



**Lewisham**

**LONDON BOROUGH OF LEWISHAM**

# **LICENSING POLICY**

(7<sup>th</sup> January 2005)  
(1<sup>st</sup> November 2007)

**REVISED AND REVIEWED  
2010**

**THIS POLICY CONSTITUTES AN INTERIM  
REVISION OF THE CURRENT POLICY AND  
WILL ALSO CONSTITUTE THE NEW POLICY  
FOR THE NEXT STATUTORY PERIOD OF  
THREE YEARS FROM 7<sup>TH</sup> JANUARY 2011**

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## 1.0 Executive Summary

1.1 The London Borough of Lewisham (hereinafter referred to as 'the Council') is responsible for the licensing of licensable activities within the Borough under the Licensing Act 2003 (hereinafter referred to as "the Act") in accordance with Part 1 section 1.

1.2 This document sets out the policies that the Council will apply when making decisions upon applications for:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of a member of the club
- The provision of late night refreshment (the supply of hot food or drink from a premises between 11.00pm and 05.00am)
- The provision of regulated entertainment

1.3 Regulated entertainment requires a licence when it is performed in front of an audience and includes the following:

- Performance of a play
- Exhibition of a film
- Indoor sporting event
- Boxing or wrestling entertainment (indoors and outdoors)
- Performance of live music (not incidental music, i.e. piano in a restaurant)
- Playing of recorded music
- Performance of dance
- Provisions of facilities for making music
- Entertainment of a similar description to the performance of live music, the playing of recorded music and the performance of dance.

1.4 This policy shall apply in respect of new consents, renewals, transfers and variations to the following:

- Premises Licences (including old licences converted into Premises Licences)
- Club Premises Certificates (including old Club Registration Certificates converted into Club Premises Certificates)
- Sections of this policy also deal with Personal Licences and Temporary Events Notices

1.5 The Act makes provision for this policy to be the subject of full consultation and the Council will review this policy at least every three years and consult on any proposed revisions.

1.6 The Act sets out four main licensing objectives which the Council has a duty to promote in determining applications:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

Each of the objectives is considered to be of equal importance.

- 1.7 This policy and the Council's functions as Licensing Authority seek to achieve control of premises, qualifying clubs and temporary events within the terms of the Act. Terms and conditions will focus on achieving the Licensing Objectives with reference to:
- Matters within the control of individual licensees
  - The specific premises and the places used
  - The vicinity of those premises and places
  - The direct impact of the activity taking place at the licensed premises on persons who live, work and carry out normal activity in the area concerned.
- 1.8 Licensing is not a mechanism for the general control of anti-social behaviour by individuals beyond the direct control of the licensee of the premises concerned. However the Council nonetheless considers that licensing legislation plays a key role in controlling and regulating crime and also ensuring that the licensing objectives are promoted through licensed premises that are well managed. In this respect the Council recognises that there are a number of other mechanisms available for addressing issues of unruly behaviour (i.e. drunk and disorderly) that can occur away from the licensed premises including:
- Planning Controls
  - Measures to create a safe and clean environment in partnership with local businesses and other departments of the Council
  - Powers of the Council to designate parts of the Borough as places where alcohol may not be consumed publicly
  - Police enforcement of the normal law concerning disorder and anti-social behaviour including issuing fixed penalty notices
  - The prosecution of any Personal Licence Holder or member of staff at such premises who is selling alcohol to people who are drunk, or under age
  - The confiscation of alcohol from adults and children in designated areas and police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder; the likelihood of disorder or excessive noise emanating from the premises
  - The power of the police, other responsible authority, ***member of the licensing authority***, or a local resident or business to seek a review of the licence or certificate in question
- 1.9 The Council recognises that the licensed entertainment business sector and community licensed facilities in the Borough contribute to the local economy and social infrastructure. The Council wishes to encourage licensees to provide a wide range of entertainment activities throughout their opening hours and to promote live music, dance, theatre etc for the wider cultural benefit. They are a factor in maintaining a thriving and sustainable community, which is one of the Council's aims.
- 1.10 The Council also recognises that it has a duty to protect the amenity of areas where people live and work. Accordingly, where relevant representations are made in response to an application (e.g. opposing an application for extended licensing hours or opposing an application on the grounds of cumulative impact) the Council will hold a hearing to weigh up the competing interests and determine

the application. (unless it is agreed by all parties that it is not necessary). Premises situated in or close by residential areas are likely to be subject to stricter noise controls than those that are not. However, each case will be considered on its own merits.

- 1.11 This policy will set out the general approach the Council will take when it considers applications for licences. It will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits. Nor will it override the right of any “interested party” to make representations on an application or seek a review of a licence where provision has been made to do so in the Act. However, the Council will disregard any representations which are regarded as irrelevant, frivolous and/or vexatious.
- 1.12 This policy has been prepared to assist the Council in reaching a decision on applications, setting out those matters that will normally be taken into account. However each case will be decided on its merits.
- 1.13 This policy also seeks to provide clarity for applicants, objectors, residents and other occupiers of property.

#### 1.14 **Borough Profile**

The London Borough of Lewisham is an Inner South East London Borough covering an area of 3,473 hectares. The population is 249,000 of which 34% are from minority ethnic communities. The Borough consists of 18 wards returning 54 councillors. An elected mayor with a cabinet of elected councillors selected by the mayor governs the business of the Council.

The northern part of the Borough contains most of the industrial and commercial areas although in general terms commercial and residential properties co-exist. Although premises licensed for the sale of alcohol are located throughout the Borough areas of concentration are found at the major and district town centres. Premises providing entertainment are also widespread although pockets of high density locations are to be found at New Cross and Blackheath.

- 1.15 The Unitary Development Plan defines:

Major Town Centres usually those that have at least 500,000 square feet of retail floor space and sell a wide range of both comparison and convenience goods.  
Lewisham and Catford

District Town Centres that have traditionally provided convenience goods and services for local customers. They typically range in size from 100,000 square feet to 500,000 square feet of retail floor space.  
Blackheath, Deptford, Downham, Forest Hill, Lee Green, New Cross, Sydenham

Neighbourhood or Local Centres  
New Cross Gate, Lewisham Way, Grove Park, Crofton Park, Brockley Cross, Downham Way

## **2 Other Polices Objectives and Guidance**

- 2.1 Other statutory requirements may apply to the provision of any licensable activities at licensed premises and the responsibility for compliance lies with the licence holder. For example if the activity involves the preparation and/or sale of food then it is the responsibility of the applicant to ensure that all appropriate Food Safety legal requirements are met. It would be expected that the licensee would have registered the premises as a food business with Lewisham Council. It is not a requirement of any licence decision to address these matters, however it is a good reflection of the responsible licensee that they conform to all relevant legislation.
- 2.2 All applicants for Premises Licences and Club Premises Certificates and in certain circumstances those intending to hold Temporary Events are reminded that planning permission will normally be required for such uses and such planning consents may carry conditions with which they are expected to comply with or action may be taken under the relevant planning legislation. In general, planning consents authorise a broad type of use of a premises, whereas licences are granted for a particular type of activity. A planning permission for an entertainment use, for example may cover a number of activities that can have a wide range of different impacts in the locality.
- 2.3 The precise nature of the impact of the specified activities proposed by a prospective licence would also be considered when an application is made for a Premises Licence.
- 2.4 Licensing applications should not be seen as a re-run of the planning application process and there is a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. The Licensing Committee will ensure however that the Planning Committees are advised of the situation regarding licensed premises in the Borough including the general impact of alcohol related crime and disorder and ensure it is aware of the current Statement of Licensing Policy to assist the Planning Committees in their decision-making process.
- 2.5 In order to avoid any duplication or inefficiency between the licensing and planning processes the Council will expect that prior to the submission of a licensing application the appropriate planning permission will have been granted in respect of the premises concerned and that any operating hours sought do not exceed those, if any, authorised by the planning application. Depending upon the particular circumstances changes to the hours of opening for a public house, restaurant, off licence or other licensed premises may be a matter that requires planning permission. The adopted Unitary Development Plan contains policy STC 9 'Restaurants, A3 Uses and Take-Away Hot Food Shops'. This policy sets out the criteria the Council will use to consider planning applications for these uses and sets out factors that will normally be applied in relation to opening hours. Operators of licensed premises are advised to contact the Council's Planning Service for further advice as to whether planning permission would be required to vary the hours of use and the planning implications of such a change.
- 2.6 The Council will seek to achieve integration with relevant strategies and their aims in determining applications and will do so through relevant consultation on this policy and individual applications including;

- Planning
- Building Control
- Lewisham Local Cultural Strategy
- Lewisham Police / Community Consultative Group
- The new Children's Services Directorate
- Transport Policy Team
- Race Equality – Performance and Strategy Team

Planning Officers may object if the relevant planning permission has not been sought, ***should it be relevant to one or more of the licensing objectives.***

2.7 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. The Council will have regard to the following provisions of the European Convention on Human Rights:

- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8 that everyone has the right of respect for their home and private life; and
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of their possessions, including for example the possession of a licence.

