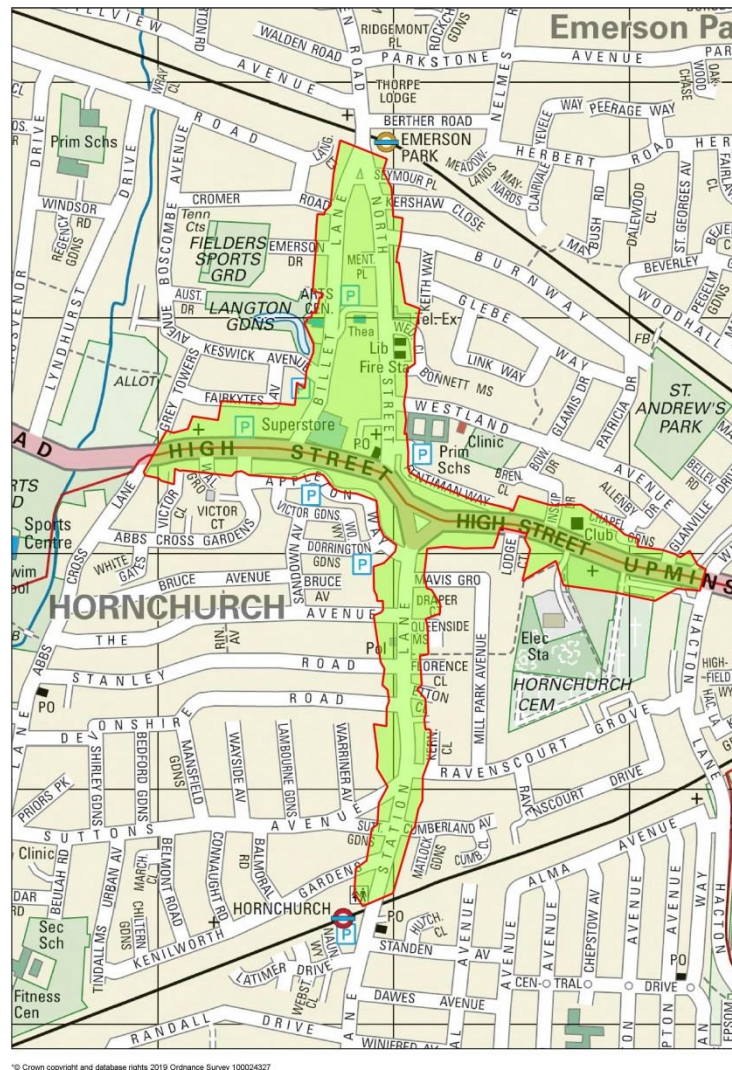
9.3 It identified the main hotspot as the High Street which locates a number of bars and pubs. A large proportion of the offences were reported in, and in close proximity to, licensed pubs and clubs.

9.4 On the basis of the above evidence the Licensing Authority is of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and the provision of late night refreshment around the High Street is having a cumulative impact and undermining the licensing objectives. It is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives and a cumulative impact policy has been adopted in this area.

9.5 The size of the cumulative impact zone has been reduced from the previous Licensing Policy and rather than cover all of the St Andrews ward is now focussed on Hornchurch Town Centre. It covers the High Street, Station Lane, Billet Lane, North Street and part of Upminster Road.

9.6 The area covered by the policy is shown in figure 3 overleaf.

Figure 3- Hornchurch Cumulative Impact Zone



10. Special Cumulative Impact Policy for Gooshays

10.1 Unlike Hornchurch and Romford, Gooshays is not a major night time economy. A cumulative impact policy was adopted for this area under the previous Statement of Licensing Policy adopted on 7th January 2016

10.2 In the Havering Community Safety Partnership report, London Borough of Havering Non Domestic Abuse Violence with Injury Problem Profile, May 2018 Gooshays was identified as the ward with second highest amounts of VWI reports to the police in 2017.

10.3 As this area does not house a night time economy environment it is important to understand why this area ranks high in the number of incidents. It also shows as a hotspot in London Ambulance assault data. A hypothesis is that this area is one of Havering's areas which has the lowest deprivation index and thus this has an impact of the level of violent crime experienced in this area.

