



STATEMENT OF LICENSING POLICY

July 2017 – July 2022

London Borough of Hammersmith &
Fulham Statement of Licensing
Policy
Issued July 2017

This policy has been prepared in accordance with the Secretary of State's Guidance (March 2015) issued under Section 182 of the Licensing Act 2003.

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

Any website links within this document that no longer work will be updated or removed.

This Policy relates to the sale or supply of alcohol, the provision of regulated entertainment, and the provision of late night refreshment.

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1 Foreward

- 1.1 The Licensing Authority will have regard to this policy when carrying out its functions under the Licensing Act 2003 ("the Act").
- 1.2 The Act requires the Licensing Authority to publish this Statement of Licensing Policy. This policy will be used as a guide in decision making with regard to licensing matters.
- 1.3 The legislation provides a clear focus on the promotion of four statutory licensing objectives which must be promoted when licensing functions are undertaken, these are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.

Each objective is of equal importance. It is important to note that there are no other licensing objectives.

- 1.4 The Licensing Authority is keen to promote the cultural life of our borough and licensing will be approached with a view to encouraging all forms of licensable activity that are carried out in ways consistent with the Licensing Objectives.
- 1.5 Our licensing policy is designed to build upon the work presently carried out by the Licensing Authority to maintain a dynamic, innovative and attractive place to live, work and relax. The council has prepared a number of strategies that contain visions, aims and objectives to promote, improve and protect the borough. Not only has this Statement of Licensing Policy been prepared to promote the four Licensing Objectives under the Act, the Licensing Authority has also had regard to the local strategies which have been developed for the borough, its residents, businesses, workers and visitors. The Licensing Authority intends to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies and the council's equal opportunities policy and local alcohol licensing strategy by ensuring our licensing policy is consistent with their aims and objectives. This Statement of Licensing Policy also recognises the National Alcohol Strategy.
- 1.6 The Licensing Authority will seek to implement the policy in a positive and inclusive way for the whole community.
- 1.7 Our aim is to target premises which are causing problems within our communities, and have a lighter touch for the majority of businesses and community activities which enhance peoples' lives by providing worthwhile opportunities for the enjoyment of leisure time without having a negative impact. Premises that are associated with any crime or disorder, threaten public safety, generate public nuisance or threaten the well being of children will be targeted for enforcement action. However, partners will consistently work towards the promotion of the four licensing objectives pro-actively and would hope that re-active work targeting problem premises is kept to a minimum.
- 1.8 An effective licensing policy, alongside other initiatives, can work towards promoting the positive aspects of life in the borough, such as increasing the leisure industry provision for the community and encouraging regeneration of town centres, as well as controlling the negative impacts such as

increase in noise, nuisance, anti-social behaviour and crime and disorder.

- 1.9 Through this policy the Licensing Authority hopes that local people and visitors to Hammersmith and Fulham will have better opportunities to enjoy their leisure time safely without fear of violence, intimidation or disorder while on, arriving at, or leaving licensed premises. In addition, and in response to concerns about the impact of longer trading hours on behaviour and disturbance at night, we have given the protection of local residents, whose lives can be blighted by disturbance and antisocial behaviour associated with some of the people visiting places of entertainment, a central place in our strategy. The [Local Development Framework](#) sets out the council's planning policies for developing land, improving transport and protecting the environment. The council is required to determine planning applications in accordance with the [Local Development Framework](#), the London Plan (<https://www.london.gov.uk/what-we-do/planning/london-plan>) and any other material considerations. The Licensing Authority will take account of business needs and, where applicable, special policies that will help to enhance the borough.
- 1.10 Hammersmith & Fulham is a socially diverse area with a cosmopolitan population, sharing the advantages and disadvantages of inner city life. This presents the challenge of securing the safety and amenity of residential communities while facilitating a sustainable entertainment and cultural industry. To date, the Licensing Authority has been successful in seeking to strike this balance, and has a proven track record of treating each application in a fair and considered way.
- 1.11 Green spaces have been protected and extended throughout the 1990s to improve the local quality of life. The borough is home to one of Europe's largest shopping centres, Westfield, three major football clubs; Chelsea, Fulham and Queens Park Rangers, a national exhibition centre, Olympia, and two of London's major live entertainment venues, the HMV Hammersmith Apollo and the Shepherd's Bush Empire.
- 1.12 The Act requires the Licensing Authority to review the licensing policy every five years. All reviews will be subject to further consultation with all stakeholders and any revised policy will be published. Issues that arise concerning implementation of the policy will be recorded in an issue log and taken into account during any review.

2 Introduction and purpose

- 2.1 Hammersmith & Fulham is one of 13 inner-London boroughs. It is situated in west London, on the transport routes between the city and Heathrow airport.
- 2.2 It is a long, narrow borough, running north to south with a river border at its south and south-west side. It is bordered by six London boroughs – Brent to the north, Kensington and Chelsea to the east, Wandsworth and Richmond-upon-Thames to the south, and Ealing and Hounslow to the west. Not including the City of London, it is the third smallest London borough in terms of area, covering 1,640 hectares. It has three town centres – Shepherd's Bush, Hammersmith and Fulham.
- 2.3 Hammersmith & Fulham is made up of 16 electoral wards. These range in size from 55 hectares to 344 hectares.
- 2.4 The Licensing Authority for the London Borough of Hammersmith & Fulham makes this Statement of Licensing Policy in accordance with section 5 of the Act.

2.5 This policy statement has, amongst other things, four main purposes which are:

- **To inform Members** of the Licensing Committee of the powers of the Licensing Authority and the boundaries within which to make decisions.
- **To inform licence applicants** of the parameters within which the Licensing Authority will make licensing decisions and how licensed premises are likely to be able to operate within the borough.
- **To inform local residents and businesses** of the considerations which the Licensing Authority will take when making licensing decisions.
- **To inform Responsible Authorities** of their powers under the Act to promote the four Licensing Objectives.

2.6 The policy relates to the following activities (known as licensable activities) that are required to be licensed under the Act:

- a. The retail sale of alcohol including licensing of individuals, premises, and purchases via the internet or mail order;
- b. The supply of alcohol to members of club premises;
- c. The provision of regulated entertainment in the presence of an audience. The meaning of regulated entertainment is described in more detail in the Licensing Act 2003, and in particular in Schedule 1 of that Act and includes:
 - film exhibitions
 - performances of a play
 - indoor sporting events
 - boxing or wrestling events
 - live music performances
 - playing of recorded music
 - performances of dance

Further details regarding regulated entertainment and exemptions from the need for licensing permissions can be found in the Glossary attached to this document.

- d. The licensing of activities on a temporary basis, Temporary Event Notices (TENs); and
- e. The provision of late night refreshment i.e. supply of hot food or hot drink from premises, anytime between 11pm and 5am.

2.7 The two main types of licences issued under the legislation are personal and premises licences. Club premises certificates can also be issued for qualifying clubs carrying out qualifying club activities. TENs may be issued for licensable activities involving no more than 499 people and lasting no more than 168 hours (7 days). References to licences in this document include certificates, TENs or other permissions under the Act.

2.8 Licensing is about regulating licensable activities on licensed premises, at qualifying clubs and at temporary events within the terms of the Act. The conditions attached to licences and / or Temporary Event Notices will be focused on matters that are within the control of individual licensees.

Accordingly, conditions will centre on the premises and on the vicinity of those premises. What is in

the vicinity will depend on the facts of each individual case. However, the Licensing Authority will primarily focus on the direct impact of the activities at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

- 2.9 Every application made to the Licensing Authority will be considered on its own merits. This policy will be used as a basis for coming to consistent and transparent decisions on licence applications.
- 2.10 The Licensing Authority has taken full account of the guidance issued to it by the Secretary of State under section 182 of the Act. Where it is necessary to depart from that guidance, the Licensing Authority will give its reasons for doing so. A copy of the Statutory Guidance can be found on the licensing pages of our website.
- 2.11 Additionally, in formulating this policy document the Licensing Authority has had regard to the provisions of the European Convention on Human Rights, the Equality Act 2010 and has also taken into account the provisions of the Crime and Disorder Act 1998.
- 2.12 The scope of this policy covers all applications made under the Act. Designated sports grounds, events and exhibition centres are the subject of separate legislation. Consideration of applications for premises licences will be limited to those activities that are licensable under the Act.
- 2.13 Nothing in this policy will undermine any person from applying for a variety of permissions under the Act.
- 2.14 The Policy has been drawn up in consultation with a number of bodies and organisations, including:
- Metropolitan Police;
 - London Fire and Emergency
 - Planning Authority;
 - Representatives of holders of premises licences in the borough;
 - Representatives of holders of club premises certificates in the borough;
 - Representatives of holders of personal licences issued by the borough;
 - Representatives of residents and businesses in the area, including resident groups, tenants associations and societies;
 - The Area Child Protection Committee;
 - The Director of Public Health;
 - Accident and Emergency and the London Ambulance service;
 - British Transport Police;
 - London Underground;
 - Neighbouring authorities;
 - British Institute of Innkeeping;
 - Chamber of Commerce;
 - The Substance Misuse and Offender Care Team (SMOC);
 - Crime and Disorder Reduction Partnership; and
 - Trade unions;
- 2.15 This policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers.

3 Fundamental principles

- 3.1 In carrying out its licensing functions, the Licensing Authority will actively seek to promote the four Licensing Objectives set out in section 4 of the Act. These are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance;
 - The protection of children from harm.
- 3.2 To achieve these objectives the Licensing Authority will use its full range of powers and engage all relevant responsible authorities. Accordingly, the Licensing Authority will enter into appropriate partnership arrangements, working closely with the police, the fire authority, Trading Standards, Environmental Health, Public Health, local businesses, community representatives and local people in meeting these objectives.
- 3.3 The Licensing Authority has significant experience and awareness of the requirements of, and issues surrounding, the entertainment and leisure industry and we will work with our stakeholders to ensure mutual co-existence.
- 3.4 The Act provides the entertainment and leisure industries with greater freedom and flexibility to meet the demands of its customers but also provides some extra powers for the Licensing Authority and other authorised officers to work closely to protect residents from disturbance.
- 3.5 Deregulation inevitably brings with it a higher degree of self-regulation by licence and certificate holders. This shift means that the primary responsibility for controlling activities on licensed premises firmly rests on the licence holders, designated premises supervisors and managers of such premises. This Licensing Authority, with support from the other enforcement agencies, will keep the activities of these licence holders under review. This means that all concerned must work closely together in partnership for the community, of which both businesses and residents form a part.
- 3.6 Responsible Authorities or other persons may view applications for Club Premises Certificates and Premises Licences, and may make representations to the Licensing Authority where they believe a licence application, if granted, will undermine one or more of the Licensing Objectives. (see Glossary of terms for other persons and Responsible Authority definitions)
- 3.7 All relevant representations will be considered during the decision making process, unless they are considered to be frivolous, vexatious or repetitious in nature. All representations must be made to the Licensing Authority. Only written representations sent by e-mail, post or hand delivered will be accepted, however, where circumstances prevent this the Licensing Authority shall consider any other forms of representation on a case by case basis.
- 3.8 If relevant representations are received by the Licensing Authority, the application will be determined by a Licensing Sub-Committee consisting of three Members of the full Licensing Committee. Where no relevant representations have been made licences will be issued by licensing officers under delegated powers. In making decisions on licence applications, the Licensing Sub-Committee must have regard to the Act and relevant Regulations, the Guidance published by the Home Office under s.182 of the Act, and this Statement of Licensing Policy.