2.8 ***The Disability Discrimination Act 2005 and Equalities Act 2006 extend the provisions to counter discrimination in the areas of employment, access to goods, facilities and services and the management, buying or renting of land or property.*** For service providers, such as licensees:

- Since December 1996 it has been unlawful to treat disabled people less favourably than other people for a reason related to their disability;
- Since October 1999 reasonable adjustments should be made for disabled people, such as providing extra help or making changes to the way they provide their services; and
- From October 2004 reasonable adjustments should be made to the physical features of their premises which are open to the public, such as licensed premises.

**The Equalities Act 2010 provides further protection against direct and indirect discrimination, harassment and victimisation in the provision of services and carrying out of public functions.**

2.9 Lewisham has published its **Comprehensive Equalities Scheme** in which Lewisham sets out how it aims to address race equality issues in the Borough. In line with race equality legislation an Equalities Impact Assessment has been undertaken on this Licensing Policy.

2.10 The Council recognises that people belonging to an equalities group may experience social exclusion for a number of reasons including access to information and negative or discriminatory attitudes of service providers. In response, Lewisham Council's Equal Opportunities Policy has made it clear that

the Council is committed to taking action to reduce the inequalities that people suffer. In line with this, the Council deems Lewisham's diversity to be one of its strengths and therefore is committed to creating a more inclusive community. The Council will aim to ensure that its Statement of Licensing Policy and associated practices do not discriminate against any group within the community and will pursue any opportunity to promote equality of opportunity and good community relations. To this end the Council will:

- Encourage applications for licences and certificates to be made from the widest range of ethnic and cultural groups.
- Provide information and documentation in other languages and formats on request to ensure the Council's licensing policy can be conveyed to all members of the community.
- Conduct an equalities impact assessment during the three year period of the policy to identify the effects the policy may have had for different groups within the community and once the assessment has taken place, take the appropriate action to prevent direct and indirect discrimination which may have been the result of the policy statement.

#### **2.11 Central Government's Alcohol Harm Reduction Strategy**

The Government published in (2004) its Alcohol Harm Reduction Strategy for England. In this it outlined how the Licensing Act can be used to address some of the Social Health and Crime and Disorder issues raised by the misuse of alcohol, when considering applications for Premises or Personal Licences. This strategy will be taken into account specifically with regard to the sale of alcohol to under 18's and the impact of lack of effective steps to tackle anti-social behaviour. The Council will ensure that all Operating Schedules agreed with Licensees are suitable and sufficient to address these issues.

#### **2.12 Lewisham's Crime & Disorder Strategy**

It is envisaged that Lewisham's own Crime & Disorder Strategy will play a part in achieving some if not all of the objectives in reducing crime and disorder and on review the licensing policy will reflect any changes to local crime reduction plans.

#### **2.13 Safer Clubbing – Guidance for Licensing Authorities, Club Managers and Promoters**

For premises which may have problems with drugs, crime and disorder and/or are open late the Council will refer to the guidance given and will expect applicants in their Operating Schedules to use the strategies outlined in the Home Office Drug Strategy booklet – Safer Clubbing.

#### **2.14 Tourism & Employment**

Lewisham already has a 'Creative Lewisham' strategy incorporating cultural and urban development issues. Lewisham aspires to be the best place in London to live, work and learn and thus attract people to the Borough. Arrangements will be made to keep the Committee apprised of the local tourist economy and developments to the Cultural Strategy 2002 for Lewisham. Where appropriate the Committee will also be advised of the employment situation and the need for any new investment in a particular area.



### 3 Determinations

- 3.1 When determining applications the Council will work within the framework of this policy which has been prepared having regard to guidance issued by the Department of Culture, Media and Sport (DCMS) [www.culture.gov.uk](http://www.culture.gov.uk).
- 3.2 The provisions for determination of Club Premises Certificates will be the same as those for Premises Licences.
- 3.3 The policy shall apply in respect of new consents, renewals, transfers and variations to the following:
- Premises Licences (including old licences converted into Premises Licences)
  - Club Premises Certificates (including old Club Registration Certificates converted into Club Premises Certificates)
  - Sections of this policy also deal with Personal Licences and Temporary Events Notices
- 3.4 Premises must be constructed or adapted in such a way that it is deemed safe and appropriate to the nature of the activities to be licensed. Premises in the course of construction, alteration, extension, etc can be granted a Provisional Statement pending completion to the required standard and compliance with all other requirements.
- 3.5 The Committee will consider representations concerning non-compliance with the smoke-free legislation and all other relevant, indirect issues arising as a result of the smoke-free legislation that affects one or more of the four licensing objectives.
- 3.6 Most of the applications to which this policy applies require the preparation of an operating schedule.
- 3.7 Where an operating schedule is required, the applicant must include a statement of the steps that it is proposed to take to promote the licensing objectives. Premises and use type vary enormously and it is important that operating schedules are specific to the premises and use type in respect of which the application is made. Applicants must therefore make informed judgements as to the steps that need to be taken by them to promote the licensing objectives and include those steps within the operating schedule.
- 3.8 If no relevant representations are made, the application will be granted in accordance with the application subject only to such conditions as are consistent with the operating schedule and the relevant mandatory conditions.
- 3.9 If relevant representations are made the Council will (unless all concerned agree otherwise) hold a hearing. Where a hearing is held, the Council has discretion whether or not to grant the application. The type of information gathered and presented to members at a Licensing Hearing will depend upon the individual circumstances of every case. It is a matter for those making representations to decide upon the basis for their representation and the information they have available to support it. No person should ever put themselves at risk in pursuit of such information. If the application is granted, the Council may modify the

conditions to such extent as it considers necessary for the promotion of the licensing objectives.

3.10 The following parts of this paragraph identify matters and steps that may be relevant to the promotion of the four licensing objectives. Whether or not these matters/steps are relevant to an application will depend on the premises in question; the proposed licensable activities (e.g. if alcohol is to be sold or made available) and the proposed hours of operation. In the first instance it is for applicants to decide which of these matters / steps are relevant to their application.

3.11 The matters listed are not exhaustive and would not necessarily apply to all types of premises or all use types.

### 3.12 Prevention of Crime and Disorder

Assessment of the risks of criminal activity in the premises or in the vicinity of the premises including where appropriate, the risk of crime and disorder from persons queuing to enter the premises and the risk of sales of alcohol to underage persons. Guidelines as to the measures that can be taken to address these risks are set out in Annex D to the statutory Guidance. In appropriate cases, these steps may include:

- The employment of door supervisors / security teams
- Bottle bans and / or the use of plastic containers
- The use of CCTV at and immediately outside the premises
- Capacity limits
- Restrictions on drinking areas
- **Challenge 21 proof of age scheme**
- The provision of adequate seating within the premises
- Appropriate signage

Where appropriate, assessment of the risks of criminal activity related to controlled drugs and weapons and the adoption of measures to control such risks as exist. (Guidelines as to the measures that can be taken to combat these problems are set out by the Metropolitan Police in their publication “Safe and Sound”; in the Home Office Guide “Safer Clubbing” and in Annex D to the statutory Guidance).

Membership of a local body that represents licensees and promotes best practice; **LBBAC (define) or any similar** local radio scheme.

Premises licensed to sell alcohol off the premises and late night take-aways. Assessment of the risks of and the adoption of appropriate measures to combat the risk of crime and anti-social behaviour by persons loitering in the vicinity of the premises.

The Licensing Authority wishes to discourage the operation of alcohol promotions such as ‘Happy Hours’. **New mandatory conditions also ban similar irresponsible promotions (Refer to Home Office Document:- Selling Alcohol responsibly: The New Mandatory Licensing Conditions April 2010)** which may encourage patrons to consume large amounts of alcohol in a short period of

time. Such schemes can lead to binge drinking and increase the potential for crime and disorder.

### 3.13 Public Safety

The means of escape from the premises in the event of fire or other emergency. (Assessment of the adequacy of the means of escape will commonly involve consideration of the maximum numbers to be accommodated in the premises or specified parts of the premises).

The adequacy of the fire fighting equipment at the premises and the systems for the maintenance of that equipment.

The provisions of adequate lighting within the premises.

The use of temporary electrical installations within the premises.

The use of special effects as part of regulated entertainment offered at the premises.