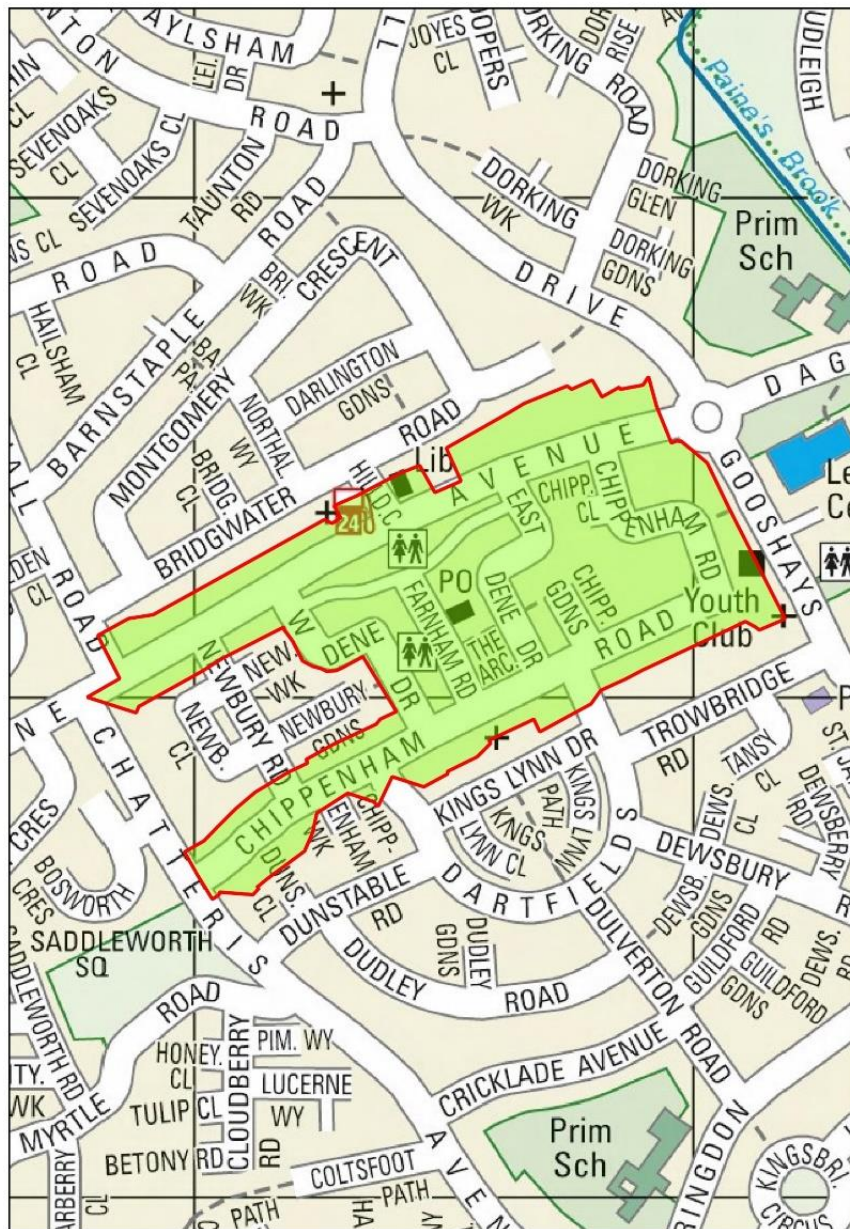
10.4 One hotspot was identified within the Gooshays ward where incidents appeared linked to licensed premises. This was the Farnham Road/ Hilddene Avenue where a number of assaults were reported within licensed retail establishments.

10.5 On the basis of the above evidence the Licensing Authority is of the view that the number, type and density of premises selling alcohol for consumption off the premises around the Farnham Road/Hilddene Avenue area is having a cumulative impact and undermining the licensing objectives and a cumulative impact policy has been adopted in this area. It is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives and a cumulative impact policy has been adopted in this area.

10.6 None of the premise identified in the report relate to on sales or late night refreshment and therefore the cumulative impact policy for the Gooshays area is restricted to off sale premises only.