3.9 Applicants should also have regard to these documents when preparing their applications. Applicants should note paragraph 8.34 of the Secretary of State's Guidance in particular, which states that:

'Applicants are, in particular, expected to 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 may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- 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.

Please see paragraph 15.7 for more information regarding local area risk assessments.

3.10 Where relevant representations have been received by the Council, conditions attached to licences, certificates and Temporary Event Notices will be tailored to the individual style and characteristics of the premises and events concerned. They will relate to the licensing objectives and be restricted to matters within the control of individual licence holders.

3.11 In making decisions on licensing applications and imposing conditions, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned relating to the four Licensing Objectives.

4 Licence conditions

Schedule 4 of the Policing and Crime Act 2009 amended the Act to give the Secretary of State the power to impose new mandatory licensing conditions in relation to the supply of alcohol under the authority of a premises licence or club premises certificate.

These new mandatory licensing conditions apply to all existing and future premises licences which authorise the sale or supply of alcohol. These conditions override any conditions already included in a premises licence or club premises certificate, so far as they are identical to the existing conditions or inconsistent with, and more onerous than, the existing conditions. The new conditions will apply to every licence and certificate authorising the sale or supply of alcohol from the date that they come into force.

Mandatory Conditions

4.1 Mandatory conditions must be attached to all Premises Licences and Club Premises Certificates authorising the sale and supply of alcohol, see Annex 1 for details. These conditions, amongst other things, in effect:

- Ban irresponsible drink promotions;
- Ban the dispensing of alcohol directly into the mouth; and
- Ensure that customers have access to free tap water so that they can space out their drinks and not get too intoxicated too quickly.
- Require an age verification policy to be in place to prevent underage sales; and

- Ensure that customers have the opportunity to choose small measures of beers, ciders, spirits and wine.
- Minimum price of alcohol (duty plus VAT)

Local Pool of Conditions

- 4.2 Appropriate and proportionate conditions which relate to the Licensing Objectives will be drawn in particular circumstances from the National Pool of Conditions, issued by the Home Office. Further information regarding these conditions can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/98115/pools-conditions.pdf .

This does not preclude the Licensing Authority from attaching other conditions appropriate for the promotion of the four licensing objectives.

The Licensing Authority has carried out a full review of its own pool of conditions and these are available on the licensing pages of our website. Applicants should consider the National Pool and local pool of conditions and incorporate them into their operating schedules, as they consider appropriate, to promote each of the Licensing Objectives.

Football Conditions

- 4.3 The Licensing Authority acknowledges that it is unique in the fact that it has 3 major football clubs within its boundaries. Given the size of our borough and the raised level of risk of crime and disorder occurring on match days, any premises in the vicinity of our football grounds will be expected to robustly deal with this issue in their operating schedule.
- 4.4 Where a relevant representation is made by the Police, another Responsible Authority, or 'other person' in respect of an application made by a licence holder, the Licensing Authority may apply enhanced "match day" conditions to ensure the Licensing Objectives are promoted. This may include, but is not limited to, the following conditions:
- Restriction of hours in the run up to and after 'Kick Off'
 - Restriction of sales of alcohol in glass bottles or the use of glass for any drinks on match days
 - Conditions for premises to robustly control the spillage of customers onto the highway through overcrowding
 - to prevent their customers from drinking or taking alcohol out onto the street outside the premises on match days
 - The ability for the Police or Licensing Authority to require the premises to close on grounds of Public Safety if required to do so
 - Having door supervisors on duty
 - Having a Designated Premise Supervisor/Personal Licence Holder on the premises
 - Using display cabinets with shutters for alcohol

Similar conditions may also be applied on 'victory day' parades.

- 4.5 The Licensing Authority acknowledges that off licences can also play a major part in the overall impact on the crime and disorder objective and as such would seek to ensure these conditions are

also mirrored as required on off licences identified by the Police and Licensing Authority as having a potential impact. The Police and Licensing Authority are especially keen to control the sale of alcohol in glass bottles on match days and as such may require that no bottles are sold on match days.

4.6 It has also been the experience of the Licensing Authority that at times it may be required to completely close 'off' and 'on' licensed premises depending on the information received by the Football Intelligence Unit. In order to ensure this can be effectively controlled the Licensing Authority and the Football Intelligence Unit will liaise with relevant premises operators at the earliest opportunity in order to discuss closure. Informal cooperation will always be preferred. However, review proceedings will necessarily follow when a Magistrates' Court has made a closure order under section 80 of the Anti-Social Behaviour, Crime and Policing Act 2014, or the Crown Court has made a closure order on appeal under section 84 of that Act.

4.7 Licence holders will ensure that conditions attached to the licence are complied with at all times.

5 Licensing hours

5.1 Where there is a relevant representation, the Licensing Authority will consider each particular case on its merits having regard in particular to the following matters:

- Whether the licensed activities are likely to have an adverse impact especially on local residents and, if there is potential to have an adverse impact, what, if any, appropriate measures will be put in place to prevent it;
- Whether there will be a substantial increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area;
- Whether there is a suitable level of public transport accessibility to and from the premises at the appropriate times;
- Whether the activity will be likely to lead to a harmful and unmanageable increase in car parking demand in surrounding residential streets suffering high levels of parking stress or on roads forming part of the Strategic London Road Network or the London Bus Priority Network leading to a negative impact on the Licensing Objectives relating to the prevention of crime, disorder and nuisance;
- Whether there have been any representations made by Responsible Authorities, or other relevant agency or representative.

5.2 The Licensing Authority will closely scrutinise extended hours applications to ensure that the Licensing Objectives are met. In determining an application the licensing committee might decide that the circumstances are such that a restriction on hours is the only appropriate means to achieve the Licensing Objectives. If an 'hours' restriction is imposed, the Licensing Authority will normally require that customers should be allowed a minimum of thirty minutes to consume alcohol. For example, if the closing time on the application is stated as 12 midnight, the latest time that a licence would be granted to serve alcohol would be 11:30pm, as the Licensing Authority will normally allow a minimum of 30 minutes to consume alcohol that has been purchased before the terminal hour.

5.3 In determining representations to an application which incorporates an external area to the premises, the licensing committee might decide that the circumstances are such that a restriction on

hours in that area is the only appropriate means to achieve the promotion of the Licensing Objectives.

- 5.4 The Licensing Authority advises applicants that it would be beneficial if a lawful planning use can be demonstrated for the activities proposed in all applications for premises licences.
- 5.5 It will be the normal policy of the Licensing Authority to allow shops, stores and supermarkets to provide sales of alcohol for consumption off the premises at any times (in line with permitted planning hours) when the retail outlet is open for shopping unless there are good reasons based on the Licensing Objectives for restricting those hours. Should there be evidence regarding street drinking issues, child protection issues, issues in relation to public nuisance and disorder in the vicinity of this type of premises, the Licensing Authority may restrict the hours of the sale of alcohol.

6. Cumulative Impact

- 6.1 In determining an application where there has been a relevant representation the Licensing Authority will, where appropriate, take into account the cumulative (collective) effect of the number, type and density of licensed premises already existing in the area. A saturation of licensed premises can attract customers to an area to such a degree that it has an adverse impact on the surrounding area beyond the control of individual licence holders.
- 6.2 In accordance with paragraph 13.30 of the Secretary of State's current Guidance, where the cumulative effect of many licensed premises within an area gives rise to problems of public disorder and nuisance in the surrounding area, the Licensing Authority may consider it inappropriate for any further licensed premises to be established in the area, or extension to licensed hours of existing premises to be approved. In such circumstances, an application for a licence for activities which would undermine the promotion of any of the four Licensing Objectives would be refused.
- 6.3 In 2009 the Licensing Authority identified Fulham Broadway as an area where the number, type and density of premises providing licensable activities after 11pm was having a serious negative impact on the local community and local amenities. In order to ensure that residents are protected from the negative impact of late night local licensing activities, the Licensing Authority adopted a special policy. This policy is set out in Annex 2 and will be applicable for new licences or variations of existing licences, except applications for Personal Licences. The special policy will be reviewed regularly to assess whether it is still needed or should be expanded or amended. The special policy has been reviewed in 2015 and data from the police, ambulance service, and noise complaints has been assessed. The conclusion to this review is that alcohol related crime, anti-social behavior and noise complaints have been reduced, after midnight in particular, since the special policy was introduced in 2009. A report on crime, disorder and noise is attached as Annex 3. This is a strong indication that the purpose of the special policy is being achieved and that it should remain in place.
- 6.4 In 2011 the Licensing Authority also identified Shepherd's Bush as an area which was suffering adversely from the concentration of a number of licensed premises in a specified area. After an extensive evidence gathering process a further special policy was adopted by the Licensing Authority in June 2011. The Policy is set out in Annex 4. This policy is also only applicable where relevant representations are made in the area specified. This special policy was also reviewed in 2015 and data from the police, ambulance service and noise complaints assessed. The conclusions were similar to the results of the review of the Fulham Broadway special policy, with a reduction in alcohol related crime, anti-social behavior and noise complaints after midnight. A report on crime, disorder and noise

is attached as Annex 5. In view of the current positive impact of this special policy it will remain in place and will be reviewed regularly.

- 6.5 The absence of a special policy in other areas does not prevent any Responsible Authority or other persons from making representations on the grounds that the premises will give rise to a negative cumulative impact in the area in question, on one or more of the four Licensing Objectives (The Secretary of State's Guidance – March 2015).
- 6.6 Where there is sufficient evidence that another particular area has reached a point where existing licensing activity is at such levels that if, by granting a licence, it would contribute to the negative impact in the area, the Licensing Authority may adopt a special policy in relation to that area.
- 6.7 If any further special policies were adopted they would not be absolute and each application would still have to be considered on its own merits.
- 6.8 In coming to any decision regarding cumulative impact the Licensing Authority will also have regard to other mechanisms outside of the licensing regime which may also be available to address this issue, these are:
- Planning controls (where development or change of use is involved, or where trading hours are limited by planning conditions)
 - Police enforcement of the normal law concerning disorder and anti-social behaviour.
 - Prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
 - Prosecution of any personal licence holder or member of staff at such premises who is selling to underage persons or selling illegal alcohol or tobacco
 - Police powers to close down instantly any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises, for up to 24 hours.
 - The power of the police, other responsible authorities, a local resident, business or Councillor to seek a review of the licence or certificate in question.
 - Police and Local Authority power to issue a Closure Notice for up to 48 hours where serious anti-social behavior is taking place at licensed premises under the Anti-social Behaviour, Crime and Policing Act 2014.