Arrangements for the monitoring of any capacity limits imposed on the licence/club premises certificate.

The use of safe curtains, hangings, decorations and upholstered furniture at the premises.

Further guidance can be found in Annex E to the statutory Guidance and the various publications referred to there. Additional guidance for cinemas and theatres can be found in Annex F to the statutory Guidance.

Large-scale events, outdoor events and indoor sports entertainments may require special measures to promote this licensing objective.

### 3.14 Public Nuisance

Whether adequate measures (e.g. sound limiter/sound proofing/acoustic lobbies) are proposed to deal with possible noise nuisance arising from or associated with the proposed use of the premises.

Whether adequate measures (e.g. signage/parking facilities) are being taken or made available to control the risk of late night noise caused by customers and staff entering and leaving the premises. Particular regard will be paid to:

- Queuing arrangements
- Arrangements for customers who use mini cab services when leaving the premises

Whether adequate measures are being taken to control possible noise nuisance by persons eating food and/or consuming alcohol sold at the premises but consumed in outdoor areas of the premises.

Where licensable activities give rise to the risk of customers dropping litter in the vicinity of the premises (for example the sale of take-away food or the distribution of promotional material to customers visiting the premises), whether adequate arrangements are in place to prevent littering and to clear up any litter that is dropped.

Whether measures are being taken to adequately control possible noise and smell nuisances arising from the use of air handling units, ventilation/extraction ducting and other equipment used at the premises.

Whether adequate measures are being taken to control any possible nuisance arising from the storage and collection of waste.

3.15 Although powers exist under the Environmental Protection Act 1990 to control many of these problems, there is no statutory requirement in that legislation for operators to notify the Council about activities that might give rise to these problems. As such licensing law remains the primary mechanism for the prevention of these problems in and around licensed premises.

3.16 The steps reasonably required to prevent public nuisance necessarily vary according to the individual style and characteristics of the premises, the nature of the proposed licensable activities and the proposed times when the licensable activities are undertaken. Further information on noise and conditions relating to the prevention of public nuisance as set out in Annex G of the Guidance to the Act.

### **3.17 Protection of Children from Harm**

The measures/steps to promote this licensing objective are dealt with separately in Part 8 of this Statement of Licensing Policy.

If the police object to any application on crime prevention grounds (or where other relevant representations are received from other responsible authorities or interested parties), the applicant is entitled to a public hearing before the Licensing Committee or one of its Sub-Committees.

### **3.18 Live Music, Dancing and Theatre**

As part of the Council's aim to develop and implement cultural strategies every effort consistent with the licensing objectives will be made to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community. To this end careful consideration will be given to those conditions attached to licences and certificates necessary to achieve the licensing objectives to ensure that they do not in fact deter live music, dancing and theatre by imposing substantial cost on to applicants. The Council will therefore endeavour to balance any potential for disturbance against the wider benefits of events, particularly those intended for children. The Council recognises the value of live music and dancing in developing cultural diversity, as well as helping to unite communities, particularly ethnically diverse communities, since music and dancing can aid the development of a fully integrated society. The Council notes that the absence of cultural provision in the Borough can itself lead to young people feeling excluded and so engage in anti-social activities that damage the community and the young people themselves.

As part of its strategy to promote cultural activity within the Borough the Council will seek to minimise the burden on performers and entertainers by considering whether it should itself seek Premises Licences or short term Premises Licences for appropriate community venues, outdoor spaces and other suitable venues for which it is responsible. Performers and entertainers would then have no need to obtain a Premises Licence or give a Temporary Event Notice themselves to enable them to give a performance in these Council controlled places. The Council as licence holder may hold a Premises Licence for a particular place, performers and entertainers would still need the permission of the Council for any regulated entertainment to take place. For advice on the appropriate section within the Council for people who may wish to take advantage of this, please see 19.0 Further Information.

## 4 Conditions

- 4.1 A suitable individual who is also a Personal Licence holder must be nominated as a Designated Premises Supervisor responsible for the day to day management of the premises at any time when it is open for carrying out the sale of alcohol. ***Although the law does not specifically require a personal licence holder to be on the premises during the sale of alcohol it is considered good practice for there to be written consent authorising the sale of alcohol, this should be available for inspection upon request***
- 4.2 Upon grant of a licence, the Act sets out mandatory conditions which must be attached in certain circumstances and in addition to these, special conditions may be attached. These conditions will be appropriate to the nature of the activities specified in the submitted Operating Schedule for the premises and shall reflect the four licensing objectives. Any special condition will normally be drawn from a Pool of Conditions (annexed to the Secretary of State's Guidance to licensing authorities issued under Section 182 of the Act) and Technical Regulations which will be compiled to meet the circumstances of the proposed activities. However to avoid duplication with other statutory regimes as far as possible the Council will not attach conditions on a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation. Conditions imposed will be in consultation as appropriate with the relevant authorities.
- 4.3 Failure to comply with the Council's conditions could amount to a criminal offence, conviction punishable by a fine of up to £20,000 or 6 months imprisonment or both.
- 4.4 The conditions to be attached to licences and certificates will be tailored to the individual style and characteristics of the premises and events concerned and will relate to matters within the control of the licensee, the premises themselves, the immediate vicinity and which are necessary to meet the licensing objectives. For example conditions may be imposed to prevent unnecessary noise and disturbance to local residents by way of limited hours and/or restrictions on sound levels. Conditions may also be imposed requiring licensees to display prominent signs at all exits of premises reminding customers to leave the premises quietly and to respect the rights of nearby residents.
- 4.5 The Council may set maximum capacity limits in consultation with the London Fire and Emergency Planning Authority for premises. Premises where a fire certificate has been issued which imposes an occupancy limit **may** not have an occupancy limit imposed under the Premises Licence, unless the Fire Authority recommends a change from that in the certificate.
- 4.6 Whenever any persons are employed at licensed premises to carry out any security activity, all such persons must be licensed with the Security Industry Authority. The Council may also consider that certain premises require strict supervision for the purpose of promoting the reduction of crime and disorder. In such cases, the Council may impose a condition that licensed door supervisors must be present at the premises either at all times or at such times as certain licensable activities are being carried out.

4.7 In any case licensees shall keep a record of all door supervisor/security personnel employed at the premises, together with an incident report book. Both books shall be available for inspection by an authorised officer of the Council or a police officer.

## 5 Films

- 5.1 Premises Licences for premises giving film exhibitions (be they converted licences or new licences) will be granted subject to the mandatory condition in s20(2) of the 2003 Act (admission of children to be restricted in accordance with any recommendation made by the British Board of Film Classification – The BBFC) together with any other conditions imposed pursuant to the Act.
- 5.2 In addition to the mandatory condition, the Council will (with a view to protecting children from harm) normally impose on Premises Licences the conditions set out in Annexe H of the Guidance (“Age Restrictions - Cinemas”). These conditions:
- Describe the classification scheme to be used.
  - State that each exhibition of a film passed by the BBFC should be preceded by a screen exhibition of the certificate in easily readable form for a least 5 seconds.
  - State that trailers advertising films should include a statement approved by the Board indicating the classification of the film.
  - Provide for the appropriate advertising of age restrictions applicable to films that the Council has itself classified.
- 5.3 Where any person is proposing to exhibit a film that has not been classified by the BBFC (other than an exemption exhibition), a copy of that film must be provided to the Council at least 28 days before the first screening for classification and any subsequent exhibition of that film must comply with the Council’s classification and any further restrictions that the Council considers necessary in order to promote the licensing objectives. (Films that contravene existing indecency and incitement laws will not be classified by the Council).
- 5.4 The Council expects licensees and clubs who wish to exhibit films to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the BBFC or (as appropriate) the Council itself.



## 6 Licensing Hours

- 6.1 In making decisions that relate to the hours for which a premises is licensed or any conditions as to delivery times etc consideration will be given to the Licensing Objectives. Each application and the circumstances pertaining to each premises will be considered on its own merits.
- 6.2 It is hoped that varied licensing hours will minimise concentrations of customers leaving licensed premises simultaneously, this will help reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport.
- 6.3 In relation to shops and other retail outlets supplying alcohol for consumption off the premises, the general policy will be to allow sales of alcohol at all times that the premises is open for business. Any decision not to allow sales of alcohol at particular times will be based on evidence of the need to prevent crime, disorder, public nuisance **or the protection of children from harm and public safety**
- 6.4 In making decisions in respect of hours, consideration will be given to representations made by residents and businesses in the vicinity of the premises, their representatives, the police as well as the applicant and other agencies as appropriate.
- 6.5 Fixed trading hours will not be set for particular geographical areas. It should be stressed that each case will be decided on its own merits based on the promotion of the licensing objectives. Stricter conditions however are likely to apply where the premises are situated in areas where there is potential for nuisance or disturbance to be caused to residents so as to minimise disturbance to local residents. **Section 55 of the Crime & Security Act 2010 amends section 172 of the Act to allow Licensing Authorities to make 'early morning alcohol restriction orders'. An order made under this section would effectively override any premises licence, club premises certificate of TEN authorises the sale or supply of alcohol between 3am and 6am.**
- 6.6 Limitations on operating hours may be imposed as appropriate, for example, following police and/or local resident representations in the case of isolated premises known to be a focus of disorder, disturbance or for people engaging in anti-social behaviour, including pressurising staff to make unlawful sales.

