



## Mayor and Cabinet

### Statement of Licensing Policy 2020-25

**Date:** 11 November 2020

**Key decision:** Yes

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:**

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### Outline and recommendations

The Licensing Act 2003 provides Local Authorities with a duty to review its Statement of Licensing Policy for premises licensed for alcohol and entertainment every five years. The Lewisham Statement of Licensing Policy was last reviewed in 2015.

The revised Statement of Licensing Policy has been subject to necessary statutory public consultation during February to April 2020. Feedback from the consultation has been fully considered and further amendments made to the revised policy.

For Mayor and Cabinet to:

1. Note the revisions to the Statement of Licensing Policy.
2. Agree that the revised Statement of Licensing Policy for 2020-2025 be presented to Full Council for it to be formally determined and published.

### Timeline of engagement and decision-making

16 January 2020 - Cabinet Member Briefing

7 February 2020 – 6 week Consultation Start Date (extended to 8 weeks due to Covid-19 Pandemic)

3 March 2020 - Mayor & Cabinet Briefing

22 July 2020 - Consultation with Licensing Committee

11 November 2020 - Mayor and Cabinet

26 November 2020 - Full Council

## 1. Summary

- 1.1 The Licensing Act 2003 provides Local Authorities with a duty to review its Statement of Licensing Policy every five years. The Lewisham Statement of Licensing Policy was last reviewed in 2015.
- 1.2 The London Borough of Lewisham's ('the Licensing Authority') Statement of Licensing Policy sets out the matters which the Licensing Authority will take into consideration when determining licence applications and covers all licensed premises throughout the Borough. When drawing up the Policy, the Licensing Authority has considered the need to promote the four licensing objectives under the Licensing Act 2003 at all times in its decision making.
- 1.3 The Policy relates to applications for the following activities:
  - Supply of alcohol by retail
  - Supply of alcohol on behalf of a club
  - Regulated Entertainment
  - Late Night Refreshment
- 1.4 The revised Statement of Licensing Policy can be found in Appendix 2.
- 1.5 The revised policy has been subject to necessary statutory public consultation during February to April 2020 (the initial consultation was extended due to Covid-19 pandemic). Feedback from the consultation has been fully considered and further amendments have been made to the revised policy.

## 2. Recommendations

- 2.1 That Mayor and Cabinet note and approve the following:
  1. Note the revisions to the Statement of Licensing Policy.
  2. Agree that the revised Statement of Licensing Policy for 2020-2025 be presented to Full Council for it to be formally determined and published.

## 3. Policy Context

- 3.1 The Statement of Licensing Policy assists the Council in meeting its priorities set within the Corporate Strategy 2018-22:
  - **Open Lewisham** - Lewisham is a welcoming place of safety for all, where we celebrate the diversity that strengthens us.
  - **Building an inclusive local economy** - Everyone can access high-quality job opportunities, with decent pay and security in our thriving and inclusive local economy.
  - **Building safer communities** - Every resident feels safe and secure living here as we work together towards a borough free from the fear of crime.
- 3.2 Paragraph 4.2 (a) of Article 4 of the Council's Constitution confirms that the Statement of Licensing Policy (Alcohol and Entertainment) is a policy which, when adopted by members sitting at Full Council, it will make up the Council's policy framework.
- 3.3 The Policy also feeds in to the Vision for Evening and Night Time Economy Offer in Lewisham 2019 and also the work of the Lewisham Backs Business Task Group created to develop and coordinate an integrated response to supporting business recovery

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quickly, inclusively and sustainably from the disruption of COVID-19. Details of the task group are outlined on the Council website alongside information to support local businesses that will be kept up to date as changes emerge.