10.7 The area covered by the policy is shown in figure 4 overleaf.

Figure 4 Gooshays Cumulative Impact Zone



© Crown copyright and database rights 2019 Ordnance Survey 100024327

11. Development Management

11.1 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.

11.2 Licensing and planning controls are two different regimes which operate independently and licensing committees are not bound by decisions made by a planning committee and vice versa.

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 is particularly so where there results a mis-match between controls with which the operator is obliged to comply within the respective regimes. For example, if there is a variance between the hours given under the licence and those permitted by the planning permission the earlier hours will apply.

11.3 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.

11.4 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.

11.5 Applicants are also advised to seek 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.

11.6 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.

11.7 Applicants are advised that the Local Planning Authority is a Responsible Authority under the 2003 Act and is able to make representations against all applications on planning grounds and thereby make representations in respect of any of the 4 overriding objectives of the Licensing Act 2003.

11.8 In framing this policy the Council acknowledges that it must ensure the lawful operation and independence of the Licensing and Planning control regimes.

12. Licensing Hours

12.1 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

12.2 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.

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

12.4 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.

12.5 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.

12.6 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.

13. Standards of Management

The Operating schedule

13.1 When assessing the applicant's or licence holder's ability to demonstrate a commitment to high standards of management the Licensing Authority will take into account whether they

- 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.

13.2 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.

13.3 The Licensing Authority seeks to promote mixed use premises with alcohol sales being offered to customers alongside 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.

14. Alcohol induced crime and disorder and antisocial behaviour

14.1 The Licensing Authority expects licence holders 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.

14.2 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 licence.

14.3 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.

14.4 Where appropriate the Licensing Authority will consider imposing controls on products sold where representations indicate localised problems. This provision could include removing 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.

15. Use of toughened glass and polycarbonates

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

15.2 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.

15.3 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.

15.4 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.

15.5 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.

15.6 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

16. Drugs Policy

16.1 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 premises.

16.2 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.

17. Noise

17.1 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 request appropriate restrictions or controls on the licence to support the prevention of undue noise disturbance from licensed premises.

17.2 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.

17.3 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 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.

18. Smoking, Drinking and eating outside

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

18.2 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

18.3 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.

18.4 The London Borough of Havering has yet to adopt a Street Trading Policy but is considering one in the future. Applicants must ensure that outdoor areas comply with any Street Trading Policy in force and that structures on the highway have the necessary planning permissions.

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

19. Dispersal policies

19.1 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. A dispersal policy is recommended for an application for a new late night premises licences or variation application but each application will be considered on its own merits.

19.2 The general principle will be that the carrying on of licensable activities at premises should cease some time before the end of the operational hours 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 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
- Signage advising patrons to leave premises quietly

19.3 It is recognised that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.

20. Deliveries

20.1 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.

20.2 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.

21. Children and Licensed premises

21.1 The Licensing Authority will require measures to protect children from harm to be reflected in the operating schedule, having regard to their type of premises or licensable activities.

21.2 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.

21.3 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. 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.

21.4 When considering applications from premises intending to offer regulated 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.

21.5 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.

21.6 The Licensing Authority recognises that children are one of the most vulnerable groups in our society and that some activities associated with licensed premises are not appropriate for children. The 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 a risk of physical, moral or psychological harm to children. It will also look for strict controls in place to prevent the sale of alcohol to underage children.

21.7 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.

21.8 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 an up to date disclosure and barring record checks (DBS).

22. Children and Alcohol

22.1 The Licensing Authority is committed to tackling the illegal sale of alcohol to children, including proxy sales when adults buy alcohol for children.

22.2 The Licensing Authority expects licence holders to implement measures such as Challenge 25, the use of till prompts, refusal registers and regular staff training to reduce the likelihood of underage sales from their premises. It will take appropriate action, including review of licenses, where sales persist.

22.3 Premises within 400 metres of schools or colleges should consider licence conditions to control the products being offered for sale and the items on display in windows that may be viewed by passers-by.