### 6.7 Shops, Stores and Supermarkets

Shops, stores and supermarkets selling alcohol will generally be permitted to match the hours during which they may sell alcohol with their normal trading hours during which other sales take place, unless there are exceptional reasons relating to the Licensing Objectives. Accordingly, if the law permits the shop to open for 24 hours or limits such opening, for example, on Sundays, the Council will generally permit the sale of alcohol during these hours unless there are very good reasons as to why it is necessary not to do so.

Some shops may however be known to be a focus for disturbance because youths congregate there and engage in nuisance and anti-social behaviour, including trying to pressurise shop staff to make unlawful sales of alcohol. Where relevant representations are made by an interested party or a responsible authority (particularly the police) concerning applications for Premises Licences

for such places, or in connection with existing licences, the Council will consider a restriction on opening hours as one mechanism of combating such problems if this would be necessary.

## **6.8 Millwall Football Club**

The prevention of crime and disorder requires that special measures may be taken by way of licence conditions. These measures will apply on home match days to sales at licensed premises situated within a one mile radius of Millwall Football Club.

Accordingly, all applicants to whom this paragraph applies will be invited to agree the following and where appropriate, should include the following within their Operating Schedules:

Drinks shall only be supplied in plastic glasses and no bottles containing beverages of any kind (whether open or sealed) shall be given to customers on the premises whether at the bar or by staff service away from the bar.

Registered door staff shall be employed to supervise the entry and exits of the premises so as to ensure that no persons carrying open or sealed bottles are admitted to the premises and to assist in preventing the consumption of alcohol outside the premises in areas adjacent to the highway.

A statement that they and their staff will abide by any direction from the Police Silver Commander that, in order to prevent crime and disorder, the premises should not be opened or (as the case may be) should be closed.

## 7 Cumulative Impact of Licensing on the Amenity of Particular Areas

- 7.1 The statutory Guidance states that the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its Statement of Licensing Policy. According to the Guidance, “ cumulative impact” means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 7.2 The Guidance (Paras 3.16-3.18) set out the steps that should be followed when considering whether to adopt a special policy on cumulative impact. In short, any special policy on cumulative impact should be supported by evidence and should be consulted upon before any decision is taken regarding its adoption.
- 7.3** The effect of any cumulative impact policy is to create a rebuttable presumption that applications for new premises licences or club premises certificates or material variations to existing licences/certificates will normally be refused if relevant representations are received unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced (Guidance at Para 3.19). **For clarification this includes off licences, on licences and takeaways.**
- 7.4 Whether or not a special policy on cumulative impact exists does not prevent any responsible authority or interested party making representations on a new application for the grant of a licence/club premises certificate on the grounds that the premises will give rise to or materially add to the existing negative cumulative impact caused by the number of licensed premises in the area in question.
- 7.5 Cumulative impact must not be confused with ‘need’. Need concerns the commercial demand for another licensed premises, which is a matter for the market place and the Council’s Planning Committee.
- 7.6 Where the Council receives satisfactory evidence that the cumulative impact of a concentration of licensed premises in a specified area is undermining the promotion of one or more of the licensing objectives, it may include within this Policy a special cumulative impact policy (CIP) in respect of that area. However, the absence of a CIP does not prevent any responsible authority or interested party making representations on applications for new premises licenses or club premises certificates, or material variations of an existing licence or certificate, on the grounds that the application will give rise to a negative cumulative impact on one or more of the licensing objectives
- 7.7 The Council have evidence that the cumulative impact of licensed premises in Blackheath Village and The New Cross Corridor, (***it should be noted that this zone has been extended to include Deptford High St***) is undermining the promotion of the licensing objectives; and after considering this evidence has adopted a special CIP in respect of these areas. The boundaries of each area to which this CIP applies are identified on the maps ***and list of affected roads / streets as*** attached at Appendix A to the Policy.
- 7.8 The effect of the CIP in respect of Blackheath Village and The New Cross Corridor is that the Council will refuse applications for a new premises licence or club premises certificate, or material variations of an existing licence or certificate,

whenever it receives relevant representation unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.

- 7.9 Applicants in respect of premises situated in Blackheath Village and The New Cross Corridor will need to address the implications of the CIP in their operating schedules in order to rebut such a presumption. The adoption of a CIP for Blackheath Village and The New Cross Corridor does not relieve responsible authorities or interested parties of the need to make a relevant representation. Before the Council may lawfully consider giving effect to its CIP a relevant representation must have been made. If no representation is received, it remains the case that any application must be granted in terms that are consistent with the operating schedule and any mandatory conditions required by the Act.
- 7.10 Responsible authorities and interested parties may however make written representations, maintaining that it is necessary to refuse an application within Blackheath Village and The New Cross Corridor and in doing so may refer to the evidence considered by the Council in the adoption of the CIP.
- 7.11 The Council will not use any CIP as grounds for revoking an existing licence or certificate when relevant representations are received about problems with those premises. The CIP can only be used in the justification of rejection of an application to vary if those modifications are directly relevant to the policy.
- 7.12 The CIP does not include provisions for terminal hours in respect of premises in Blackheath Village and The New Cross Corridor, nor does it impose quotas on the number of licensed premises permitted or the capacity of those premises.
- 7.13 The Council will regularly review the CIP in place to see whether it is still needed or should be expanded.

## 8 Children

- 8.1 The Council will carry out its responsibilities so as to promote the licensing objective for the protection of children from harm.
- 8.2 Licences will be sought from a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night take-aways, pubs, bars and nightclubs. It is not possible for a licensing policy to anticipate every situation where children are at risk. The Council will not therefore impose general conditions that apply to all premises, but will consider how the Licensing Objectives can be best promoted in each particular case.
- 8.3 The Council will not seek to limit the access of children to licensed premises unless it is necessary to protect children from harm. The Council will judge the merits of each separate application before deciding whether to impose conditions limiting access to children. The following are some examples of premises that will raise concern:
- Where there have been convictions for serving alcohol to minors or with a reputation for under-age drinking
  - With a known association with drug taking or dealing
  - Where there is a strong element of gambling on the premises
  - Where entertainment of an adult or sexual nature is commonly provided
- 8.4 The Council will not impose a right of access to children. This will remain a matter for the discretion of the licensee. It is anticipated that the issue of access to children will be addressed in the Operating Schedule.
- 8.5 The range of options available to limit the access of children to licensed premises that may be imposed by the Council include:
- Limitations on the hours when children may be present
  - Age limitations
  - Exclusions when certain activities are taking place
  - Requirements for an accompanying adult
  - In exceptional case, exclusion of people under 18 from the premises or parts thereof when any licensable activities are taking place
- 8.6 Licensees will be expected to prevent children from viewing films that are unsuitable because of the age classification of the film that has been imposed by the British Board of Film Classification or other film classification board approved by the Council.
- 8.7 The Council will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licensee will ensure that an adequate number of adult staff are present to control the access, egress and safety in and around the premises. The number of staff required should be assessed by the licensee, taking into account the number of children to

be present, the type of entertainment, the characteristics of the premises and any other relevant factor.

- 8.8 Anyone intending to provide staff for the supervision of activities to under 18's will be required to carry out enhanced criminal record checks on all persons involved servicing such activities. These checks should be entered into a register which should be kept on the premises at all times and made available to the police or authorised Council Officer on request. Staff shall only be appointed who have been subject to a check and are found to be suitable, if in doubt the applicant should liaise directly with the police.
- 8.9 The Council will specifically require the Operating Schedule to address issues relating to children. In such cases applications will be copied to Social Care & Health for their consideration and expert opinion. Applicants will also be advised to contact Social Care & Health directly to seek advice prior to submitting their application.
- 8.10 Premises that sell alcohol should have due regard to Proof of Age Schemes. Licensees should be aware that fake proof of age cards are becoming more prevalent and should only accept certain types, ***namely passports and photo driving licence***, up to date guidance can be obtained from Licensing Services. In addition, the Portman Group operates on behalf of the alcohol industry a code of practice on the naming, packaging and promotion of alcoholic drinks. This code seeks to ensure that drinks are marketed in a socially responsible manner and only to those over 18 years of age.
- 8.11 Where there are restrictions (whether imposed by statute or by the Council) on the sale 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 children intended to be supplied with such goods, services or entertainment. Training must be given to all persons who might be in a position to refuse such children. Such training must include recognition of age, seeking proof of age, verifying the authenticity of proof of age cards and handling refusals.