7 Promotion of other strategies

- 7.1 The Licensing Authority will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing. Only appropriate, proportionate and reasonable licensing conditions will be imposed on such events. The council recognises that as part of implementing cultural strategies, account needs to be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dancing, street arts and theatre for the wider cultural benefit of the community.
- 7.2 Arrangements have been made for the licensing committee to receive, when appropriate, reports on the needs of the local tourist economy.
- 7.3 The Licensing Authority will keep the licensing committee apprised of the employment situation in

the area and the need for new investment and employment where appropriate.

- 7.4 The Licensing Authority will also report to local transport committees with regard to the need to disperse people from town centres in order to avoid concentrations of people that can produce nuisance and disorder. The Authority will liaise with Transport for London (TFL) and the Highways Department about local transport issues (late night bus and tube services) with regard to the need to disperse people from town centres late at night in order to avoid concentrations of people causing noise nuisance and possible crime and/or disorder.
- 7.5 In accordance with its functions as a Licensing Authority, section 149 of the Equalities Act 2010 obliges public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups. The council has an Equal Opportunities Policy and this revised Statement of Licensing Policy will be monitored for any adverse impact on the promotion of equal opportunities.
- 7.6 The council will ensure its various strategies and policies are joined up to achieve the Licensing Objectives in the interests of clarity for applicants and effective determination. This will include taking into account the following:
- The Environmental Health Service Group's Enforcement Policy;
 - Crime and Disorder Reduction strategy and strategic assessment;
 - LBHF Alcohol Licensing strategy
 - National Alcohol strategy
 - Community Safety strategy;
 - Equal Opportunities policy;
 - Cultural and Tourism strategies including promotion of live music and community events;
 - Objectives of the Private Security Industry Authority;
 - Responsibilities under the Anti-Social Behaviour, Crime and Policing Act 2014;
 - Health Act 2006
 - Violent Crime Reduction Act 2006
 - The Government's Code of Practice on Test Purchasing:
<https://www.gov.uk/government/publications/code-of-practice-age-restricted-products>
 - Clean Neighbourhoods and Environment Act 2005

8 Prevention of crime and disorder

- 8.1 The Licensing Authority will require applicants to detail in their operating schedule the steps proposed to ensure the deterrence and prevention of crime and disorder on, and in the vicinity of, the premises, having regard to their location, character, condition, the nature and extent of the proposed use and the persons likely to use the premises. Please refer to Section 15 – Operating Schedule.
- 8.2 The Licensing Authority will require the licence holder to indicate what steps will be put in place to control the excessive consumption of alcohol and drunkenness on relevant premises in order to reduce the risk of anti-social behaviour occurring elsewhere after customers have left the premises.
- 8.3 The Licensing Authority is aware of the link between the supply of discounted alcohol and incidents of alcohol related disorder as well as the impact that excessive consumption of alcohol or binge drinking can have on public health and will consider whether any additional measures or restrictions

can be placed on alcohol sales to prevent binge drinking and promote 'sensible drinking'. (See Annex 1)

- 8.4 Whilst there may be evidence that people addicted to alcohol and their families are at risk of significant health and social problems such as mental illness, gambling and drug misuse, relationship breakdown, criminal activity and financial difficulties, public health is not a licensing objective and therefore cannot be taken into account, when deciding on applications. However, the Director of Public Health's team is a Responsible Authority under the Act and as such is able to make representations either in their own right or in support of other representations. The Licensing Authority will continue to liaise with public health colleagues about new and variation applications within the borough, so that we can both continue to monitor any increase in access to alcohol for those at risk and work jointly to ensure that appropriate measures are put in place to minimise that risk and support those seeking help.
- 8.5 The Licensing Authority will use the powers contained within the Act to ensure operators' promotional activities do not undermine the Licensing Objectives. Where alcoholic drinks are heavily or extensively discounted, or there are other forms of promotion such as 'two for one' or 'drink all you can' offers, this is likely to encourage excessive consumption or binge drinking and result in alcohol fueled incidents of crime and disorder and implications for public safety, public nuisance and may expose children to risk of harm. (See Annex 1)
- 8.6 Any premises found to be participating in heavily discounted and irresponsible alcohol drinks promotions will be considered as high risk premises for multi-agency compliance and enforcement visits. Operators may also be operating in breach of the mandatory licence condition shown in Annex 1.
- 8.7 Where evidence indicates that drinks promotions at a premises are undermining one or more of the licensing objectives, it is likely that a responsible authority will instigate a review of the premises licence.
- 8.8 Off Licences, shops, supermarkets and stores selling alcohol for consumption off the premises potentially have a high risk of crime and disorder as well as being targeted as easy premises from where to acquire alcohol. Such premises can contribute to anti-social behaviour and disorder through the consumption of alcohol on the street and in open spaces by groups of drinkers, through the sale of alcohol to children, and through the sale of alcohol to street drinkers and persons who are already drunk.
- 8.9 The Licensing Authority expects operators of off licences to show particular diligence in areas where these problems are prevalent, and to strictly monitor the way they sell alcohol where the premises are located close to schools and hostels and similar premises that provide shelter or services to alcohol dependent persons.
- 8.10 It is important that staff working at off licences are suitably trained and receive appropriate refresher training in their responsibilities under the Act and can discharge their duties in full compliance with the licence conditions and requirements of the Act. This includes the ability to competently check a customer's age with acceptable forms of identification where necessary. The Licensing Authority will particularly consider the following matters where they are material to the individual application:
- The likelihood of any violence, public order or policing problem if the licence is granted;
 - The measures taken to control admission to the premises, and to take reasonable steps to

prevent the occurrence of crime and disorder and public nuisance immediately outside the premises, where and to the extent that these matters are within their control.

- Past conduct and prior history of complaints against the premises;
- Whether a dispersal policy has been prepared to minimise the potential for disorder as customers leave the premises; and
- Any relevant representations.

- 8.11 If there are concerns about illegal drugs, applicants must show that they can comply with the Home Office guidance 'Safer Clubbing' in relation to the control of illegal drugs on their premises. They should agree a protocol with the Licensing Authority and the police on the handling of illegal drugs found on their premises.
- 8.12 Operators should have robust controls in place to avoid the presence of weapons on their premises and should agree a protocol with the Licensing Authority and the police on the handling of weapons found on their premises.
- 8.13 Conditions will, so far as possible, reflect local crime prevention strategies, and the Licensing Authority will also have regard to the views of the local Crime and Disorder Reduction Partnership.
- 8.14 Police powers to deal with any disorder have been strengthened and they have a key role to play in the prevention of crime and disorder on licensed premises.
- 8.15 The Police and the Licensing Authority will need to work closely together in order to ensure that this important objective of the Act is fulfilled by any applicants/operators. As a result, the Licensing Authority and the Police have signed a Memorandum of Understanding. This document provides an outline of how the Licensing Authority will liaise, communicate and work to ensure full and proper consultation and effective joint working with this key responsible authority.
- 8.16 It is recommended that applicants discuss the crime prevention procedures in their premises with the Licensing Authority and the Police before making a formal application. Licences for any form of regulated entertainment will be subject to conditions to prohibit entertainment (including film exhibitions) which are likely to lead to disorder or stir up hatred or incite violence towards any section of the public on the grounds of colour, race, ethnic or national origin, disability, religious beliefs, sexual orientation or gender.
- 8.17 To assist potential licence applicants the Council now offers a pre-application advice service. Details of this service can be found on the licensing pages of the LBHF website.

9 Public safety

- 9.1 The Licensing Authority will require the applicant to detail in their operating plan the steps proposed to ensure the physical safety of people using the relevant premises or place. Please refer to Section 15 – Operating Schedule
- 9.2 Maximum occupancy limits will be specified on the licence only where necessary for the promotion of public safety or the prevention of disorder. Where a capacity limit is already specified in a fire risk assessment, the Licensing Authority will not normally include that limit as a licence condition.
- 9.3 The Regulatory Reform (Fire Safety) Order 2005 makes the Fire Authority responsible for fire safety matters in

licensed premises. This means that any conditions imposed by the Licensing Authority, prior to the Order, that relate to any fire safety requirements or prohibitions that are, or could be, imposed by the Order can be disregarded.

- 9.4 The exception to this will be in cases where the council and the enforcing authority for the fire safety order are one and the same body. For example, in designated sports-grounds and stands where the council enforce the fire safety order. In such circumstances fire safety conditions should not be set in new licences, but conditions in existing licences will remain in force and be enforceable by the Licensing Authority.
- 9.5 Safe capacities will be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. If no safe capacity has been imposed through other legislation, a responsible authority may consider it necessary for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and may make representations to that effect. In certain circumstances, capacity limits may be necessary in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile. The types of premises that may be subject to safe capacities will be the following;
- Nightclubs
 - Cinemas
 - Theatres
 - Other premises where regulated entertainment is being provided within the meaning of the Act, e.g. open public spaces
- 9.6 The Licensing Authority will, where appropriate, attach conditions to a licence to ensure public safety, dealing with, but not limited to. the following:
- Checks on equipment at specified intervals, e.g. gas safety checks;
 - Standards to be maintained, e.g. temporary electrical installations to comply with British Standards;
 - The number of people on the premises to ensure it is appropriate having regard to the activities taking place and reliable ways of counting the number;
 - The steps taken to manage the risk from glass, the use of bottle bins, glass collectors and door supervisors to prevent glass being taken off the premises;
 - The use of door supervisors to manage the entrance and exit from the premises and to protect public safety as customers leave the premises;
 - The provision of air conditioning and ventilation;
 - Measures to protect against overcrowding; and
 - Consideration of the needs of disabled people and appropriate provisions.

10 The prevention of public nuisance

- 10.1 The Licensing Authority will require the applicant to demonstrate within the operating plan how they intend to prevent nuisance arising, prevent disturbance and protect amenity so far as is appropriate to ensure that the Licensing Objectives are met. Where there is a relevant representation regarding extended hours, the Licensing Authority will not permit an extension unless it is satisfied that the Licensing Objectives would be met. Please refer to Section 15 – Operating Schedule

10.2 In considering an application, the Licensing Authority will consider the adequacy of proposed measures to remove or effectively manage the potential for public nuisance and anti-social behaviour.