#### **4. Background**

- 4.1 The purpose the Licensing Policy is to outline the approach that the London Borough of Lewisham will take to implementing the Licensing Act 2003 and promoting the licensing objectives as set out in the act.
- 4.2 The licensing objectives are:
- Prevention of crime and disorder
  - Public safety
  - Prevention of public nuisance
  - Protection of children from harm
- 4.3 The Licensing Authority must have regard to promoting these licensing objectives in all of its decision making and when carrying out its licensing functions under the Licensing Act 2003. Licensed premises are required to have regard to promoting these licensing objectives when undertaking licensed activities.
- 4.4 The scope of the policy relates to the provision of licences for the undertaking of licensable activities as set out in Licensing Act 2003. The Act regulates the following licensable activities:
- The sale by retail of alcohol
  - The supply of alcohol by or on behalf of a club to a member of the club
  - The provision of “late night refreshment” between 23:00 and 5:00
  - The Provision of “regulated entertainment” to a public audience or club members or with a view to make a profit, including the following activities;
    - Performance of a play
    - Exhibition of a film
    - Indoor sporting events
    - boxing or wrestling entertainment
    - performance of dance
    - performance of live music
    - playing of recorded music
- 4.5 The Act provides for four different types of authorisation as follows:
- Personal licences – to sell or authorise the sale of alcohol from a premises in respect of which there is a premises licence.
  - Premises licences – to use a premises for licensable activities.
  - Club premises certificates – to allow a qualifying club to engage in qualifying club activities.
  - Temporary event notice (TENs) - to carry out licensable activities at a temporary event.
- 4.6 The Council is responsible for the administration and determination of applications for the above authorisations, as well as the transfer, variation, review, surrender and suspension processes related to those authorisations.

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#### 4.7 The Licensing policy aims to:

- To help inform Members of the Licensing Committee to make decisions on licensing matters.
- To provide information for applicants, residents, licensees, and responsible authorities under the Act on their roles and responsibilities within the licensing system and outline the parameters under which the Licensing Authority will make its decisions.
- Set out the expectations the Licensing Authority has of its applicants and licensees in adhering to their legal responsibilities and to promote of licensing objectives.
- To create a foundation upon which the Licensing Authority will undertake its functions in promoting the licensing objectives and the wider aims of the Licensing Act 2003 whilst also striking a balance with the need to encourage responsible business ownership in the borough that provides a range of diverse entertainment and cultural provision for residents and visitors to enjoy.

#### 4.8 The revised Section 182 statutory guidance also outlines five other key aims and purposes under the legislation. These are:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Giving the police and licensing authorities the powers they need to effectively manage and police the night time economy and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decision that may affect them.<sup>1</sup>

### 5. Review of Lewisham's Licensing Policy

5.1 Section 5 of the Licensing Act 2003 requires each licensing authority to prepare and publish a statement of its Licensing Policy every 5 years. The previous statement of Licensing Policy was subject to public consultation during 2015 and a revised policy published for November 2015.

5.2 The policy statement can be reviewed and revised by the licensing authority at any time but as a minimum this must be done every 5 years.

5.3 Before determining its policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:

- the chief officer of police for the area;
- the fire and rescue authority for the area;
- each local authority's Director of Public Health in England (DPH)
- persons/bodies representative of local premises licence holders;

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<sup>1</sup> Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018, page 1, section 1.5

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- persons/bodies representative of local club premises certificate holders;
- persons/bodies representative of local personal licence holders; and
- persons/bodies representative of businesses and residents in its area.

5.4 In line with statutory requirements, Lewisham’s Licensing Authority published its revised version of the Licensing Policy for 2020-25 which went out to public consultation for 6 weeks on 7 February 2020 and was extended for a further 2 weeks due to Covid-19. Further submissions were submitted by residents after this date, which were all considered in the policy review.

5.5 The consultation was advertised on the Lewisham council website and sent to all consultees on the consultee list below. Additionally a newspaper advert was also published in the Lewisham & Catford News shopper on 19 February 2020 and a public notice was also advertised outside the Civic Suite.

5.6 The following list of consultees will be directed contacted for feedback on these revisions to the policy:

- Metropolitan Police
- London Fire Brigade
- Public Health
- Planning
- Home Office Immigration
- Trading Standards, Noise Enforcement (CER)
- Children’s Services

- All Lewisham Premises Licence Holders

- All Lewisham Councillors
- All Lewisham MPs

- Blackheath Society
- Deptford Society
- Culverley Green Residents Association
- Lewisham Assemblies Contacts Lists
- Neighbourhood Watch Coordinators

- Lewisham Registered Social Landlords
- Safer Lewisham Business Partnership
- CGL
- Thames Reach
- 999 Club
- Alcoholics Anonymous
- Alcohol Concern
- Metro Charity

## 6. Consultation Response

6.1 The consultation received the following responses:

Residents	12
Residents Associations	2

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Local Amenity group	1
Association representing Businesses	1
Elected Members	1
Responsible Authorities	2 (Police, Public Health)

6.2 Officers also met with Licensing Committee Members, residents groups, Lewisham Police and Public Health officers to discuss the proposed revisions. A Mayor and Cabinet briefing was held on 3 March 2020.