## 9 Premises Licence

### 9.1 Application

Any person aged over 18 years, a business or partnership may apply for a Premises Licence. The application must be accompanied by:

- The required fee
- An operating schedule
- A scale plan of the premises to which the application relates in the prescribed form
- If the premises involves the supply of alcohol, a form of consent from the individual who is to be specified as the Designated Premises Supervisor and
- Application to be advertised in the manner prescribed by the Regulations issued under the Licensing Act 2003.

### 9.2 Operating Schedule

An Operating Schedule should include information to enable the Council or any interested party to assess the steps taken by the applicant to promote the Licensing Objectives. For example it will include a description of the style and character of the business to be conducted on the premises.

For premises where alcohol is to be sold for consumption on the premises it would be valuable to know the proposed capacity, extent of seating available for customers, the type of activities available on the premises whether licensable under the 2003 Act or not. If there is to be dancing on the premises the Operating Schedule should describe the type of dancing. If this will include striptease or lap dancing ***it should be noted that as well as the performance of dance on the premises licence further permission under Schedule 3 of the London Government (Miscellaneous Provisions) Act 1982 will be required.***

Other examples of information required in the Operating Schedule are:

- Relevant licensable activities to be conducted on the premises
- Times/days of the week including holiday periods or different times of the year, the activities are to take place
- Any other times the premises are open to the public
- Where the licence is required for a limited period, specify that period
- If the activities include the supply of alcohol, the name and address of the Designated Premises Supervisor
- If alcohol is to be supplied, if it is to be consumed on/off the premises or both
- The steps the applicant proposes to promote the Licensing Objectives e.g. leaving licensed premises quietly and advise on public transport available for customers leaving the premises
- In preparing its Operating Schedule the applicant will be expected to undertake a thorough risk assessment with regard to each of the Licensing Objectives

### 9.3 Small Venues Providing Dancing and Amplified or Non-Amplified Music

These are:

- A Premises Licence or Club Premises Certificate authorises the supply of alcohol for consumption on the premises and the provision of musical entertainment, live music and dancing.

- The relevant premises are used primarily for the consumption of alcohol on the premises, and
- The premises have a capacity of up to 200 persons

9.6 Any conditions relating to the provision of musical entertainment imposed on the licence by the Council other than those set out by the licence or certificate which are consistent with the Operating Schedule, will be suspended except where they were imposed as being necessary for public safety or the prevention of crime and disorder.

9.7 In addition, between the hours of 8.00am and midnight, if the premises are being used for the provision of amplified live music but no other description of Regulated Entertainment, any conditions imposed on the licence by the Council, again other than those which are consistent with the Operating Schedule, which relate to the provision of that musical entertainment will be suspended.

### 9.8 **Wholesale of Alcohol**

The wholesale of alcohol to the public is now a licensable activity under the 2003 Act. Therefore there will be a need for a Premises Licence and a Designated Premises Supervisor who holds a Personal Licence where such transactions take place.

### 9.9 **Internet and Mail Order Sales**

A Premises Licence will be required for the warehouse/storage facility of the alcohol, however the call centre where the order was placed would not be licensable.

### 9.10 **Regulated Entertainment**

This will require a Premises Licence.

### 9.11 **Late Night Refreshment**

The provision of hot food and/or hot drink for consumption either on or off the premises is licensable under the 2003 Act from the hours of 11.00pm until 05.00am.

9.12 Some premises are exempt from this licensing requirement:

- Clubs serving hot food and hot drink only to their members
- Hotels or comparable premises serving hot food and hot drink only to those who will be staying at the hotel that night
- Premises serving hot food and hot drink only to their own employees
- Premises serving hot food and hot drink only to guests of those falling in the categories outlined above.

### 9.13 **Restaurants and Cafes**

Which sell hot food or drink between the hours of 11.00pm to 05.00am will need a Premises Licence. Consideration should be given to the suitability of sleeping accommodation if provided and should not generally be within the plans pertaining to the licence. Restaurants and Cafes will also need a Premises Licence if they sell alcohol at any time during the day or night.



**9.14 Casinos and Bingo Clubs**

Where activities which are licensable under the Act are carried out in Casinos or Bingo Clubs the conditions imposed will apply alongside those conditions imposed under the 1968 Gaming Act.

**9.15 Garages**

Normally the sale of alcohol from a garage will be prohibited, however where it is shown that the main activity of the premises is not that of a garage each case will be judged on the individual circumstances of the application and account taken of the current planning consent for those premises.

**9.16 Vehicles and Moveable Structures**

The sale of alcohol or the carrying out of other licensable activities from vehicles/moveable structures may only be carried out from a premises or site which holds a Premises Licence. It should also be noted that the provision of any entertainment or entertainment facilities on premises consisting of or forming part of any vehicle while it is in motion and not permanently or temporarily parked is not to be regarded as a regulated entertainment for the purposes of the 2003 Act. For example, a band performing on a moving float in a parade would not require a Premises Licence if the performance only takes place while the vehicle is in motion.

**9.17 Vessels and Ships**

Vessels and ships are licensable by the Authority where they are usually moored.

**9.18 Sports Grounds**

Premises subject to the Safety of Sports Ground Act, safety arrangements shall take precedence over conditions imposed or activities permitted by the Premises Licence during those times the Safety Certificate applies.

**9.19 Vending Machines**

Premises selling hot food via a vending machine will need to apply for a Premises Licence where hot food is sold between the hours of 11.00pm and 5.00am.

**9.20 Amusements with Prizes Machines**

***Guidance should now be sought from the Gambling Act 2005 and associated guidance***

## 10.0 **Club Premises Certificate**

### 10.1 **Application**

In order for Qualifying Clubs to supply alcohol and provide other licensable activities on club premises, a Club Premises Certificate is required and there is no requirement to specify a Designated Premises Supervisor.

10.2 Club Premises Certificates will be issued to qualifying clubs formally Registered Members Clubs. To be eligible for a Club Premises Certificate the club/organisation members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation or supply to members and their guests. Qualifying conditions are specified in section 61 of the Act and the Council must be satisfied that these conditions have been met, including evidence to support that the club is non-profit making and that there is a minimum of 48 hours delay between applications and acceptance of new members.

10.3 The club must be established and conducted in 'good faith' (this involves consideration of details such as club finances).

10.4 Any member of a club over 18 years of age may apply for a Club Premises Certificate and applications must be accompanied by:

- Completed application form
- The required fee
- An operating schedule
- A scale plan of the premises to which the application relates in the prescribed form
- A copy of the club rules
- A copy of notice to be advertised in the prescribed form

### 10.5 **Operating Schedule**

The Council will require the club to produce an Operating Schedule which should include the following:

- The qualifying club activities to which the application relates
- The proposed hours of these activities and any other times during which it is proposed that the premises are to be open to the public
- Where the relevant Qualifying Club activities include the supply of alcohol, whether the supplies are for consumption on and/or off the premises.
- Information to enable the Council or any interested party to assess the steps taken by the applicant to promote the Licensing Objectives (for example, the arrangements for door security to promote the prevention of crime and disorder).

10.6 Where a club intends to admit the general public to a Regulated Entertainment event then a Premises Licence or a Temporary Events Notice is required. Where alcohol is sold and there is a Premises Licence, then there will also be a requirement to obtain a Personal Licence. These Temporary Event Notices are subject to certain restrictions i.e. 12 occasions per year, must not aggregate more than fifteen days, or have more than 499 people attending.

10.7 If an applicant wishes to vary a Club Premises Certificate, the Council requires the application to be processed in the same manner as for a Premises Licence.

10.8 The Council will require the Club Secretary's contact details to be readily available in the event of an emergency.

## 11.0 Personal Licences

- 11.1 The Council will grant a Personal Licence providing the following criteria is met:
- a. The applicant is over 18
  - b. The required fee is paid
  - c. The applicant possesses a licensing qualification\*
  - d. The applicant has not forfeited a Personal Licence in the previous five years beginning with the day the application was made
  - e. The applicant has not been convicted of any relevant offence, or foreign offence as defined in the Act
  - f. The Police have not given an objection notice about the grant of a Personal Licence following notification of any unspent relevant offence or foreign offence
  - g. The application has been submitted correctly

\*NB This **was** not required by existing holders of Justices' Licences **during transition**

11.2 In order to substantiate whether or not an applicant has a conviction for an unspent relevant offence or foreign offence, all applicants, except current holders of Justices' Licences and holders of club registration certificates, will be required to produce a current Criminal Record Bureau Certificate, which should be copied to the police along with the application. The Council will consult with the police regarding any relevant offence or foreign offence as listed in schedule 4 of the Licensing Act 2003 and schedule C of the Guidance disclosed by the applicant.