23. Mental Health and Wellbeing

23.1 Havering's licensing authority seeks to operate wherever possible in accordance with the s.182 Guidance to the Licensing Act 2003 and other relevant guidance on related issues. Further to public health, the Licensing Authority aligns itself with Havering Health and Wellbeing Board Strategy. This is a multiagency partnership established under the Health and Social Care Act 2012, with representation from LBH, CCG, Healthwatch Havering, Barking, Havering and Redbridge University Hospitals NHS Trust (BHRUT) and the North East London NHS Foundation Trust (NELFT). The role of the Director of Public Health is as statutory chief officer of the local authority and principal adviser on all health matters to elected members and officers and includes helping to promote the health and wellbeing of the borough's population. Such a role also includes activities conducted in commercial premises and particularly licensed premises.

23.2 The Licensing Authority recognises its duty to promote the four licensing objectives. This duty also extends to the licence holders who operate in the borough. We all need to ensure the successful promotion of the licensing objectives.

23.3 Licensed premises often have regular and repeat customers who, over time, may demonstrate behaviour that might suggest they have care and support needs. Havering's Licensing Authority does not expect all staff members on licensed premises to have expert knowledge with regard to assessing the mental health of its customers. The Licensing Authority does expect, however, that an application for a premises licence should acknowledge this duty and provide positive proposals further to assessing the general wellbeing of its customers.

23.4 An adult with care and support needs is someone who is in need of community care services due to disability, age or illness. They may be unable to take care of or protect themselves against significant harm or exploitation. Havering's Licensing Authority therefore expects that licence holders and staff who work in licensed premises should ask themselves the following questions when coming into contact with children, young people or adults with apparent care and support needs:

- Does your customer have any physical signs of abuse or neglect?
- Does the appearance of the customer lead you to suspect they may be homeless?
- Are they a regular customer? Do you see changes in their behaviour or mood?
- Has the customer told you they are having difficulties with someone else?
- Has the customer told you they have concerns about someone else?

- Has the customer told you they have harmed someone else?
- Do you know something that causes concern about someone else's welfare?
- Have you seen worrying behaviour towards someone else?

23.5 If the answers to any of the questions above gives any staff member cause for concern it may be necessary to take action to protect the adult or child concerned.

23.6 The first priority will be for the welfare of the adult or child, to ensure their safety. This may include reporting concerns to the police if immediate action is required or to Havering's Adult Social Services, Safeguarding Adults Team on 01708 433550 or the Child Protection Team on 01708 433222. Out of hours referrals can be made on 01708 433999. In an emergency contact the police (999) or non-emergency 101.

24. Adult Entertainment

24.1 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.

24.2 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.

24.3 Premises providing adult entertainment on a regular basis will be subject to the licensing regime for Sexual Entertainment Venues. Applicants should refer to the current national guidance and the London Borough of Havering Sex Establishment Licensing Policy for more information. Premises licensed under the Licensing Act 2003 that are exempt from this regime will be subject to the following paragraphs of this Policy.

24.4 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 should be granted, such as:

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

24.5 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.

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

24.7 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.

25. Illicit Goods

25.1 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.

25.2 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.

26. Counter Terrorism

26.1 The Licensing Authority expects applicants to have protective security plans that demonstrate how they will manage the threat from a terrorist attack. This is particularly important for venues that operate as part of the night-time economy.

26.2 As part of these plans the Licensing Authority expects applicants to have training in place for its staff in relation to counter terrorism.

26.3 Up to date guidance on increasing the protection of crowded places from terrorist attack can be found on the gov.uk website.

27. Temporary events

27.1 Where events qualify for a temporary events notice (TENS), 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.

27.2 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.

27.3 The Licensing Act 2003 provides for certain occasions when events organised for less than 500 people and each lasting for no more than 168 hours can take place, following the notification of such events to the Licensing Authority, Environmental Health and the Police. Only Environmental Health and the Police can object to the temporary event notice if they are of the opinion that the event is likely to undermine the licensing objectives.

27.4 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.

27.5 "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.

28. Provisional statements

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

28.2 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.

28.3 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.

29. Enforcement

29.1 The Authority will adopt a risk-based inspection programme as recommended by the Guidance issued under 182 of the Licensing Act 2003 for Licensing Authorities. This will be based on:

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Home Office
- The principles set out in this statement of licensing policy
- The enforcement policy, intelligence and complaints.

29.2 High risk rated premises may be those where there are factors such as reports of underage sales or previous breaches of premises licence conditions and codes of practice. Low risk rated premises will generally be those which have demonstrated compliance with premises licence conditions and codes of practice.