6.3 Below is a summary of feedback:

Organisation /Group	Feedback
Metropolitan Police	<ul style="list-style-type: none"> <li>• Satisfied with the revised statement and confident that sufficient measures in place to manage impact of licence applications and promote licensing objectives.</li> </ul>
LBL Public Health	<p>Advised the Licensing Authority to consider the following:</p> <ul style="list-style-type: none"> <li>• Amendments to policy to update health information for borough.</li> <li>• Supported inclusion of 'school superzone' in the list of considerations for the Licensing Authority under the licensing objective of protection of Children Harm, and advised the policy include updated information around school superzones and impact of alcohol harm on young people.</li> <li>• Additional information around young people and alcohol as outlined in the health and social care centre information report (Smoking, Drinking and Drug Use among Young People in England, 2018).</li> <li>• Raised concerns over the removal of the CIZs in New Cross and Blackheath.</li> <li>• Requested more detail on approach to vertical drinking premises.</li> </ul>
Residents & Residents / Amenity Groups	<ul style="list-style-type: none"> <li>• Clearer detail needed around reporting of ASB/crime/noise nuisance</li> <li>• More detail on how residents can engage in consultation process on applications and where to find up to date information.</li> <li>• More detail on how to make representations and what to include.</li> <li>• Amend Night Time economy references to suggest a favour towards residents needs more than business needs.</li> <li>• Consultation requirements should place more focus on encouraging applicants to widely advertise and take additional steps that minimum required by law.</li> <li>• Better liaison between planning and licensing</li> <li>• More detail on enforcement process</li> <li>• Amend Deptford and Blackheath to a local hub not a district hub (preferred hours of closure set out in policy 11 are earlier in a local hub than a district hub).</li> <li>• General concerns over removal of CIZs in New Cross and Blackheath</li> </ul>
Elected Member Feedback	<ul style="list-style-type: none"> <li>• Beckenham Place Park licensing arrangements and use of the park; suggestion that there should be similar policy as</li> </ul>

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	Blackheath events – passed over to Regeneration and Parks Departments.
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**7. Changes to Policy Statement**

7.1 The following revisions were made before consultation on the policy:

- Further information around ‘character of the borough’.
- Inclusion of 18 clearly outlined polices that the Licensing Authority will consider when undertaking its duties under the licensing regime, licensable activities, including management of outside spaces, noise management, preferred hours of sale and location, delivery services and outdoor events.
- Removal of Cumulative Impact Zones in New Cross and Blackheath due to lack of evidence to suggest they are required. (Since April 2018, such Zones have been re-termed ‘Cumulative Impact Assessments’.)

<p>The previous statement of licensing policy has been rewritten and reformatted to include the following:</p> <ul style="list-style-type: none"> <li>• Part A Introduction and Overview of Legislative Framework</li> <li>• Part B Policies and Principles</li> <li>• Part C – Appendices</li> </ul>	
<p>Part A includes the following revisions:</p>	<ul style="list-style-type: none"> <li>• Amendments to information on ‘Lewisham Borough’.</li> <li>• Refresh of information around purpose and scope of the policy.</li> <li>• Outline of relevant local and national strategies</li> <li>• Comprehensive overview of licensing objectives, potential activities that may undermine these objectives and an outline of measures that can be undertaken to promote licensing objectives.</li> </ul>
<p>Part B include the following revisions:</p>	<ul style="list-style-type: none"> <li>• Inclusion of 18 clearly outlined polices that the Licensing Authority will consider when undertaking its duties under the licensing regime.</li> <li>• These policies cover a range of concerns linked to licensable activities, including management of outside spaces, noise management, preferred hours of sale and location, delivery services and outdoor events.</li> <li>• Under the Cumulative Impact Policy/Assessment section, it is proposed that the existing CIPs should cease due to a lack of evidence for the requirement to maintain them.</li> <li>• Updated guidance on expectations of applicants in completing operating schedules for licence applications and considerations they should undertake around promoting licensing objectives.</li> </ul>
<p>Part C includes the following revisions:</p>	<ul style="list-style-type: none"> <li>• Addition of table of Documents which demonstrate entitlement to work in the UK</li> <li>• Table of relevant offences under the 2003 Act.</li> </ul>