A relevant offence or a foreign offence will be disregarded if it is spent for the purposes of the Rehabilitation of Offenders Act 1974.

11.3 Where the police have issued an objection notice the refusal of the application will be the normal course unless there are, in the opinion of the Council, exceptional and compelling circumstances that justify granting the application.

11.4 If a representation is made by the police to an application the matter will be referred to the Licensing Sub-Committee.

11.5 The Council will liaise closely with the police when an applicant is found to have an unspent conviction for a relevant offence as defined in the Act. Where an applicant for a Personal Licence has an unspent criminal conviction for a relevant offence, the police and Council may interview the applicant should the police be minded to object to the grant of the licence.

11.6 An applicant for a personal licence has a duty to notify the Council of any new relevant offences during the application process.

11.7 In accordance with 4.15 of the Guidance the licence holder is under a duty to notify any convictions for relevant offences to the Licensing Authority. This also includes foreign offences.

The Court has an obligation to notify the relevant Licensing Authority of any conviction and of any decision to order that a personal licence be suspended or declared forfeit.

- 11.8 The Council will require, where the licensable activities of a licensed premises include the sale of alcohol, one Personal Licence holder to be the Designated Premises Supervisor. The main purpose being to ensure that there is always one specified individual who can be readily identified at the premises. Thus it will be clear who is in charge of the day-to-day running of the business.
- 11.9 Where the Designated Premises Supervisor is not available at the premises for whatever reason, the Council will expect an individual to be nominated as a point of contact who will have details of where the Designated Premises Supervisor can be contacted.
- 11.10 The Premises Licence will specify the name of the Designated Premises Supervisor. It is the responsibility of the Premises Licence holder to notify the Council immediately of any change of Designated Premises Supervisor.
- 11.11 Where a Personal Licence holder is convicted by a court for a relevant offence, the court will advise the Council accordingly. On receipt of such notification, the Council will contact the holder within 14 days requesting the return of the licence so that the necessary action can be taken. Licensees are advised to let the Council know of any relevant convictions.

## 12.0 Temporary Event Notices

- 12.1 The Act provides for certain occasions when regulated entertainment, the sale of alcohol and late night refreshment at small scale events (for no more than 499 people at a time and lasting for no longer than 96 hours) do not need a licence but do need to provide advance notice to the police and the Council. The police can only object to a Temporary Event Notice if the event is likely to undermine the crime prevention objective.
- 12.2 A Temporary Event Notice may be sufficient for certain events. Temporary Event Notices are subject to various conditions and limitations which concern the following:
- The duration is limited for a period of up to 96 hours
  - They cannot involve the presence of more than 499 people at any one time
  - The same premises can be used for up to 12 occasions in a calendar year, but the aggregate number of days must not exceed 15
  - A Personal Licence holder is limited to 50 per year
  - A person not holding a Personal or Premises Licence is limited to 5 per year
- 12.3 If the above conditions are not fulfilled, a temporary event at which licensable activities are to take place would require a Premises Licence.
- 12.4 The law states that at least ten working days notice must be given to the police and the Council prior to the date of the event. The less time that is given will increase the likelihood of the police objecting. The Council recommends that at least 28 days notice be given to hold such events to allow consideration of the application and full guidance to be given to organisers to run their event in a proper manner and to pass on any relevant local information. The organisers, depending upon the nature of the event may find it useful to refer to “Guide to Health, Safety & Welfare at Pop Concerts and Similar Events”, ***This 28 day period would also allow time for any subsequent counter notice to be appealed to court. The minimum 10 working day notice often makes this impossible as the courts require 5 working days notice for such an appeal.***
- 12.5 In the event of a relevant representation from the police, the Council will hold a hearing not less than 24 hours before the event is due to take place.
- 12.6 It should be noted that for events concerning more than 499 people a Premises Licence will be required for a limited period. Where the sale of alcohol is involved there must be a Designated Premises Supervisor specified on the application who must be a Personal Licence holder.
- 12.7 Much larger crowds may be attracted to large scale Temporary Events and the risks to public safety and to crime and disorder as well as public nuisance may be considerable. The Council should be given early notice of such major events to discuss Operating Schedules with the organiser prior to a formal application being submitted. In order that public safety, crime and disorder as well as public nuisance matters are fully addressed organisers should refer to the following documents:-
- The Event Safety Guide - A guide to health, safety and welfare at music and similar events (HSE 1999) (‘The Purple Book’) ISBN 07176 24536
  - Managing Crowds Safely (HSE 2000) ISBN 07176 1834X

- 5 Steps to Risk Assessment, Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety of Sports Grounds (The Stationary Office, 1997) ('The Green Guide') ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnivals, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through [www.streetartnetwork.org/pages/publications](http://www.streetartnetwork.org/pages/publications)

### 13.0 **Provisional Statement**

- 13.1 Applicants may need to apply for a Provisional Statement where premises are being constructed or extended or substantially changed structurally.
- 13.2 A person may apply to the Council for a provisional statement if-
- a) he is interested in the premises; and
  - b) where he is an individual, he is aged 18 or over; and where:
    - Copies of approved planning consents and copies of building regulation applications are provided as may be required by statutory regulations.
    - Clear plans of the proposals exist including provision for disabled people.
    - An Operating Schedule is capable of being completed.
    - Measures have been taken to promote the Licensing Objectives.
    - The proposed hours of opening have been decided.
    - Views be sought from the police.
- 13.3 The licence will not become effective until the Council stipulates the effective start date.
- 13.4 Applications for a Provisional Statement shall be dealt with in the same way as a Premises Licence.
- 13.5 The applicant will be required to state the days and hours during which they wish to be authorised to carry on licensable activities. The licence will be determined on such terms unless, following the making of relevant representations, the Council considers it necessary to reject the application or vary those terms for the purposes of the Licensing Objectives.

#### 14.0 **Consultation on Applications**

- 14.1 This section of the policy outlines the licensing consultation process. The aim of the consultation is to provide the opportunity for all parts of the community to be involved in the licensing process.
- 14.2 The applicant will be required to advertise a licence application for the grant, renewal or variation of a licence. Application procedures and public consultation required for each type of licence will be in accordance with the Act
- 14.3 In addition to the statutory requirements regarding advertisements and notification of applications, the Council may:
- Post notification on the Council's website.
  - Notify Ward Members and also those Ward Members of Wards on or near the site boundary.
  - Notify neighbouring Councils on or near the site boundary.



## 15.0 Complaints Against Licensed Premises

- 15.1 Complaints relating to the activities carried out at licensed premises of any description will be referred to the Council's Licensing Services. Where appropriate complainants **may** be encouraged to raise the complaint directly with the licensee or business concerned.
- 15.2 The Council where practicable will seek to facilitate mediation between applicants, relevant statutory agencies and occupiers of nearby premises, local residents groups, community or interested groups where significant issues have arisen relating to a licence application or the operations of licensed premises. The Council, where possible, will facilitate mediation through:
- Identification of potential issues for other relevant statutory agencies particularly regarding the safety and amenity of local residents.
  - Negotiation of, if possible, potential conditions to reflect resolutions agreed at mediation forums.
- 15.3 Where mediation is not practicable or fails the Council will arrange for a hearing to review the licence or application.
- 15.4 This process if used will not override the right of any interested party to ask that the Council consider its valid objection or for any licence holder to decline to participate in a mediation meeting.
- 15.5 The Council will disregard any representations which are irrelevant, frivolous and/or vexatious.
- 15.6 A senior police officer may, under section 161 of the Licensing Act 2003, close a premises in the interest of public safety for up to 24 hours on the grounds of likely or imminent disorder on or in the vicinity of the premises. Premises may also be closed if a public nuisance is being caused by noise from the premises.
- 15.7 Additionally a review of the licence will take place within 28 days of any action by the police to close down the premises for up to 24 hours or longer if so granted by the Magistrates' Court on the grounds of disorder or public nuisance – Annex L of the Secretary of State's Guidance and section 167 of the Licensing Act 2003.