29.3 The Licensing Authority will consider 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

29.4 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.

29.5 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.

29.6 Where a licence is revoked, any new application for the premises will be considered against the Policy and will be considered on its own merits.

30. COVID 19

30.1 The United Kingdom is currently experiencing a public health emergency as a result of the COVID 19 pandemic. As such it is critical that businesses take a range of measures to keep everyone safe.

30.2 To help you decide which actions you must take you must carry out an appropriate COVID 19 risk assessment just as you would for other health and safety hazards.

30.3 Up to date guidance can be found on the gov.uk website which details what steps are needed to ensure your premises are COVID secure. Failure to complete a risk assessment which takes account of COVID 19, or completing a risk assessment but failing to put in place sufficient measures to manage the risk of COVID 19, could constitute a breach of health and safety law.

31. Scheme of delegation

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

Appendix 1

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. This usually involves pre-recorded music and 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

- **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 2 Responsible Authorities and Useful Contact Details

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

Telephone: 01708 432777
E-mail: licensing@haverling.gov.uk
Website: www.haverling.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@haverling.gov.uk
Website: www.haverling.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@haverling.gov.uk
Website: www.haverling.gov.uk

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

Telephone: 01708 432777

E-mail: environmental.health@haverling.gov.uk

Website: www.haverling.gov.uk

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

Telephone: 01708 432777

E-mail: trading.standards@haverling.gov.uk

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

Telephone: 01708 434800

E-mail: planning@haverling.gov.uk

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

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

Other Useful Contact Details:

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

Telephone: 020 7556 2100

Website: www.hse.gov.uk

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

Telephone: 01708 432563

E-mail: StreetSceneEnforcement@haverling.gov.uk

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

Telephone Number: 01708 432028

E-mail: communitysafety@haverling.gov.uk

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

Telephone: 0300 303 0645

Security Industries Authority, Security Industry Authority, PO Box 74957, London E14 1UG

Website: www.sia.homeoffice.gov.uk

London Borough of Havering public register of licensed premises.

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

Appendix 3 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 4 Mandatory Conditions Correct as of August 2019

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 5

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 nor 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.

Staff Competence and Training:

PC06 The Licensee to keep a written record of all staff authorised to sell alcohol, the record to contain the full name, home address, date of birth and national insurance number of each person so authorised. The staff record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.

PC07 The Licensee to ensure that each member of staff authorised to sell alcohol has received adequate training on the law with regard to age restricted products and that this has been properly documented and training records kept. The training record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.

PC08 The Licensee to ensure that each member of staff authorised to sell alcohol is fully aware of his /her responsibilities in relation to verifying a customer's age and is able to effectively question purchasers and check evidence of proof of age.

PC09 The Licensee to ensure that each member of staff authorised to sell alcohol is sufficiently capable and confident to confront and challenge under - 18s attempting to purchase alcohol.

General

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

GC02 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

GC03 No entertainment, performance, service, or exhibition involving nudity or sexual stimulation shall be permitted.

Controls for Sales of Alcohol

GC04 Alcohol shall only be sold to a person sitting down eating a meal and for consumption with that meal.

GC05 Alcohol shall be sold to customers by waiter/waitress service only.

GC06 There shall be no sales of alcohol for consumption off the premises.

GC07 Sales of alcohol for consumption off the premises shall only be supplied with a meal.

GC08 Beers, lagers, stout and ciders sold at the premises should not exceed (insert e.g. 5.0 or 5.5 or 6%) alcohol volume.

GC09 Sprints should not be sold in bottles of less than 35cl/70cl.

GC10 Beers, lagers, stout, ciders and alcholpops shall be sold in packs of no less than four

CDGPG1 All occasions when persons have been refused service shall be recorded in writing and kept at the premises for six months.

CDGPG2 Prominent, clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved

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.

CDGPG3 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.

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

Other signage

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

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

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

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.

CDGPG7 Premises which have a Policy that includes the searching of persons shall have Door Supervisors of both sexes on duty at all times.

CDGPG8 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'.

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.

CDGPG9 The Licence Holder shall sign up to the Safe and Sound approved charter.