10.3 The Licensing Authority will particularly consider the following matters where they are material to the individual application:

- One of the most common complaints the Licensing Authority receive is about nuisance caused by customers as they leave licensed premises at night. The Licensing Authority recommends that primarily alcohol led premises such as nightclubs and pubs, located close to any residential premises, implement a dispersal policy at their venue. All relevant staff should be trained on any policy, and all reasonable steps should be taken to ensure it is fully implemented and adhered to at all times.
- The proximity of residential accommodation;
- The type of use proposed, including the likely numbers of customers, proposed hours of operation and the frequency of activity;
- The steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
- The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises. This will usually be of greater importance late at night and/or in the early hours of the morning. However, nuisance can arise at any time of the day or night so the Licensing Authority will consider representations from Responsible Authorities and/or Interested Parties relating to potential nuisance from any activity at all times dependent on the merits of the application/steps taken or proposed to prevent nuisance.
- Limiting the number of people permitted to use a garden or other open-air areas, including those for the use of smoking, at any one time.
- Restricting the use of a garden or other open-air areas, including those for the use of smoking, after a particular time e.g. 11:00pm (or such earlier time as may be considered appropriate).
- The steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction;
- The steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly;
- The arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;
- The provision for public transport in the locality (including taxis and private hire vehicles) for patrons;
- The level of likely disturbance from associated vehicular and pedestrian movement to and from the premises;
- The delivery and collection areas and delivery/collection times;
- The siting of external lighting, including security lighting that is installed inappropriately;
- The arrangements for refuse disposal, storage and the prevention/tidying of litter (including fly posters and illegal placards);
- The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licence holder;
- The history of the applicant in controlling anti-social behaviour and preventing nuisance;
- The generation of odour, e.g. from the preparation of food;

- Any other relevant activity likely to give rise to nuisance;
- Any representations made by the Police, or other relevant agency or representative;

11 Protection of children from harm

- 11.1 The Licensing Authority will require operating plans to specify the measures and management controls in place to protect children from harm. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff. Please refer to Section 15 – Operating Schedule
- 11.2 The legislation recognises the right of licence holders (serving alcohol) to allow accompanied children into their premises at any time. The Licensing Authority will not normally seek to limit their access (above that specified in the Act) to any premises unless it is necessary for the prevention of physical, moral or psychological harm, or where there are concerns about child sexual exploitation. Where this is considered likely, upon consideration of a relevant representation, conditions will be imposed that restrict children from entering all or part of licensed premises:
- At certain times of the day;
 - When certain licensable activities are taking place;
 - Under certain ages, e.g. 16 or 18;
 - Unless accompanied by an adult.
- 11.3 The Licensing Authority will particularly consider whether:
- There is entertainment or services of an adult nature commonly provided;
 - There have been convictions, Penalty Notices for Disorder (PND) or cautions for serving alcohol to minors or premises with a reputation for under-age drinking;
 - There is a known association with drug taking or dealing;
 - There is a significant element of gambling on the premises;
 - There is a presumption that children under 18 should not be allowed (e.g. to nightclubs, except when under 18 discos are being held);
 - There are licensable activities that are likely to appeal to minors/children under 16 taking place during times when children under 16 may be expected to be attending compulsory full-time education;
 - There have been representations from police, the Local Safeguarding Children Board, Trading Standards or other relevant agency or representative.
 - There are measures/training for staff on how to deal with suspected truanting school children on the premises and how to recognize signs of potential child sexual exploitation.
- 11.4 The sale of alcohol to a minor is a criminal offence and Trading Standards officers will conduct appropriate covert test purchasing exercises and will take account of any complaints and intelligence. The Act permits the use of children under the age of 18 to undertake test purchases when they have been directed to do so by a duly authorised officer.
- 11.5 Where a sale of alcohol has been made on the same premises to a minor on two or more different occasions within a period of three months the premises licence could be suspended for a defined period.
- 11.6 Where there are restrictions (whether imposed by statute or by the Licensing Authority) on the sale

or supply of goods or the provision of services or the showing of films or other entertainment to children below a certain age, then the licensee will be required to demonstrate that they have in place a system for verifying the age of the children intended to be supplied with such goods, services or entertainment. Training should be given to all persons who might be in a position to serve or refuse such children. The training should include a basic understanding of the law, seeking proof of age, verifying the authenticity of proof of age cards and handling and recording refusals. (See Annex 1).

- 11.7 Conditions may be imposed on licences for premises where children will be present at places of public entertainment to the effect that a sufficient number of adults must be present to control the access and egress (including safe transport home) and to ensure their safety. What is deemed sufficient will depend on the circumstances of the particular event.
- 11.8 The Licensing Authority will expect operating plans to specify the measures and management controls in place to prevent alcohol being served to children, other than in those limited circumstances permitted by the Act. (See Annex 1.) The Council's Trading Standards officers have a role to play in the protection of children from harm, and proof of age schemes, and are able to provide advice in relation to measures that can be taken to help prevent the sale of alcohol to underage children. Potential licence holders should also be aware of the Proof of Age London (PAL) Scheme hosted by Southwark Council.
- 11.9 The Licensing Authority commends the [Portman Group Code of Practice \(http://www.portmangroup.org.uk/codes/alcohol-marketing/code-of-practice\)](http://www.portmangroup.org.uk/codes/alcohol-marketing/code-of-practice) on the naming, packaging and promotion of alcoholic drinks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older. The Licensing Authority recommends that the applicant refer to the Retailer Alert Bulletin by which the Portman Group tells licensed retailers which products have been found to be in breach of the code and should be removed from sale.
- 11.10 There may be occasions where a display of film is required and needs to be classified by the Licensing Authority or the need for a classification needs to be waived. In this case applicants must apply to the Licensing Authority for this to be carried out.
- 11.11 Nothing in the above interferes with the right of a licence holder to preclude children from their premises. Conditions requiring the admission of children to premises cannot be attached to licences.
- 11.12 The 'Responsible Authority' in relation to the protection of children from harm is the council's Local Safeguarding Children Board and in particular the Head of Safeguarding, Review and Quality Assurance. The Trading Standards service will also have certain responsibilities particularly in relation to the underage sales of age restricted products and providing advice about measures that can be taken to reduce the risk of alcohol sales to under eighteens.

12 Premises licences

- 12.1 An application for a premises licence must be made in the prescribed form to this Licensing Authority. The application must be accompanied by:
- The required fee;
 - An operating schedule;

- A plan of the premises in a prescribed form;
- If the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the designated premises supervisor. This person will normally have been given day to day responsibility for running the premises by the premises licence holder.

An application for the new grant of a premises licence will be subject to a 28 day consultation period and a notice of the application must be displayed at the premises location.

This Authority will also expect applicants for new grants of, and variations to, premises licences to submit a Local Area Risk Assessment with their application.

- 12.2 Please note that there is also an annual fee for a premises licence which is payable on the anniversary of the granting of the application. Non-payment of this fee will be treated by the Licensing Authority as a serious matter and could result in the suspension of the licence.
- 12.3 The Licensing Authority will proactively monitor licensable activity within the borough and carry out a program of risk based inspections in accordance with the 'Regulators Code'. Only those premises identified as being 'high risk' premises will be routinely inspected. Officers will only visit premises where there is a reason to do so, e.g. as part of a complaint investigation.
- 12.4 As already mentioned in paragraph 8.17, to assist potential licence applicants the Council now offers a pre-application advice service. Details of this service can be found on the licensing pages of the LBHF website.

13 Variations to existing premise licences

- 13.1 Where a premises licence requires a material change to the licence a variation application should be submitted by the premises licence holder. This would include an increase in the capacity of the premises, a change in the hours of operation of the premises, a change to the way the premises is to operate in regard to the operating schedule or a request to vary an existing condition attached to the licence. The procedure is similar to the process for a new application, in that it will require a 28 day consultation period and a site notice to be displayed.
- 13.2 The Licensing Act was amended to include the ability of premises licence and certificate holders to apply to vary their existing licence by way of a minor variation.
- 13.3 A minor variation application may **not** be used to vary the licence to:
- vary substantially the structure or layout of the premises
 - vary the Designated Premise Supervisor
 - authorise the sale by retail of alcohol
 - authorise the supply of alcohol at any time between 11 pm and 7 am
 - authorise an increase in the amount of time on any day during which alcohol may be sold by retail
- 13.4 There are 4 main types of variation suitable for the minor variation application:

- Minor changes to the structure or layout of a premises
- Small adjustments to licensing hours (except for the sale/supply of alcohol)
- Removal of out of date, irrelevant or unenforceable conditions and the addition of volunteered conditions
- Licensable activities: adding/removing certain licensable activities, including live music

- 13.5 Applications are made to the Licensing Authority on prescribed forms. The application must be advertised on a **white A4 notice** at the premises, and contain basic details such as a brief description of the proposed variation; name of the applicant or club; address of the premises; and date by which any other persons may make representations. There is no requirement for the applicant to advertise the application in a local newspaper. Applicants can volunteer conditions as part of the minor variations process, whether from their own risk assessment of the variation, or from informal discussions with the responsible authorities or the Licensing Authority.
- 13.6 There are no hearings under the minor variation process. The application will be determined by licensing officers under the Delegated Authority powers of the Council.
- 13.7 There is no requirement for applicants to notify responsible authorities of their application. Responsible authorities only become involved at the request of the licensing officer. The guidance states that licensing officers *‘must consult relevant responsible authorities (whether the application is made in writing or electronically) if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision.’*
- 13.8 Other persons may make representations based on the Licensing Objectives. Representations do **not** trigger a hearing under the minor variations process, but the guidance states that licensing authorities must take any representations into account in arriving at a decision.
- 13.9 The timescale set out in the legislation is 15 **working** days. Day one is the first working day after the day the Licensing Authority receives the application. The Licensing Authority must then process the application and determine it within 15 working days.
- 13.10 If the Licensing Authority fails to determine the application within 15 working days, the application is deemed refused, and the fee must be returned to the applicant.
- 13.11 The first 10 working days of the 15 working day period constitute a consultation period in which other persons may make representations to the Licensing Authority. During this period officers may consider the application and may consult relevant responsible authorities. A determination of the application cannot be made during the 10 working day period; a decision on the application must be made during the remaining 5 working days.
- 13.12 The key test by the Licensing Authority is whether the proposed variation could impact adversely on any of the four Licensing Objectives. Licensing officers have no power to impose conditions; only conditions volunteered by the applicant can be added to the licence under the minor variations procedure. The determination must be to grant or to refuse an application. There are notice requirements following determined applications.
- 13.13 **Granted applications:** The Licensing Authority must notify the applicant of any variation granted, together with the time that the variation will take effect. This will usually be as stipulated in the application, but if the applicant stipulates a date before the notice of determination is given, the Licensing Authority will specify a later time in the notice. Licences and summaries will be re-issued on

the grant of a minor variation to reflect the changes made.

- 13.14 **Refused applications:** The Licensing Authority must give notice to the applicant that the application has been refused, together with the reasons for the refusal. Applications that have been rejected under the minor variations process can then be the subject of a full variation application, or of a revised minor variations application. The minor variations refusal does not affect any subsequent variation application in respect of the same premises.