7.2 Following a review of the consultation responses, it was decided that a number of areas needed further amendments to strengthen the policy around the following:

- ensuring residents were clear on how to engage in the licensing process, how to make representations and report concerns and what they could expect from the licensing authority in response.
- Encouraging applicants to consult more widely than statutory requirements and setting expectations that this is normal practice in the borough.
- Acknowledging concern around the classification of Deptford High Street and Blackheath as district hubs with maximum preferred closing time at weekends of 1am,, despite their quiet characteristics during the evening and night time and proximity to residents.
- Amendments to wording to neutralise message around night time economy and purpose of the licensing policy and to provide more detail on expectations of premises operating in night time economy.
- Addition of new Policy 20 – Vertical Drinking.
- More detail on conditions that can be added to licences and inclusion of a list of ‘model conditions’ that applicants and objectors can refer to.

7.3 The following revisions were made after the public consultation:

<p>Part A includes the following revisions:</p>	<ul style="list-style-type: none"> <li>• Amended Aims of policy section 1.8 to be more specific in purpose.</li> <li>• Updated section 2.14 ‘Lewisham Borough’ to reflect most recent information</li> <li>• Amended section 2.19 to remove reference to evening and night time entertainment and replaced with ‘diverse entertainment offer’</li> <li>• Amended section 2.29 and 2.31 ‘Night time economy’ to include a link to the Mayor of London’s Night Time Economy Strategy, remove the word ‘encouraging’ based on feedback from consultation that policy has too much emphasis on night time economy.</li> <li>• Removed detail on advice on promoting Licensing Objections to Part B under Policy 3 Promoting Licensing Objectives</li> </ul>
<p>Part B include the following revisions:</p>	<ul style="list-style-type: none"> <li>• Total of 20 clear policies that the Licensing Authority will consider when undertaking its duties under the licensing regime.</li> <li>• Additional information provided under section 5.1 and 5.7 ‘Applications’ to include link to licensing register on council website</li> <li>• Additional information under section 5.8 steps for considering an application.</li> <li>• Insertion section 5.10 directing applicants to model conditions set out in appendix</li> <li>• Insertion 5.21 expectations on extra consultation steps from applicants in addition to minimum of public notice and newspaper advert.</li> <li>• Amendment section 5.21 to add weblink to public register</li> <li>• Amendment section 5.28 ‘representations’ providing a weblink to website guidance document ‘how to make a representation’.</li> <li>• Insertion of advice on promoting Licensing Objections Policy 3</li> </ul>

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	<p>Promoting Licensing Objectives</p> <ul style="list-style-type: none"> <li>• Additions of section 9.10-12 'enforcement' to provide more detail on steps officers take to address problems, how to report concerns and which services lead on the response.</li> <li>• Additions of 12.8-12.9 under 'outdoor events' to add more detail about what may be required at ESAG and advice around use of purple guide.</li> <li>• Amendment of section 15.6 'hours of sale and location' to amend the hubs category for Deptford High Street and Blackheath. Both are now deemed as local hubs rather than district centres. This change now recommends the preferred closing times in these areas as midnight 7 days a week instead of 1 am at weekends and midnight Monday – Friday.</li> <li>• Addition of 15.8 to explain the purpose of the preferred hours of sale and location table and the right of the committee to grant licences outside of this where they feel licence objectives will not be negatively impacted.</li> <li>• Amendment of section 16.3 to add further detail on guidance around irresponsible drinks promotions.</li> <li>• Insertion section 24. Policy 19 Vertical Drinking to outline expectations to applicants around this type of premises.</li> </ul>
Part C includes the following revisions:	<ul style="list-style-type: none"> <li>• Addition of table of model conditions.</li> <li>• Addition of contact details for advice and reporting problems</li> </ul>

7.4. By making the above revisions, the licensing authority is satisfied that it has addressed the feedback from both statutory and non-statutory consultees to ensure the policy as best possible reflects views of residents, responsible authorities and elected representatives in the borough alongside best practice established around promoting licensing objectives.

7.5 The policy is evidence based, which has resulted in the proposal to remove the existing Cumulative Impact policies (CIPs) (now termed Cumulative Impact Assessments ("CIAs)) in New Cross and Blackheath, however the policy includes a number of measures that will assist with managing licensing objectives, including the preferred hours of sale and location, model conditions and expectations of licensees around management of noise and outside spaces.