## 16.0 **Enforcement Policy**

- 16.1 The Council has a long established licensing enforcement policy, based around the principles of consistency, transparency and proportionality set out in the Department of Trade and Industry's Enforcement Concordat and which also takes into account the Attorney-General's Guidelines to Crown Prosecutors for bringing prosecutions.
- 16.2 The enforcement policy proposes that a graduated response is taken where offences against licensing legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain records, may be dealt with purely by way of a written warning whilst more serious offences which have either been committed over a period of time or which jeopardise public safety, such as failing to maintain fire extinguishers properly, may result in a referral for prosecution.
- 16.3 The Council will seek to work actively with the police, fire and any other relevant authority to enforce the licensing legislation. It expects the police to share information about licensees and licensed premises under the Crime and Disorder Act 1998 and its common law powers, to consult closely with the Council when any enforcement action may be required and expects the police to continue using their powers under criminal law.
- 16.4 The Council **Licensing Services Team** will employ **dedicated** licensing enforcement officers to investigate allegations of unlicensed activities and to ensure that licence conditions are complied with.
- 16.5 The Council will from time to time carry out test purchasing exercises to establish whether the law it enforces is being adhered to. Where appropriate this will involve the use of under-age children to test compliance with the law relating to age restricted sales and supply. Any such exercise using children will be conducted in accordance with the Home Office/LACORS guidance on best practice (LACORS are the Local Authorities Co-ordinators of Regulatory Services).
- 16.6 The Council will carry out its responsibilities for enforcement so as to promote the four Licensing Objectives and will aim to ensure enforcement is fair, open, reasonable, consistent and proportionate.
- 16.7 Relevant Offences are defined in Part 7 of the Act.

## 16.8 **Appeals**

Where an applicant is aggrieved by a condition, decision or relevant representation from a responsible authority or relevant person, there is a right of appeal. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Council of the decision and must be made to the Magistrates' Court.

In respect of Personal Licences, refusal to issue or revocation these appeals must be made to the Magistrates' Court in the area where the licence was issued.

Appeals in relation to all other licences must be made to the Magistrates' Court where the premises or event is situated.

## 17.0 Administration, Exercise and Delegation

- 17.1 The Council is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. The Powers under the Act also allow for delegation of power/functions to Licensing Sub-Committees or to one or more officers.
- 17.2 Appreciating the need to provide a speedy, efficient and cost effective service to all parties involved in the licensing process, the Council has taken advantage of these powers and has established a Licensing Committee/Sub-Committees.
- 17.3 Many of the decisions and functions are largely administrative in nature such as the grant of non-contentious applications, including for example those licences and certificates where no representations have been made. These will be delegated to Council officers. All such matters dealt with by officers will be reported for information to the next Licensing Committee meeting ***upon request***.
- 17.4 Applications where there are relevant representations will be dealt with by the Licensing Committee/Sub-Committee, unless such representations are considered irrelevant, frivolous or vexatious or unless the Council, the applicant and everyone who has made representations agree that a hearing is not necessary (usually after successful mediation).
- 17.5 Appendix 2 sets out the agreed delegation of decisions and functions of the Licensing Committee, Sub-Committees and officers. The various delegations include delegation to impose appropriate conditions.
- 17.6 This scheme of delegations is without prejudice to the right of relevant parties to refer an application to a Licensing Sub-Committee or the full Licensing Committee if considers appropriate in the circumstances of any particular case.
- 17.7 Unless there are compelling reasons to the contrary, the Council will require the Licensing Committee or any of its Sub-Committees to meet in public, although Members can retire into private session to consider their decision.
- 17.8 'Relevant representations' are representations as defined by section 18 of the Act:
- a. About the likely effect of the Premises Licence on the promotion of the licensing objectives
  - b. Made by an interested party or a responsible authority, have not been withdrawn and, in the case of representations made by an interested party they are not in the Council's opinion irrelevant, frivolous or vexatious.
- 17.9 'An Interested Party' means any of the following as defined by section 13 of the Act:
- a. A person living in the vicinity of the premises
  - b. A body representing persons who live in that vicinity
  - c. A person involved in a business in that vicinity or
  - d. A body representing persons involved in such business

## 18.0 **Policy Consultation & Review**

- 18.1 The initial Policy came into effect on the 7<sup>th</sup> February 2005 and was replaced by a revised ***policy on the 17<sup>th</sup> October 2007, the new policy is both an interim revision of the current policy and will also constitute the new policy for the next statutory period of 3 years from 7<sup>th</sup> January 2011.***
- 18.2 In developing and reviewing this policy the Council will consult widely to ascertain an appropriate licensing framework for this area. The bodies consulted have included those specified in section 3 of the Government Guidance:
- The police
  - The fire authority
  - Current licence holders
  - Representatives of the local licensed trade
  - Representatives of local businesses and residents
- 18.3 In addition the Council will consult:
- Representatives of the local strategic partnership
  - Licensing solicitors
  - London Ambulance Service
- 18.4 **Monitoring and Review of Policy**  
The police, fire authority and other consultees will be encouraged to report to the Council annually on the operation of the licensing function.
- 18.5 The Council is also required to take into account any guidance issued by the Secretary of State. Following consultation, any revisions to this Policy shall be published.

## 19.0 Further Information

Further information about the Licensing Act 2003 and the Council's licensing policy can be obtained from:

Licensing Services  
London Borough of Lewisham  
**5<sup>th</sup> Floor**  
Laurence House  
1 Catford Road  
London SE6 4RU

Tel: 020 8314 6400  
Fax: 020 8314 3086  
Email: [licensing@lewisham.gov.uk](mailto:licensing@lewisham.gov.uk)  
Website: [www.lewisham.gov.uk](http://www.lewisham.gov.uk)

Information on current planning consents and planning application procedures is also available from:

Planning  
London Borough of Lewisham  
Fifth Floor  
Laurence House  
1 Catford Road  
London SE6 4RU

Department for Culture, Media and Sport  
2-4 Cockspur Street  
London  
SW1Y 5DH

Tel: 020 7211 6200  
Email: [enquiries@culture.gov.uk](mailto:enquiries@culture.gov.uk)  
Website: [www.culture.gov.uk](http://www.culture.gov.uk)

The Local Government Licensing Forum

Website: [www.lglf.org](http://www.lglf.org)

**The policy is also made available on the Council's website.**

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

## Public Information

The Register of Premises Licences and Personal Licence holders will be available for inspection by appointment during normal office hours following implementation of the policy.

## Definitions

In this policy the following definitions are included to provide an explanation of certain terms included in the Act and therefore in the policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

### **‘Amusement with Prizes’**

The use of machines which are constructed or adapted for playing a game of chance by means of the machine and have a slot or other aperture for the insertion of money or money’s worth in the form of cash or tokens.

### **‘Appointed Days’**

The 7 February 2005 *was* the first appointed day when applications *were* made to local authorities for the new licences. On the second appointed day, the old law *ceased* to have effect, all the new licences *came* into force and the responsibilities of the existing Magistrates’ Court Licensing Committees *ended*.

### **‘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 Council’s decision. On appeal a Magistrates’ Court may dismiss the appeal; substitute its own decision; remit the case to the Council with directions and make an order for costs.

### **‘Authorised Persons’**

‘Authorised Persons’ are specified people who have statutory duties in relation to the inspection of premises, e.g. licensing offices, police, fire, health and safety, environmental health.

### **‘Interested Parties’**

‘Interested Parties’ are persons living in the vicinity of the premises; a body representing such persons; a person involved in business in the vicinity; or a body representing businesses in the vicinity.

### **‘Responsible Authorities’**

‘Responsible Authorities’ include the police, fire, enforcing authority for health and safety, planning authority, environmental health, bodies responsible for child protection and other specified authorities. Only these groups can make representations about an application for a Premises Licence.

### **‘Closure Order’**

New powers for the police and courts to close premises. The 2003 Act significantly extends the existing powers of the police to see court orders in a geographical area that is experiencing or likely to experience disorder or to close down instantly individual licensed premises that are disorderly, likely to become disorderly or are causing a noise nuisance.

### **‘Club Premises Certificate’**

A certificate which licences a qualifying club for the sale/supply of alcohol. It can be granted to members clubs which comply with specific conditions e.g. membership rules, run by club committees, profits go to members not an owner etc. Club Premises Certificates replace registration under the Licensing Act 1964. The law for members clubs has changed relatively little under the 2003 Act. There is no time limit on the duration of the certificate but it may be withdrawn, surrendered or suspended.

### **‘Conditions’**

A premises licence may be granted subject to conditions. These may be in respect of different parts of the premises and different licensable activities. There is no power to impose conditions on a Personal Licence. The Secretary of State’s Guidance provides ‘the only conditions which should be imposed on a Premises Licence or Club Premises Certificate are those which are necessary for the promotion of the Licensing Objectives. Accordingly, if the existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the Premises Licence holder’. Conditions must be proportionate and tailored to size, style, characteristics and activities taking place at the premises concerned.