14 Planning Permission

- 14.1 The local planning authority exercises its powers to control opening times of all new establishments seeking planning permission, where harm would otherwise arise. A link to the Planning Departments web pages is below:

http://www.lbhf.gov.uk/Directory/Environment_and_Planning/Planning/homepage.asp

- 14.2 Licensing applications will not be a re-run of the planning application. The granting by the licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission, or building regulation control, where appropriate.
- 14.3 Where an applicant is granted a premises licence with operating hours that are different to the hours permitted by the premises planning permission, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.
- 14.4 The council's Planning Policies are currently set out in its Core Strategy and subsequently in the Local Development Framework, supplemented by additional guidance on A3 use of restaurants and cafés, A4 use of public houses and A5 use for take-aways. Additional policies are set out in the London Plan, which is also part of the statutory development plan for the borough. For further information contact the Planning Division on 020 8753 1081 or 020 8753 1084.
- 14.5 The strength of these policies is that there is an obligation both on the council, as the local planning authority, and the decision maker on any appeal, to give considerable weight to them. This helps to ensure consistency in the decision making process.
- 14.6 In general, planning permissions authorise the development or change of use of land and buildings in the public interest. Licences relate to the specific circumstances and proposed licensable activity within a particular premises, and may cover only a part of the premises.
- 14.7 In many cases where an application is made for a new licence or variation, the town planning use will already be authorised by a previous planning permission or because the premises has a long-standing lawful use. Therefore, a new application for planning permission is often not required. However, the existing planning permission might, and if recently granted it is very likely to, have conditions restricting the use of the premises in some way: e.g. the hours of operation. In that case, anybody seeking a licence to operate beyond those hours would also need to seek and obtain the revised planning permission or a variation or removal of the relevant planning condition.
- 14.8 The Licensing Authority may refuse to grant a licence if a representation from the Planning Department

has been received and:

- One or more of the licensing objectives would not be promoted

- 14.9 The Licensing Act states that any authorisation for the supply of alcohol in relation to a petrol station will have no effect if the premise is used primarily as a garage. It is for the Licensing Authority to decide in the light of the facts whether or not any premises is used primarily as a garage. The Licensing Authority will establish primary use based on an examination of the intensity of use by customers of the premises and not based on an examination of gross or net turnover.
- 14.10 All applicants are encouraged to obtain the correct planning permission. Further information and advice can be obtained from the Planning Portal at <http://www.planningportal.gov.uk/>, where applicants can also download an application form. In order for applications to be carefully considered it is useful to include a description of the current use of the premises and whether there will be a change of use, e.g. it is currently being used as a take-away and will be changing to a restaurant. Please note that operating a licence without the relevant planning permission could be a breach of planning control and could leave licence holders vulnerable to enforcement action.

15 Operating schedules

- 15.1 Operating schedules for premises licences are the key to ensuring compliance with the four Licensing Objectives. The measures proposed in the operating schedule will normally be converted into conditions to be attached to the premises licence and should therefore fulfil the following criteria:
- i) Be precise and enforceable
 - ii) Be unambiguous
 - iii) Not duplicate other statutory provisions
 - iv) Be clear in what they intend to achieve, and
 - v) Be appropriate, proportionate and justifiable
- 15.2 Prospective holders of new premises licences, and those seeking variations to existing premises licences, are advised to consult with the Licensing Authority and the various responsible authorities at the earliest possible stage in order to reduce the risk of any dispute arising.
- 15.3 The Licensing Authority will seek to impose conditions appropriate to promote the Licensing Objectives. For those premises which present the lowest risk to public safety and the other Licensing Objectives, the Licensing Authority will adopt a light touch approach to regulation.
- 15.4 Operators of licensed premises will have to comply with planning, environmental health, trading standards, fire safety, licensing and building control legislation when opening or adapting licensed premises. The Licensing Authority will seek to avoid confusion and duplication by not imposing licence conditions relating to matters that are required or controllable under other legislation, except where they can be exceptionally justified to promote the Licensing Objectives.
- 15.5 During the course of its inspections, the Licensing Authority may refer matters to any other agency where there appears to be a contravention of the legislation enforced by that agency.

15.6 OPERATING SCHEDULE CONSIDERATIONS

The Licensing Authority considers that it would be beneficial if operating schedules include all the following:

GENERAL

- a description of the style and character of the business to be conducted on the premises (for example, a supermarket, or a cinema with 6 screens and a bar, or a restaurant, or a public house with two bars, a dining area and a garden open to customers);
- A description of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- 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; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.
- the licensable activities to be conducted on the premises;
- the times during which it is proposed that the relevant licensable activities are to take place. This should include the time the premises will be open, the time the last customer will be able to enter the premises, the time the last drink will be served and the time all customers will have left the premises. Detail should also be provided on how this will be managed/controlled;
- Any other times when the premises are to be open to the public;
- Where the licence is required only for a limited period, that period;
- Where appropriate, details of the accessibility of the premises for disabled people. The Licensing Authority will take the current version of the publication “Technical Standards for Places of Entertainment” into account when considering applications for new premises providing entertainment and existing premises where entertainment is provided and refurbishment works are carried out. These standards cover accessibility for disabled people, such as adequate access and means of escape, audible and visible means of communication, toilet facilities, etc;

LICENSABLE ACTIVITIES

Where the licensable activities include the supply of alcohol:

- the name and address of an individual who must hold a valid personal licence to be specified as the designated premises supervisor and be responsible on a day-to-day basis for conducting business in the premises in a manner consistent with the terms and conditions of the licence, in accordance with the Act and in pursuit of the Licensing Objectives; except in some Community Premises (see Designated Premises Supervisors in Community Premises at section 19)
- whether the alcohol will be supplied for consumption on or off the premises or both;
- details of what seating arrangements will be provided and where;
- When completing operating schedules and in their management of premises, applicants should consider guidance documents on the responsible promotion of alcohol and on binge drinking, such as the British Beer and Pub Association’s document – Point of Sales Promotion Standards for the Management of Responsible Drinks Promotions including happy hours, which is also

available via the www.beerandpub.com website. Refer to Annex 2.

For sales of alcohol for consumption off the premises – applicants in respect of off licences and other premises selling alcohol for consumption off the premises may need to consider whether:

- there are shutters to prevent alcohol from being selected in non-licensed periods.
- there are appropriate numbers of staff on duty to deal with possible ‘intimidation’ to sell alcohol.
- there are restrictions required on the sale of low price, high strength alcohol and drink promotions.
- an incident log book is available to record incidents.
- there are measures in place necessary to prevent underage sales. (See Annex 2)
- there are measures in place necessary to prevent alcohol from being sold outside permitted hours where the operating hours of the premises exceed those for the sale of alcohol.
- there are procedures in place to prevent sales of alcohol to intoxicated persons (with particular attention to street drinkers) or individuals leaving premises in the vicinity such as a late night bar; where there is evidence to suggest this is a problem the Licensing Authority may require a temporary cessation of alcohol sales during high risk times.

Where the licensable activities include dance:

- a description of the type of dancing in broad terms, such as if dancing will be done by professionals or if it will be for members of the public, where it will take place on the premises, if the dancing involves striptease or lap dancing.

15.7 LOCAL AREA RISK ASSESSMENTS

The Secretary of State’s Guidance states that *“Applicants are, in particular, expected to 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 may congregate;*
- *any risk posed to the local area by the applicants’ proposed licensable activities; and*
- *any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.’*

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

The Guidance goes on to state that *‘Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.’*

This Authority notes the contents of these paragraphs from the Secretary of State’s Guidance and, in particular, the use of the word ‘expected’. Licence applications that do not in any way address the contents of these paragraphs in their operating schedules may be returned to the applicant as ‘incomplete’.

LICENSING OBJECTIVES

- 15.8 The Licensing Authority will robustly examine any application and its operating schedule to ensure premises do not impact negatively in the community measuring against the four Licensing Objectives. The Licensing Authority will consider the steps which the applicant proposes to take to promote the Objectives. The Licensing Authority will use further conditions where they are not satisfied an operating schedule is sufficient to control these potential issues. The following provides a non-exhaustive list of measures/issues that the Licensing Authority considers may be relevant to licence applications:

The prevention of crime and disorder

- 15.9 The following provides a non-exhaustive list of risks associated with the crime and disorder objective that applicants may want to consider when preparing their Operating Schedule:
- Crime and disorder in the vicinity of the premises: this may include the crime and disorder risks arising from persons queuing to enter the premises; persons exiting the premises and customers smoking eating or drinking in outdoor areas and on the highway outside the premises. This can also include crime arising from pickpockets and bag snatchers, particularly in open spaces or crowded areas where alcohol is being consumed.
 - **alternative to glass bottles and glasses** - restricting the use of glass bottles and beer glasses to customers in preference for containers made from polycarbonate materials.
 - **CCTV** - using CCTV inside and/or outside the premises together with appropriate procedures and having staff properly trained to use CCTV equipment.
 - **dispersal procedures** - establishing appropriate dispersal procedures to minimise the potential for crime and disorder when customers are leaving the premises.
 - **dealing with and reporting crime and disorder** - training for staff and door security aimed at reducing crime and disorder in the premises and its vicinity and dealing with and reporting incidents if they occur.
 - **door staff** - considering whether the premises employs a sufficient number of SIA registered door staff, whether Door Premises Supervisors check the legitimacy of the badges and whether SIA staff display their badges prominently. (Note: All door supervisors must be Security Industry Authority (SIA) registered - See Annex 1.)
 - **drugs and weapons** - ensuring compliance with relevant guidance regarding illegal drugs and weapons. Attention should be paid to search procedures, procedures for the safe storage and surrender of seized drugs and weapons and drug awareness issues, designing out the ability to take drugs in the premises, etc.
 - **excessive drinking** - training for staff to recognise when customers are becoming drunk and adopting appropriate 'cut off' procedures for drunken customers, so as to reduce the likelihood of fights or aggressive behaviour.
 - **local schemes** – joining and attending local Pubwatch meetings and participating in the Behave or Be Banned Scheme (BOBB) and/or signing up and using the Council's Safety Net Radio scheme.
 - **prevention of theft** - using bag hooks and signage to warn customers of pickpockets and bag snatchers.
 - **Event type** - in some cases the type of regulated entertainment proposed could attract elements which increase the possibility of violence and/or disorder occurring in, or in the vicinity of, the premises. For example, some externally promoted live music events carry an increased risk of violent crime and disorder. It may be appropriate to carry out a risk assessment of the activities

proposed and, in some cases, to provide such risk assessment to the Police Licensing Team at Fulham Police (AWMailbox.Licensing@met.police.uk) and/or the Central Licensing Team of the Metropolitan Police (TP-C&S-LicensingTeam@met.police.uk) before the event is agreed. Where a large outdoor event is planned this Authority and the Police recommend that the organisers consult with 'relevant parties' as early in the planning stages as possible. 'Relevant parties' would include local residents, local businesses, schools, charitable organisations, responsible authorities and relevant local authority departments. Consideration of timing of events should be given in relation to football matches and other large pre-planned annual events within the locality and surrounding boroughs.

Applicants are advised to consider the following two paragraphs from the March 2015 edition of the Secretary of State's Guidance to Licensing Authorities:

'11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;*
- for the sale and distribution of illegal firearms;*
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;*
- for prostitution or the sale of unlawful pornography;*
- by organised groups of paedophiles to groom children;*
- as the base for the organisation of criminal activity, particularly by gangs; • for the organisation of racist activity or the promotion of racist attacks;*
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;*
- for unlawful gambling; and*
- for the sale or storage of smuggled tobacco and alcohol.*

11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.'

In relation to smuggled alcohol and tobacco the Trading Standards Team have proposed some conditions, that will be added to the Council's 'Pool of Conditions', that may be added to licences where the quantity of illegal alcohol and/or tobacco is small and the risk of re-offending is low.