7.6 Additionally, the need for a CIA will be kept under constant review, and where issues arise that can be evidenced officers can propose a revision to the licensing policy to also include a CIA at any time, not just at the 5 year statutory review point.

## 8. Financial implications

8.1 The delivery of a comprehensive Licensing policy and service is critical to businesses and residents. Costs incurred through enforcement activity and court action are necessary on occasion and decisions will be taken in line with the Council agreed Enforcement Policy. The Service budgets for this action, but there may be occasions where legal costs will be greater than predicted and decisions will be taken as appropriate on a case by case basis.

## 9. Legal implications

9.1 Section 5 of the Licensing Act 2003 requires the Licensing Authority to prepare and publish a Statement of Licensing Policy every 5 years.

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- 9.2 Any other legal implications relating to the Statement of Licensing Policy are detailed within the 2003 Act; in particular, pursuant to amendment brought into force on 6<sup>th</sup> April 2018 by the Policing and Crime Act 2018, Cumulative Impact Areas, s. 5A Licensing Act 2003 (as amended) introduced 'Cumulative Impact Assessments to replace Cumulative Impact zones. The Licensing Statement must explain how the licensing authority has discharged its duty to have regard to any CIAs.
- 9.3 Part 1A of the Local Government Act 2000, provides that the functions of a local authority in England operating executive functions (in the form of an elected mayor and cabinet) must be discharged by the executive unless those functions are specified not to be the responsibility of the authority's executive by virtue of regulations. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended by 2004 Regulations (2004/2748), provide that the power to determine and publish a licensing authority statement of policy is not an executive function, but is instead a matter only for the Council.
- 9.4 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.5 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.
  - foster good relations between people who share a protected characteristic and those who do not.
- 9.6 The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 9.7 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:
- <http://equalityhumanrights.com/legal-and-policy/equality-act/equalityact-codes-of-practice-and-technical-guidance/>
- 9.8 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
  2. Meeting the equality duty in policy and decision-making
  3. Engagement and the equality duty
  4. Equality objectives and the equality duty
  5. Equality information and the equality duty
- 9.9 The essential guide provides an overview of the equality duty requirements including the

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general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<http://www.equalityhumanrights.com/advice-and-guidance/publicsector-equality-duty/guidance-on-the-equality-duty/>

- 9.10 Licensing Authorities, as defined by the Licensing Act 2003, s.3 (1) are public authorities for the purposes of the Human Rights Act 1998. Accordingly, they are under a duty to act compatibly with Convention rights in the exercise of their functions.

## 10. Equalities implications

- 10.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 10.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

- 10.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

- 10.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<http://equalityhumanrights.com/legal-and-policy/equality-act/equalityact-codes-of-practice-and-technical-guidance/>

- 10.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty

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## 5. Equality information and the equality duty

- 10.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<http://www.equalityhumanrights.com/advice-and-guidance/publicsector-equality-duty/guidance-on-the-equality-duty/>

- 10.7 Licensing Authorities, as defined by the Licensing Act 2003, s.3 (1) are public authorities for the purposes of the Human Rights Act 1998. Accordingly, they are under a duty to act compatibly with Convention rights in the exercise of their functions.

## 11. Climate Change and Environmental Implications

- 11.1 There are no environmental implications associated with this report.

## 12. Crime and Disorder Implications

- 12.1 Section 17 Crime and Disorder Act 1998 places a duty on partners to do all they can to reasonably prevent crime and disorder in their area. The level of crime and its impact is influenced by the decisions and activities taken in the day-to-day of local bodies and organisations. The responsible authorities are required to provide a range of services in their community from policing, fire protection, planning, consumer and environmental protection, transport and highways. They each have a key statutory role in providing these services and, in carrying out their core activities, can significantly contribute to reducing crime and improving the quality of life in their area.
- 12.2 Crime and disorder and nuisance issues may arise around licensed premises or can be caused by unlicensed activity. As outlined in the Statement for Licensing Policy document, enforcement is a priority for the licensing authority where it identifies concerns, and it has a range of tools at its disposal to address those concerns. Additionally, the police are a responsible authority and can object to licence applications where there are identified crime and disorder issues, and can also work with the licensing authority to undertake enforcement action where required.
- 12.3 Where there are complaints of crime, disorder or nuisance issues related to either licensed or unlicensed premises, the licensing authority will investigate working with the Police Licensing officer. Where problems can be evidenced, this can result in objections to any further licence application at point of renewal, or prosecution for unlicensed activity. Other powers could also be used to address unlicensed activity, such as closure orders under the Anti-Social Behaviour, Crime and Policing Act 2014.

