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# Statement of Licensing Policy 2020-25

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Public Consultation for this policy took place for a period of 6 weeks on the 7 February 2020.  
For further information on this statement please contact [licensing@lewisham.gov.uk](mailto:licensing@lewisham.gov.uk).

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# Part A Introduction and Overview of Legislative Framework

## 1. Purpose of Statement of Licensing Policy

- 1.1 The purpose of this Statement of 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.
- 1.2 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.

## Licensing Objectives

- 1.2 The licensing objectives are:
  - Prevention of crime and disorder
  - Public safety
  - Prevention of public nuisance
  - Protection of children from harm
- 1.3 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.
- 1.4 Each objective is of equal importance under the legislation and should be considered with equal weight. There are no other statutory licensing objectives; the promotion of the four licensing objectives is therefore a paramount consideration for the licensing authority at all times.
- 1.5 The Licensing Authority must also have regard to Section 182 guidance issued by the Home Office, currently the revised guidance issued April 2018, when producing this statement of licensing policy.
- 1.6 The Licensing Authority reserves the right to depart from its own policies where it is necessary and appropriate to do so to promote licensing objectives and the licensing authority will give reasons for this.
- 1.7 The revised Section 182 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>

1.8 This 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.

## 2. Scope of Statement of Licensing Policy

2.1 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

2.2 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.

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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

- 2.3 The Council is responsible for the administration and determination of applications for premises licences, club premises certificates, personal licences, provisional statements, transfers, variation and review applications and temporary event notices.
- 2.4 The Council, acting as the Licensing Authority, has discretion on whether to grant applications for licences and to impose conditions on granting and reviewing licences, only where representations relevant to the licensing objectives are made by 'responsible authorities' under the act or 'other persons' including local residents and businesses. Where no relevant representations are received, it is the duty of licensing authority to grant the licence subject to conditions only consistent with the operating schedule and the mandatory conditions under the Licensing Act 2003. Applicants should be aware that where applications are incongruous with this policy or are likely to negatively impact licencing objectives then they are likely to receive objections from responsible authorities, therefore it is recommended that licence applicants contact responsible authorities when preparing their operating schedules.<sup>2</sup>
- 2.5 Responsible Authorities under the Act are outlined below:

<b>Responsible Authority</b>	<b>Contact Details</b>
Licensing Authority	<a href="mailto:licensing@lewisham.gov.uk">licensing@lewisham.gov.uk</a>
Environmental Health	<a href="mailto:CER@lewisham.gov.uk">CER@lewisham.gov.uk</a> <a href="mailto:environmentalhealth@lewisham.gov.uk">environmentalhealth@lewisham.gov.uk</a>
Child Protection Authority	<a href="mailto:Licensing@lewisham.gov.uk">Licensing@lewisham.gov.uk</a>
Planning Authority	<a href="mailto:planning@lewisham.gov.uk">planning@lewisham.gov.uk</a>
Health and Safety	<a href="mailto:environmentalprotection@lewisham.gov.uk">environmentalprotection@lewisham.gov.uk</a>
Trading Standards	<a href="mailto:CER@Lewisham.gov.uk">CER@Lewisham.gov.uk</a>
Metropolitan Police	<a href="mailto:SE-LicensingLewisham@met.police.uk">SE-LicensingLewisham@met.police.uk</a>
London Fire Brigade	<a href="mailto:FSR-AdminSupport@london-fire.gov.uk">FSR-AdminSupport@london-fire.gov.uk</a>
Director of Public Health	<a href="mailto:PublicHealth@lewisham.gov.uk">PublicHealth@lewisham.gov.uk</a>
Home Office Immigration Enforcement	<a href="mailto:alcohol@homeoffice.gsi.gov.uk">alcohol@homeoffice.gsi.gov.uk</a>

- 2.6 This statement of policy does not undermine the right of any individual to apply under the terms of the Act for a variety of authorisations and have such an application considered on its own merits. Nor does this statement of policy override the right of any person to make a representation on an application or seek a licence review, where provision has been made for them to do so under the Act.
- 2.7 The Licensing Authority may attach conditions to the various authorisations granted and these will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity. This will include the direct impacts of the activities taking place at the licensed premises

<sup>2</sup> Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018, page 1, section 1.15

on members of the public living, working or engaged in normal activity in the area concerned.

- 2.8 However, this Authority recognises that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour caused by individuals once they are away from licensed premises however, it does see it as a key aspect as part of a holistic approach to the management of public nuisance and disorder of the evening and night-time economy.