15.10 Public safety

The following provides a non-exhaustive list of risks associated with the public safety objective that applicants may want to consider when preparing their Operating Schedule:

- **special effects** - whether music and dance venues and performance venues will use equipment or special effects, e.g. moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines, etc.
- **incident and occurrence book** – keeping an incident book on the premises so staff can record any instances of crime, disorder, refused sales, ejections and intimidating behaviour.
- **risks associated with special promotions/events** – ensuring compliance with guidance from the Metropolitan Police relating to specific event risk assessments for externally promoted live music events well in advance of the event. Risk assessment forms can be obtained from the Metropolitan Police Licensing Officer.
- **getting home safely** - providing information to customers and staff (including contact telephone numbers) regarding safer options available for travelling home late at night - including night buses, licensed taxis and private hire (mini-cabs).
- **overcrowding** - developing policies and procedures regarding capacity to prevent overcrowding and patrons possibly becoming aggressive.
- **premises environment** - applicants should consider the physical environment of the premises and have regard to issues that could increase the likelihood of patrons becoming agitated or aggressive. This may include procedures regarding door supervision, identification and management of drunken customers and issues of overcrowding and capacity, which may result in patrons becoming aggressive or rowdy.

15.11 The prevention of public nuisance

The following provides a non-exhaustive list of risks associated with the public nuisance objective that applicants may want to consider when preparing their Operating Schedule:

- **Deliveries/collections** – noise from deliveries to and/or collections (e.g. refuse) from the premises are another common source of complaint. Consider the times of such deliveries/collections and make sure you specify to any contractors that deliveries/collections should not be made at anti-social times. As a guide, the Noise and Nuisance Service recommend that deliveries/collections should only be made between the hours of 7:30am and 9:00pm, depending on the proximity of residential and/or other noise-sensitive properties.
- **Drink promotions** – adopting policies to discourage excessive drinking such as happy hours, buy one get one free, etc. See Annex 1.
- **Late night refreshment** - applicants in respect of late night takeaways should demonstrate that they have assessed the risk of persons congregating in large numbers in the vicinity of their premises. Where appropriate, applicants should demonstrate suitable measures to address this problem.
- **Light pollution** – this is an increasingly common source of complaint, particularly from illuminated signs and external security lighting. Where provided, illuminated signs should not cause glare to neighbouring properties, ideally being turned off at night, and external lighting should be angled and/or diffused to also prevent nuisance.
- **Noise and/or vibration breakout from the provision of regulated entertainment, particularly from (but not limited to) live music** – consider what type of entertainment is to be provided, in what room/area of the premises and the suitability of the construction of this room/area to contain

sound. Windows are a particular weak-point for noise break-out so consider providing regulated entertainment in a room without windows or with as few windows as possible, particularly windows that face towards nearby residential properties. Where suitable, install a lobby to prevent spillage of noise each time an entrance/exit door is opened.

- **External Areas** – External areas such as gardens can be the source of noise disturbance to surrounding premises. Consider limiting the use of the garden to a reasonable time and number of people.
- **Odour** – odour from cooking is a common source of complaint, particularly from restaurants and fast-food takeaways. The Council's Noise and Nuisance Service may therefore require evidence that the kitchen ventilation and/or extract systems are regularly maintained and serviced to ensure that it is operating efficiently and with minimal nuisance to neighbours arising from odour and also noise. This includes the siting of BBQs.
- **Queue management** - establishing appropriate procedures to avoid the need for customers to queue before entering the premises or, where queuing cannot be avoided, to manage queues so as to minimise the potential for crime and disorder or public nuisance by customers who are queuing.
- **Ventilation** – where regulated entertainment is to be provided there may be a requirement to keep doors and/or windows closed during its provision to limit noise breakout, consider therefore the provision of air conditioning for the comfort of your customers if doors and windows have to be closed during the summer. However, also note air conditioning can be the source of noise complaints in itself, so careful consideration also needs to be given to the siting of this equipment.
- **Waste** – consider how and where waste will be stored/disposed of at the end of trading hours, particularly if trading until late at night. This is important because the disposal of glass and/or cans to outside bin areas can be very noisy and give rise to complaints, so it may be necessary to store such items and other non-degradable refuse inside the premises until the next trading day. Consideration should also be given to the time of deliveries to minimize disruption to local residents.
- **Litter** – for example, litter patrols for late night take-away premises

Commercial waste can also be taken directly to one of the council's approved waste transfer sites. Alternatively, there are several licensed waste carriers operating within the Borough, which are listed on the council website.

If you do not have a commercial waste agreement the Council offers a flexible service that allows businesses to increase or decrease their collection service every three months and the contract can be revised by calling the trade waste team on 020 8753 3021, or alternatively email them on tradewasteemails@lbhf.gov.uk.

15.12 The protection of children from harm

The following provides a non-exhaustive list of risks associated with the protection of children from harm objective that applicants may want to consider when preparing their Operating Schedule:

- Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks. See Annex 1. The Council will expect premises only to accept current passports, driving licences or documents bearing the national PASS logo, such as Citizencard. The Proof of Age Standards Scheme (PASS) is the UK's national guarantee scheme for proof-of-age cards as endorsed by the Home Office. More information can be found on <http://www.pass-scheme.org.uk/>
- Where an application has not indicated any adult entertainment a voluntary condition that

no nudity or adult entertainment will take place at the premises.

16 Consultation

- 16.1 The applicant will be expected to advertise the application in accordance with the Regulations made under the Licensing Act 2003.
- 16.2 The Licensing Authority will carry out a consultation process in accordance with the Regulations made under the Licensing Act 2003. In exceptional circumstances the Licensing Authority may consider it appropriate to carry out a more extensive form of public consultation. The Licensing Authority will publicise details of applications received.
- 16.3 In order to give residents a fair chance to learn about new applications we have set up an email alert system on the Council website. This will enable residents and other persons to make representations to the Licensing Authority if they wish to do so. The link to set up an account with this system is below:

<https://www.apps1.lbhf.gov.uk/myaccount/PublicPages/iCaseWorkLogin.aspx?redirect=https%3A%2F%2Fwww.apps3.lbhf.gov.uk%2Fcus%2Fservlet%2Fep.sub%3Fauth%3D0&anonymous=&context=>

17 Applications for Personal Licences

- 17.1 In order to obtain a personal licence the requirements are that the applicant must:
- Be aged 18 or over;
 - Possess a licensing qualification accredited by the Secretary of State;
 - Not have forfeited a personal licence within five years of his or her application;
 - Produce a Criminal Record Bureau certificate;
 - Not have an objection notice from the police about the grant of a personal licence following notification of any unspent relevant offence or foreign offence; or must show that that such an offence should not lead to refusal on crime prevention grounds;
 - Pay the appropriate fee to the council.
- 17.2 The Licensing Act requires that applicants submit two passport size photographs with their application. One of the photographs must be endorsed, with a statement verifying the likeness of the photograph to the applicant, by a solicitor, a notary, a person of standing in the community (i.e.: a bank or building society official, police officer, civil servant or a minister of religion) or any individual with a professional qualification. This Licensing Authority asks that the other photograph submitted is clearly endorsed on the reverse side with the person's name, date of birth and contact number in order to ensure the application is correctly processed.
- 17.3 Applicants with unspent criminal convictions for relevant offences as set out under Schedule 4 of the Act are strongly encouraged to first discuss their intended application with the police and the Licensing Authority before making an application.
- 17.4 A personal licence is valid indefinitely unless otherwise revoked or surrendered. A designated premises supervisor must hold a personal licence.

18 Temporary Event Notices (TENs) and Other Events

18.1 The Licensing Act 2003 provides for certain occasions when small scale events (no more than 499 people at a time and lasting for no more than 168 hours) do not need a licence providing a minimum of 10 working days notice is given to the police and the Licensing Authority. The annual allowance covered by a Temporary Event Notice in relation to a single premises is 21 days. The Police and the Council's Noise and Nuisance Service can object to Temporary Event Notices if the event is likely to undermine the licensing objectives.

18.2 Section 193 of the Act defines "working day" as any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales. "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 the notice is given.

18.3 Where Police or Environmental Protection submit an objection to the Notice the licensing authority will hold a hearing to consider the objection.

Licensing Authorities may apply existing licence conditions to a Temporary Event Notice if there are objections from the Police or the Council's Noise and Nuisance Service, where those objections are not withdrawn and provided that the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.

18.4 The Licensing Authority will consider whether the limitations set down by the Act in terms of numbers and duration of events and capacities are being observed.

18.5 It is recommended in general that the Licensing Authority and police be given at least 28 calendar days notice of any event to allow them to help organisers plan their events safely.

18.6 Organisers of temporary events are strongly advised to contact the Licensing Authority, the Noise and Nuisance Service and the Police for advice at the earliest opportunity when planning events, to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed.

18.7 The Licensing Act 2003 allows event organisers to submit up to 10 "late notices" per year if they hold a personal licence and 2 "late notices" if they do not hold a personal licence. These "late notices" can be submitted to the Licensing Authority, Police and Environmental Protection between 5 and 9 days before the event. It should be noted that if either the Police or the Council's Noise and Nuisance Service submits an objection to a late notice the Council will issue a counter notice prohibiting licensable activities for the duration of the TEN. Applications may be made online from the licensing pages of the LBHF website.

LARGE OUTDOOR EVENTS

18.8 Public safety and the prevention of public nuisance at large outdoor events is of paramount importance to the Licensing Authority. Applications for large events that are normally temporary in nature may not be suitable for licensing under the TENs process. Events will be licensed under a time limited Premises Licence lasting for the duration of the event. Applicants are encouraged to make

applications for a new Premise Licence and should therefore ensure that they apply in good time. Applicants are recommended to speak to the relevant Responsible Authorities, and in particular, the Police at the preliminary considerations stage of planning large events. This could be as much as 18 months or two years prior to the event taking place, dependent on the type and size of event proposed. Applicants are also recommended to contact the Council's Events Team on 020 8753 2135 or by email at: events@lbhf.gov.uk. The Council's locally produced 'Events Guide' can be found on the LBHF website.

- 18.9 Applicants for such events must consider "The Event Safety Guide", published by the Health and Safety Executive, on all aspects of arranging and staging events.
- 18.10 Applications for large temporary events may be scrutinised by a Safety Advisory Group (SAG) as well as the licensing committee. The SAG will consist of officers from Responsible Authorities such as the Police, Environmental Protection, Commercial Services Team, Fire Authority, and may include officers from other relevant departments and agencies such as the London Ambulance Service, Transport for London (TFL) and Highways.
- 18.11 The Safety Advisory Group allows officers to question applicants about the operation of their event to ensure it will be a "safe" event, and will minimise disruption to traffic management and nuisance.
- 18.12 The SAG will not determine licence applications. It may recommend conditions. The Licensing Authority will expect applicants and organisers of large temporary events to produce a satisfactory Event Management Plan for their event and to comply with any recommendations made by the group.
- 18.13 The Licensing Authority recommends that for significant events and the use of promoters as defined in the glossary, a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed.
- 18.14 Accordingly, for premises that wish to stage promotions or events the Licensing Authority recommends that applicants address the Risk Assessment and debrief processes in their operating schedule.
- 18.15 The Licensing Authority further recommends the Metropolitan Police Promotion Event Risk Assessment Form 696 and the After Promotion Event Debrief Risk Assessment Form 696A as useful and effective tools for this purpose. Where the Risk Assessment forms are used to assess the likely risks from any promotion or event, the Licensing Authority anticipates that these will be completed in consultation with the Metropolitan Police. Risk assessments should be submitted to the Metropolitan Police and the Licensing Authority within 14 days of any proposed event and debrief forms submitted within 14 days of the conclusion.
- 18.16 Forms 696 and 696A are available on the Metropolitan Police web site at <http://www.met.police.uk/> It is recommended that electronic completion and transmission of the forms is undertaken by licensees. E-mail addresses for submission are AWMailbox.Licensing@met.police.uk the Central Licensing Team of the Metropolitan Police TP-C&S-LicensingTeam@met.police.uk and licensing@lbhf.gov.uk
- 18.17 Generally, applicants are advised to offer only the following conditions in their Operating Schedule.
- The Licensee shall comply with the Event Management Plan submitted to and approved by the Licensing Authority.
 - The Event shall be run in accordance with the site plan submitted to, and approved by, the

Licensing Authority. No changes shall be made to the site plan without the prior written consent of the Licensing Authority.