### **‘Designated Premises Supervisor’**

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 him/herself (who must also be a Personal Licence holder).

### **‘Interim Authority Notices’**

Where a Premises Licence lapses due to death, incapacity or insolvency etc of the holder, specified persons can within **28** days serve an interim authority notice on the licensing authority. This revives the licence, subject to police objection, for a period of up to 2 months so the premises can continue trading. This is the equivalent to ‘interim authorities’ and ‘protection orders’ under the Licensing Act 1964.

### **‘Late Night Refreshment’**

The supply of hot food and/or drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00pm and 05.00am.

### **‘Licensable Activity’**

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club, or to the order of a member of the club
- The provision of Regulated Entertainment
- The provision of Late Night Refreshment

### **‘Licensing Authority’**

London Borough of Lewisham

### **‘Licensing Objectives’**

The objectives of licensing set out in the Act:

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

The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives.

#### **‘Licensed Premises’**

Includes club premises and events unless the context otherwise requires.

#### **‘Mandatory Conditions’**

These are conditions imposed in accordance with the Act *including those contained in Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010*

#### **‘Objection Notice’**

A procedure whereby the police can object to the grant of a Personal Licence on the grounds that having regard to convictions of the applicant for relevant offences, the grant would undermine the crime prevention objective.

#### **‘Operating Schedule’**

A document containing a statement of the following matters (and any others that may be prescribed):

- Steps taken by the licence holder to tackle the four licensing objectives
- The licensable activities to be conducted on the premises
- The times during which the licensable activities are to take place and any other times when the premises are open to the public
- Where the licence is required only for a limited period, specify that period
- Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the Designated Premises Supervisor

#### **‘Personal Licence’**

A licence granted to an individual which authorises that person to supply alcohol or authorise the supply of alcohol in accordance with a Premises Licence. The licence lasts for 10 years and can be renewed. It ceases to have effect when revoked, forfeited, surrendered or suspended. A Personal Licence holder is not required where the premises concerned does not supply alcohol as one of its licensable activities. A Personal Licence holder is also not required for the supply of alcohol in a club which holds a Club Premises Certificate. Only the police can object to the grant of a Personal Licence (there is no equivalent to relevant representations as for Premises Licences).

#### **‘Premises Licence’**

A licence granted in respect of any premises. The licence authorises the premises to be used for one or more licensable activities and has effect until revoked, surrendered or on the death, insolvency etc of the holder. Applications are dealt with by the local authority licensing committee in the area where the premises are situated.

#### **‘Provisional Statement’**

A procedure by which the licensing authority can give a statement approving for licensing purposes proposals for a premises being built or in the course of being constructed. Equivalent to a ‘provisional grant’ under the Licensing Act 1964. Where a provisional statement is made, subject to limited exceptions, the full licence must normally be granted once the premises are complete.

#### **‘Qualifying Club’**

Club Premises Certificates will be issued to Qualifying Clubs formerly Registered Members Clubs. To be eligible for a Club Premises Certificate the club/organisation members must have joined together for a particular social, sporting or political purpose



and then have combined to purchase alcohol in bulk as members of the organisation for supply to member and their guests. Qualifying conditions are specified in section 61 of the Act and the Council must be satisfied that these conditions have been met, including evidence to support that the club is non-profit making and that there is a minimum of 48 hours delay between application and acceptance of new members. The club must be established and conducted in 'good faith' (this involves consideration of details such as club finances).

#### **'Regulated Entertainment'**

- the performance of a play
- the exhibition of a film
- an indoor sporting event
- boxing or wrestling entertainment
- performance of live music
- playing of recorded music (excluding incidental music)
- a performance of a dance
- entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.
- (or entertainment of a similar description falling within the last three of the categories listed above), where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators

#### **'Relevant Representations'**

The 2003 Act does not use the term 'objections'. Instead authorised persons, interested parties and responsible authorities may be able to make relevant representations about an application for a licence. Representations must relate to the licensing objectives and where made by an interested party must not be irrelevant, frivolous or vexatious. When considering an application from an interested party or responsible authority the local authority need only consider relevant representations. The making of relevant representations engages the licensing authorities discretion to take 'steps' consistent with the licensing objectives when considering the application.

#### **'Review of Licence'**

Where a Premises Licence is in force an interested party or responsible authority may apply to the Council for it to be reviewed. The Council must hold a hearing to review the licence and as a result must take any necessary steps to promote the Licensing Objectives, such as modification of conditions, exclusion of licensable activities, removal of the premises supervisor, suspension of the licence for up to three months, or the revocation of the licence.

#### **'Responsible Authority'**

- The Chief Officer of Police in the area where the premises are situated
- The Fire Authority in the area where the premises are situated
- The enforcing authority for Health and Safety at work
- The local Planning Authority
- The local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
- The body representing matters relating to the protection of children from harm.
- In relation to a vessel, a navigation authority, the Environment Agency, or the British Waterways Board

### **‘Statement of Licensing Policy’**

Each licensing authority must publish a statement of licensing policy. There is a requirement to consult on the policy and keep it under *regular* review.

### **‘Supervisor’**

Responsible for supervision of the premises e.g. the day-to-day manager. Any premises where alcohol is supplied as a licensable activity must have a Designated Premises Supervisor.

### **‘Temporary Event Notice’**

A permitted Temporary Activity involving one or more licensable activities subject to the following various conditions and limitations:

- Duration - they are limited to events lasting for up to 96 hours.
- Scale - they cannot involve the presence of more than 499 people at any one time.
- Use of the same premises - the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used.
- The number of notices given by one individual within a given period of time - a
- Personal Licence holder is limited to 50 notices in one year and any other person to 5 notices in a similar period.
- (If these conditions are not fulfilled, the Temporary Event would require a Premises Licence if it were currently unlicensed for the activity involved).

### **‘Transfer’**

A procedure where an application can be made to transfer the Premises Licence into a new name e.g. if a Premises Licence holder sells his premises an application may be made to transfer the premises licence to the new owner.

**DELEGATION OF FUNCTIONS**

<b>Matter to be dealt with</b>	<b>Full Licensing Committee</b>	<b>Licensing Sub-Committee</b>	<b>Officers</b>
Application for Personal Licence		If a police objection	If no objection made
Application for Personal Licence with unspent convictions		All cases	
Application for Premises Licence / Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application for Provisional Statement		If a relevant representation made	If no relevant representation made
Application to vary Premises Licence / Club Premises Certificate		If a relevant representation made	If no relevant representation made
<b>Application for Minor Variation. Premises Licence / Club Premises Certificate</b>			<b>In all cases</b>
Application to vary Designated Premises Supervisor		If a police objection	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of Premises Licence		If police objection	All other cases
Application for Interim Authorities		If police objection	All other cases
Application to review Premises Licence / Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.			All cases
Decision to object when LA is a consultee, not the relevant authority considering the application		All cases	
Determination of a police objection to a Temporary Event Notice		All cases	

### LICENSABLE ACTIVITIES

This Statement of Licensing Policy relates to the licensable activities defined by the Act, namely:

- Retail sales of alcohol
- The supply of alcohol by or on behalf of a club
- The provision of Regulated Entertainment, being
- the performance of a play
- the exhibition of a film
- an indoor sporting event
- boxing or wrestling entertainment
- performance of live music
- playing of recorded music (excluding incidental music)
- a performance of a dance
- entertainment of a similar description to that falling within e) to g) above where the entertainment takes place in the presence of an audience
- The provision of late night refreshment at any time between 11.00pm and 5.00am for consumption on or off the premises

**NEW CROSS CORRIDOR CUMULATIVE IMPACT ZONE**

Amersham Vale

Amersham Road

Besson Street

Briant Street

Deptford Bridge

Deptford Broadway

Deptford Church Street

Deptford High Street

Dixon Road

Faulkener Street

Florence Road \*

Hatcham Park Road

Harts Lane

Harton Street

Kender Street

Laurie Grove

Lewisham Way \*

Lubbock Street

Mulberry Mews

Mylis Close

New Cross Road

Parkfield Road

Pragnell Street \*

Pankhurst Close

Romney Close

Tanners Hill

Watsons Street

Wilshaw Street

**BLACKHEATH VILLAGE CUMULATIVE IMPACT ZONE**

Blackheath Grove

Grotes Place

Lawn Terrace

Montpelier Row

Montpelier Vale

Paragon Place

Royal Parade

Tranquil Vale

Wemyss Road