## 13. Health and Wellbeing implications

- 13.1 The Licensing Policy has clear links to health implications given it relates to authorisations around alcohol sales. The policy sets out clearly in section 2.20 considerations around public health in the borough. Key aims of policies within the statement are to discourage drunkenness and excessive drinking and encourage licensees to promote licence objectives by including more availability of food and seating within their operating schedules. This is to encourage the enjoyment of alcohol alongside other entertainment, not as the main offer.
- 13.2 The Council has also developed a wide range of initiatives to tackle alcohol related harm through its alcohol delivery plan, the delivery of which is overseen by the Lewisham

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Health and Wellbeing Board. Additionally, Reducing Alcohol Harm is one of the key priorities in the ten year Lewisham Health and Well Being Strategy (2013-23).

#### 14. Glossary

Term	Definition
Appeal	Asking a court to overturn a lower court's decision. If the decision of a court is disputed it may be possible to ask a higher court to consider the case again by lodging an appeal.
Consultation	<p>Before determining its policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:</p> <ul style="list-style-type: none"> <li>• the chief officer of police for the area;</li> <li>• the fire and rescue authority for the area;</li> <li>• each local authority's Director of Public Health in England (DPH)</li> <li>• persons/bodies representative of local premises licence holders;</li> <li>• persons/bodies representative of local club premises certificate holders;</li> <li>• persons/bodies representative of local personal licence holders; and</li> <li>• persons/bodies representative of businesses and residents in its area.</li> </ul>
Cumulative Impact Assessment	<p>A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.</p> <p>14.25 Section 5A of the 2003 Act sets out what a licensing authority needs to do in order to publish a CIA and review it, including the requirement to consult with the persons listed in section 5(3) of the 2003 Act. There must be an evidential basis for the decision to publish a CIA which identifies problems as being caused by the customers of licensed premises. The Licensing Authority must review the policy every 3 years to determine if it remains of the same opinion as set out in the assessment.</p>
Licence	an authority to do something.
Licensing Authority	<p>The Council (London Borough of Lewisham)</p> <p>Under section 3 of the 2003 Act, the licensing authority's area is the area for which the authority acts.</p>

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Term	Definition
Licensee	the holder of a licence to do something.
Licensing Committee	A committee of not less than ten and not greater than 15 Council members to which the discharge of the licensing function is delegated by the Council. The whole committee may sit or delegate its responsibility to sub committees consisting of at least three members.
Licence Objectives	<p>Under section 4 of the 2003 Act the Licensing Authority must promote the following 4 objectives</p> <ul style="list-style-type: none"> <li>• Prevention of crime and disorder</li> <li>• Public safety</li> <li>• Prevention of public nuisance</li> <li>• Protection of children from harm</li> </ul>
Premises Licence	A written authorisation from the Licensing Authority allowing a premises to carry out Licensable Activities under the Licensing Act 2003.
Purple Guide	The <b>Purple Guide</b> has been written by The Events Industry Forum in consultation with the events industry. Its aim is to help those event organisers who are dutyholders to manage health and safety, particularly at large-scale music and similar events.
Relevant Representation	A representation that is specific to the premises in question, related to the four licensing objectives and/or the local licensing policy.
Responsible Authorities	<p>Public bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:</p> <ul style="list-style-type: none"> <li>• Licensing Authority</li> <li>• Chief Officer of Police</li> <li>• London Fire Brigade</li> <li>• Trading Standards</li> <li>• Planning Authority</li> <li>• Public Health</li> <li>• Environmental Enforcement (with respect to Noise)</li> <li>• Children's Services</li> <li>• Home Office Immigration</li> </ul>

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Term	Definition
Statement of Licensing Policy	Section 5 of the 2003 Act requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act. During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the licensing objectives are being met.
Variation	Application to make changes to an existing premises licence. A minor variation is one where the application does not negatively impact on licensing objectives, and as such, only requires a 10 day consultation period. A full variation is one that is deemed could negatively impact on licensing objectives and therefore requires a full 28 day consultation process.
Vertical Drinking	Vertical drinking is a term that's come into use to refer to the practice of drinking standing up in a crowded public bar.

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