- 18.18 This approach allows the event organiser flexibility to make changes to the layout of the event or to specific activities without the need to make a fresh application for a Premises Licence or an application to vary the Premises Licence already granted. Without this approach, any changes made could be unauthorised and possibly result in enforcement action.
- 18.19 The council may itself seek premises licences for appropriate public spaces within the borough. This will make it easier for people to organise suitable cultural events. We will consider any request for permission to use such public spaces for cultural activities having regard to the promotion of the four licensing objectives.

19 Designated Premises Supervisors (DPS) in community premises

- 19.1 Community premises can have a licence to supply alcohol without the requirement to have a Designated Premises Supervisor (DPS).
- 19.2 An application for such a licence can be made by a management committee of the community premises. The following condition will be attached to the premise licence: "Every supply of alcohol under the premises licence must be made or authorised by the management committee."
- 19.3 Church halls, chapel halls, parish halls, community halls, village halls are examples of community premises. Where it is not clear whether premises are community premises, the matter will be approached on a case-by-case basis, with the main consideration being how the premises are predominantly used. If they are:
- genuinely made available for community benefit most of the time;
 - accessible by a broad range of people and sectors of the local community;
 - providing facilities to benefit the community as a whole;
 - they are likely to be considered to be community premises.
- 19.4 If it is authorised for the sale of alcohol, the management committee of the premises can apply to remove the DPS requirement. This removes the mandatory conditions in relation to a DPS and the personal licence holder(s). See Annex 1.
- 19.5 The application form requires the applicants to provide the names of the management committee's key officers to the Licensing Authority. The Licensing Authority must be satisfied that arrangements for the management of the premises by the committee or board are sufficient to ensure the adequate supervision of the supply of alcohol on the premises.
- 19.6 Existing premises licence holders must pay a fee and the application will take 28 days to process.
- 19.7 In exceptional circumstances, the police can object to the request on grounds of crime and disorder. The Licensing Authority must then hold a hearing to reach a decision on whether to grant the

application.

20 Enforcement

- 20.1 The Licensing Authority operates a proactive inspection regime that is based on risk. These inspections are linked to the Environmental Health Service Group's Enforcement Policy, which explains how officers take a graduated response to possible breaches of relevant legislation. Relevant action will be taken after each visit in accordance with this policy. A copy of the Environmental Health Service Group's Enforcement Policy can be found at:

https://www.lbhf.gov.uk/sites/default/files/section_attachments/2016_lbhf_environmental_services_enforcement_policy_0.pdf

- 20.2 Premises that produce disorder, threaten public safety, generate public nuisance or threaten the well being of our children will be targeted for enforcement action.
- 20.3 The Licensing Authority will take necessary enforcement action in accordance with our Enforcement Policy and relevant statutory powers.
- 20.4 The Licensing Authority will use a range of sanctions such as letters of warning, simple cautions, Fixed Penalty Notices (FPNs), closure notices and legal proceedings.
- 20.5 The Licensing Authority will seek to work with the police and other responsible authorities in enforcing licensing legislation and will strive to have a joint enforcement protocol with all the relevant agencies. When the law allows, the Licensing Authority will agree secure mechanisms to share information with other regulators about licensed premises, to help target resources and activities and minimise duplication.
- 20.6 Enforcement will be focused on premises or persons found to be failing to promote the four Licensing Objectives. Additionally, Trading Standards officers may, at times and based on intelligence received, carry out underage test purchasing in areas where the intelligence has highlighted hotspots in the borough for underage sales of alcohol.
- 20.7 Licence holders should note that in the event of a failure to pay the annual licence fee this Authority will suspend the licence in accordance with section 55A Licensing Act 2003.

21 Dealing with Complaints, Representations and Reviews

- 21.1 The Act describes two "groups" that may make representations to applications and may apply for an existing premises licence or club premises certificate to be reviewed by the Licensing Authority. These groups are Responsible Authorities and "Other Persons".
- 21.2 "Other Persons" means any individual, body or business who is affected by the operation of a licensed premises regardless of their geographical location. Although they may be in any geographical position, any representation they make must be relevant to one or more of the licensing objectives, and must not be considered to be frivolous or vexatious in nature. Additionally, any application to review a

premises licence must not be repetitious.

- 21.3 This Licensing Authority will, however, look at the geographical location of the author of any representation or review application received. Where the author lives or works a significant distance from the premises subject of an application or review, this Authority will examine the content of the representation particularly closely to ensure that it is valid and complies with the requirement of the Act.
- 21.4 The Licensing Authority may initially arrange a mediation meeting to address concerns where “Other Persons” have made:
- Valid representations about licensed premises; or
 - A valid application for a licence to be reviewed
- 21.5 At any stage, following the grant of a premises licence, a Responsible Authority, such as the police or the fire authority, or other persons, may apply for a licence to be reviewed because of a matter arising at the premises in connection with any of the four Licensing Objectives.
- 21.6 A licence may be reviewed where it is alleged that the Licensing Objectives are not being promoted and there is evidence to show this. The Licensing Authority will regard applications for the review of any premises licence particularly seriously where they involve evidence of:
- Use of licensed premises for the sale and distribution of drugs and the laundering of drugs money;
 - Use of licensed premises for the sale and distribution of illegal firearms;
 - Evasion of copyright in respect of pirated or unlicensed films and music;
 - Underage sales and consumption of alcohol;
 - Use of licensed premises for prostitution or the sale of unlawful pornography;
 - Serious risks to children;
 - Use of licensed premises for unlawful gaming and gambling;
 - Use of licensed premises as a base for organised criminal activity;
 - Use of licensed premises for the organisation of racist, homophobic, sexual abuse, attacks or any discriminatory behaviour;
 - Use of licensed premises for storing or selling illegal alcohol or tobacco or smuggled goods;
 - The use of licensed premises for the sale of stolen goods;
 - Incidents of disorder;
 - Instances of public nuisance where warnings have been disregarded;
 - Serious risks to public safety which the management is unable or unwilling to correct;
 - Frequently operating outside permitted hours.

There may be legal implications if activity of child sexual exploitation (CSE) is taking place on licensed premises and there has been a failure to demonstrate due diligence or that adequate safeguards are in place – this may lead to prosecution or any of the licensing sanctions detailed in paragraph 21.7 below.

- 21.7 At a hearing held to determine an application for a review of a licence the sub-committee may:
- Modify the conditions of the premises licence;
 - Exclude a licensable activity from the scope of the licence;
 - Remove the designated premises supervisor;

- Suspend the licence for up to three months;
- Revoke the licence.
- Take no further action

- 21.8 Other persons aggrieved by decisions of the Licensing Authority are entitled to lodge an appeal against the decision at the magistrates' court.
- 21.9 In order to give residents an opportunity to learn about new applications we have set up an email alert system on the Council's website. This will enable residents and other persons to make representations to the Licensing Authority if they wish to do so. Please note that representations cannot normally be made anonymously. To join the email alert system, please follow the following link: <https://www.apps1.lbhf.gov.uk/myaccount/PublicPages/iCaseWorkLogin.aspx?redirect=https%3A%2F%2Fwww.apps3.lbhf.gov.uk%2Fcus%2Fservlet%2Fep.sub%3Fauth%3D0&anonymous=&context=>
- 21.10 Where the Licensing Authority considers that action under its statutory powers is necessary it may seek to issue a warning letter, a simple caution or prosecute for the offence.
- 21.11 Complaints about breaches of conditions e.g. trading after the hours stated on the licence, should be brought to the attention of the Licensing Team on 020 8753 1081 or by email at licensing@lbhf.gov.uk. Licensing Officers can also provide a copy of the licence with the full licence conditions.
- 21.12 Complaints about other issues e.g. noise nuisance, underage sales, should be brought to the attention of the relevant responsible authority. See section 22 – Consideration of Our Residents.

22 Consideration of our residents

- 22.1 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour caused by people once they are away from the licensed premises and, therefore, beyond the direct control of the licensee. Nonetheless, licensing is a key aspect of such control and licensing law is part of a holistic approach to the management of the night time economy.
- However, as a matter of policy the council expects every holder of a licence, certificate or permission, to accept and be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the vicinity of their premises by taking appropriate measures and action consistent with that responsibility.
- 22.2 Licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden or in a smoking area, to the extent that these matters are within their control.
- 22.3 Population densities in this borough are high, with many residential premises located above or in close proximity to licensed premises. This means that the public nuisance and crime and disorder objectives will be of paramount concern when evaluating Operating Schedules. Licensing Committees will place high regard on the control measures in place by the applicant in order to ensure our residents are protected from the potential detrimental effects of any licensed premises.
- 22.4 Residents are advised to contact the Noise and Nuisance Reactive Service on 020 8753 1081 during office hours and 020 8748 8588 at all other times that any noise nuisance is occurring. Any review of

a licence would need to be evidence based and as such is best supported by evidence from responsible authorities such as the Police or Environmental Protection to be successful. For this reason, it is vital to call our 'out of hours' team on 020 8748 8588 at the time nuisance is occurring.

- 22.5 If residents want to approach councillors to ask them to represent their views, they should be careful that the councillors are not part of the licensing committee dealing with the licence application. Councillors may be restricted in representing constituents under the members' code of conduct in cases where they have a particular interest. Please contact the Licensing team if there are any doubts.
- 22.6 If residents are experiencing ongoing problems with particular licensed premises, please refer to Section 21 – Dealing with Complaints, Representations and Reviews.

23 Licensing Committee

- 23.1 The Licensing Committee is a Committee which is established under the Licensing Act 2003. The rules regarding membership, composition and conduct are dictated by the Licensing Act 2003. The Licensing Committee, and subsequently the Licensing Sub Committee, does not need to be politically balanced, however, the Licensing Authority will endeavour to do so.

Section 6 of the Licensing Act 2003 specifically states that the Licensing Authority must establish a committee consisting of between 10 and 15 councillors. Section 9 states that the sub-committees should consist of three councillors. The Licensing Authority will endeavour to ensure that three should be the norm even if a quorum is 2.

- 23.2 This Authority's Licensing Committee will consist of up to fifteen councillors that may sit annually to discuss policy, review delegated decisions, changes in legislation and administrative matters. Accordingly, those Members who sit on the licensing sub-committee will receive training in all areas of licensing under the Act dealing with practice and procedure. This is so that they are equipped with the necessary skills so as to discharge their duties fully during the decision making process when considering such applications, having regard to those principles set out in the Members Code of Conduct (as more particularly detailed under Part 5 of the Constitution). The Licensing Authority will consider this Statement of Licensing Policy at least every five years. Any changes to the policy will include full consultation with all interested parties.
- 23.3 A sub-committee of three councillors must determine applications where representations have been received from other persons and/or Responsible Authorities. If a councillor finds that he or she is unable to sit at the sub-committee meeting after the agenda has been published, best endeavours will be made to find a substitute.
- 23.4 Where a councillor who is a member of a Licensing Committee or a subcommittee has had prior, direct involvement in an application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the premises licence in question.
- 23.5 Where the applicant would like the Licensing Sub-Committee to carry out a site visit, this should be arranged prior to the licensing hearing and should be requested at the earliest opportunity
- 23.6 Each decision of the Licensing Committee or its sub-committee(s) shall be accompanied with clear reasons for the decision. A summary of the decision will be posted on the council's website as soon as reasonably practicable after the decision has been confirmed, where it will form part of the

statutory licensing register required to be kept by the Licensing Authority under section 8 of the Act.

- 23.7 The Licensing Authority's authorised officers will deal with licence applications where either no representations have been received, or where representations have been received and the parties agree that a hearing is not necessary.
- 23.8 The Licensing Authority's authorised officers will make decisions upon whether representations are frivolous or vexatious. Where representations are rejected, the person making that representation will be given written reasons for the decision.

24 Support for Local Businesses

- 24.1 This Licensing Authority recognises that certain licence holders e.g. Limited companies have a number of premises within and outside the borough. In order to ensure compliance issues are recognised and resolved at the earliest stage, the Licensing Authority will contact the Primary Authority for the business. Where there is no Primary Authority Partnership in place, licence holders are requested to give the Authority a single named point of contact, who should be a senior individual, and whom the Authority will contact first should any compliance queries or issues arise.
- 24.2 We are committed to the Regulators Code and supporting businesses.
- i) We will work with businesses in our borough and provide the advice you need to help you comply with the law. This may be through meeting with you at your premises or at our offices, providing written advice in an email or letter or verbally over the telephone.
 - ii) We will usually confirm any technical/ legal advice in writing. For applicants and agents, we also offer a pre-application advice service. Further details about this service can be found on our website.
 - iii) The Public Health Training Service provides a variety of training courses for managers and their employees. These include courses for personal licence holders and health and safety courses. Further details about these courses and other training that is available can be found on our website.
 - iv) We will attend pub watch meetings and work with local businesses (including the Hammersmith Business Improvement District) to help facilitate the sharing of information and advice amongst licensees in our borough.
 - v) We are continuously working to improve our online application process for a range of licence permissions. If you want to know what services are available or you want to make an application online please check our website for further details.
 - vi) We want to ensure that businesses comply with the law. Where this has not been possible through advice and education we will carry out enforcement action in accordance with our enforcement policy and as part of our commitment to the Regulators Code.
 - vii) We want local businesses in our borough to thrive and survive. We recognise that the law can be complex at times and that despite trying to resolve issues through discussion in the first

instance, enforcement will be necessary on some occasions. We also recognise that attitudes, circumstances and personnel often change over time.

- 24.3 Where enforcement action has been taken against a business in the past relevant Responsible Authorities will be mindful of this when considering any new applications. However, all new applications e.g. variations to hours or licensable activities will be decided on their merits and the information provided to demonstrate promotion of the four licensing objectives. Where a premises licence or club premises certificate has previously been reviewed or the business has been prosecuted for licensing offences, licensees are advised to discuss any new/proposed changes with the Licensing Authority and/or the relevant Responsible Authority e.g. The Police, to resolve any ongoing concerns and/or issues.

25. Human Rights

- 25.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention Right. Hammersmith & Fulham Council will have particular regard to its rights and responsibilities under the Human Rights Act 1998 when determining applications and reviewing this policy. The Council will have regard to:

Article 6; that in the determination of civil rights everyone is entitled to a fair and public hearing within a reasonable period of time by an independent and impartial tribunal established by law.

Article 8; that everyone has the right to respect for his home and private life; and

Article 1 of the First Protocol; that every person is entitled to peaceful enjoyment of his or her possessions.

Annex 1

MANDATORY CONDITIONS – ON LICENCES

1. (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).
2. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.
3. (i) 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.

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

(iii) 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.

4. The responsible person must 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;

(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.

5. (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 this 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) (i) 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.

(ii) 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.

6. (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

7. **Exhibition of Films**

Admission of children must be restricted in accordance with any recommendation made by the film classification body specified in the licence

Or

where the licensing authority has notified the holder of the licence that it considers a classification or an alternative classification is necessary then

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

In this section-

"children" means persons 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 (c.39) (authority to determine suitability of video works for classification).

8. **Door Supervisors**

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 be licensed by the Security Industry Authority.

MANDATORY CONDITIONS – OFF LICENCES

1. General Condition

- 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 licence 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.

2. General Condition

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—

- (iv) P is the permitted price,
 - (v) 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
 - (vi) 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 this 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.

3. General Condition

- (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

4. Exhibition of Films

Admission of children must be restricted in accordance with any recommendation made by the film classification body specified in the licence

Or

where the licensing authority has notified the holder of the licence that it considers a classification or an alternative classification is necessary then

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

In this section-

"children" means persons 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 (c.39) (authority to determine suitability of video works for classification).

5. Door Supervisors

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 be licensed by the Security Industry Authority.

MANDATORY CONDITIONS – CLUB PREMISES

1. General Condition

- (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).

2. General Condition

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

3. General Condition

- 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 licence 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) holographic mark, or

(b) an ultraviolet feature.

4. General Condition

The responsible person must 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

(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.

5. General Condition

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—

(vii) P is the permitted price,

(viii) 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

(ix) 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 this 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.

6. General Condition

- (1) The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.
- (2) Any alcohol supplied for consumption off the premises must be in a sealed container.
- (3) Any supply of alcohol for consumption off the premises must be made to a member of the club in person. *(only include condition 6 if the CPC also permits supply of alcohol OFF the Premises)*

7. Exhibition of Films

Admission of children must be restricted in accordance with any recommendation made by the film classification body specified in the licence

Or

where the licensing authority has notified the holder of the licence that it considers a classification or an alternative classification is necessary then

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

In this section-

"children" means persons 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 (c.39) (authority to determine suitability of video works for classification).

8. Door Supervisors

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 be licensed by the Security Industry Authority.

Annex 2

Special licensing policy for Fulham Town Centre

Annex 3

Fulham Town Centre - Cumulative Impact Zone Data Report
2015

Annex 4

Special licensing policy for the Shepherd's Bush Area

ANNEX 5

Shepherds Bush Area - Cumulative Impact Zone Data Report
2015

For Annexes 2 to 5 please see:

https://www.lbhf.gov.uk/sites/default/files/SLP_post_consultation_2015_Final_CIP_analysis_tcm21-199178.pdf

ANNEX 6

Glossary

Appeals

Appeals against decisions of the Licensing Authority are to the magistrates' court for the area in which the premises are situated. The appeal must be lodged within 21 days of being notified of the Licensing Authority's decision. On appeal a magistrates' court may, dismiss the appeal; substitute its own decision; remit the case to the Licensing Authority with directions; and make an order for costs.

Designated Premises Supervisor (DPS)

The person in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence, or will be the Premises Licence holder themselves (who must also be a Personal Licence holder).

Extended hours application

Any application that seeks to extend the hours of operation of the premises to which it relates. Whilst all applications will be thoroughly scrutinised with a view to the promotion of the Licensing Objectives, particular care might need to be taken when an extension of hours is requested. In such circumstances, there might be greater potential for impact on residential occupiers that might amount to a public nuisance. An 'hours' restriction might be the only method of promoting the Licensing Objectives, particularly in the light of advice in PPG 24 Planning and Noise which recognises a distinction that noise might have on residential occupants between the hours of 11pm and 7am compared with the rest of the day.

Late night refreshment premises

Premises where refreshment is provided at any time between the hours of 11.00pm and 5.00am. This includes the supply of hot food or hot drink to members of the public whether for consumption on or off the premises.

Licensable activities

Those activities under the Licensing Act 2003, which require a licence from the Licensing Authority 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 Authority

In the Licensing Act 2003 licensing authorities in London are defined as the councils of London boroughs.

Other Persons

Other Persons means any individual, body or business who is affected by the operation of a licensed premises regardless of their geographical location.

Personal licences

A licence which:

- Is granted by a Licensing Authority to an individual;
- Authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with the premises licence.

Regulated entertainment

Entertainment where the following takes place in front of an audience and is provided for the purpose of entertaining that audience:

- A performance of a play (no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.);
- An exhibition of a film (no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.);
- An indoor sporting event (no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.);
- A boxing or wrestling entertainment (indoors and outdoors) (no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.);
- A performance of live music (no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises at a time when the premises are open for the purposes of being used for the supply of alcohol for consumption on the premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant

premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Any playing of recorded music; (no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises at a time when the premises are open for the purposes of being used for the supply of alcohol for consumption on the premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.)
- **Cross activity exemptions:** no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
- A performance of dance (no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.);
- Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.

NB If the music is incidental to the main purpose of the event then this will not require a licence, such as provision of a jukebox.

Relevant representation

A representation (objection) by an 'other person' or a responsible authority that relates to the likely effect of the grant of a licence application on the promotion of at least one of the four Licensing Objectives.

Responsible authorities

These include:

- Licensing Authority
- Chief Officer of Police;
- The Fire Authority;
- The enforcing authority for health and safety at work;
- The Director of Public Health' Team
- The Planning Authority;
- The local authority responsible for minimising or preventing the risk of pollution or harm to human health;
- The recognised body responsible for the protection of children from harm;
- Trading Standards.

Special event

This definition relates to events that require a Promotion Event Risk Assessment Form 696 and 696A

A significant event will be deemed to be any occasion in a premises licensed under the provisions of the Licensing Act 2003, where there will be a live performer(s) – meaning musicians, DJs, MCs or other artists; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.

Security Industry Authority (SIA)

An authority that implements the Private Security Industry Act 2001, their key role is managing and issuing of licences for people working in particular areas of the private security business, including door supervisors.

Variation

A variation is a material change to a premises licence and would include an increase in the capacity of the premises, a change in the hours of operation of the premises, and change to the way the premises is to operate in regard to the operating schedule or a request to vary an existing condition attached to the premises licence.

Contact details

For further information about this policy please contact:

licensing@lbhf.gov.uk

or write to:

London Borough of Hammersmith & Fulham
Licensing Authority
PO Box 66532
London
W8 9GJ

Phone: 020 8753 1081

Email: licensing@lbhf.gov.uk

Website: www.lbhf.gov.uk