### **Lewisham Borough**

- 2.9 The London Borough of Lewisham is an Inner South East London Borough covering an area of 13.4 square miles. Lewisham is the 13th largest borough in London by population size and 5th largest in inner London. The population was 300,600 in 2018. Since the 2011 Census, the borough's population has increased by 25,000 and is forecast to reach 318,000 by the 2021 Census. Children and young people, aged 0-19, comprise one in four of all residents, whilst those aged 16-64 (of working age) comprise 70 per cent of the population. Lewisham is one of the most ethnically diverse local authorities in the country. Some 54 per cent of residents describe themselves as White, whilst 46 per cent are of BME heritage. Nationals from more than 75 countries, across five continents, make their home in Lewisham.
- 2.10 Lewisham ranks 48th out of 326 local authority areas in England for relative deprivation (one equal's high deprivation). Deprivation in Lewisham is particularly high in respect of crime and disorder as well as income deprivation affecting both children and adults. The average life expectancy of a Lewisham male is 79.1 years and 83.1 years for female. Both are broadly in line with national averages.
- 2.11 Administratively, the borough is sub-divided into 18 wards. An elected mayor with a cabinet of elected councillors selected by the mayor governs the business of the Council.
- 2.12 The northern part of the Borough contains most of the industrial and commercial areas although in general terms commercial and residential properties co-exist. Lewisham borough is bordered by the Royal Borough of Greenwich to the east, Southwark to the west, and Croydon and Bromley to the South, with the River Thames to the north of the borough.
- 2.13 Lewisham has experienced a number of areas of growth, including housing, business and licensed premises linked to regeneration programmes, notably in the north of the borough in Deptford and New Cross, Lewisham Town Centre (known as Lewisham Gateway) and most recently Catford. The Catford regeneration programme is ongoing with a master plan due in the near future outlining improvements to transport, namely the south circular, and the redevelopment of the town centre.
- 2.14 There has been significant growth in the licensed trade in the borough in recent years. At the time of writing this policy statement there are over 1000 licensed premises on the licensing register, up from 892 at the time of the last policy statement's publication in November 2015. This is an increase of around 20% years in 5 years.
- 2.15 Lewisham is experiencing a growing evening and night time economy within town centre areas including Catford, Lewisham, and smaller hubs such as Forest Hill, in addition to the well-established hubs in New Cross, Deptford, and Blackheath.

- 2.16 The GLA published figures on 24 August 2019 that identified a total of 11 London boroughs saw an increase in the number of pubs between 2017 and 2018, one of which was Lewisham.
- 2.17 Lewisham has a number of popular open spaces and parks including Blackheath and Beckenham Place Park which are experiencing an increase in demand for use to host large cultural and entertainment events.

## Relevant Local Strategies

### Corporate Strategy

2.18 As set out in the council's Corporate Strategy 2018-22, Lewisham has 7 corporate priorities, 3 of which are key aims of this Statement of Licensing Policy:

- **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.

2.19 This Statement of Licensing Policy aims to support these priorities through the promotion of the licensing objectives and working to support licensees in conducting licensable activities responsibly as part of their business to encourage a well-managed diverse entertainment offer in the borough.

### Public Health

2.20 The Council recognises links between poor health and excessive alcohol consumption. As part of the statutory NHS Health Checks programme, which in 2018/19 almost 5,500 Lewisham residents took up, 15% were seen to have excessive alcohol intake. Key points from the Local Alcohol Profile for Lewisham developed by Public Health England are as follows:

- Men living in Lewisham are significantly more likely to be admitted to hospital with alcohol related conditions than England average (broad definition), but not significantly more likely than London (2018-19). For alcohol specific conditions, Lewisham was not significantly different from London and England (2018/19)
- Since 2009/10 the Lewisham trend for admissions episodes for alcohol related conditions for males has broadly been increasing. A similar trend is seen for women, however this was not consistently significantly worse than England.
- Years of life lost due to alcohol related conditions in Lewisham are in-line with the national average but worse than London for both men and women although no significantly different for women.
- Amongst the 33 London boroughs, Lewisham's men have the second highest rates of death from (alcoholic) liver disease and women are in the 21st place (deaths that occurred between 2016-18)
- In Lewisham 130 people died due to alcohol misuse over the period 2009 to November 2015, far more than any other substance.

2.21 The Council has 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

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).

- 2.22 This further stresses the need to ensure licensees undertake responsible management around the sale of alcohol in both the on and off trades, and have regard to the licensing objectives of public safety.
- 2.22 LBL Public Health have implemented an initiative looking at school ‘superzones’ which is identified as the 400m radius around schools and identifying risks to children within this zone. One of these risks identified was alcohol and the proximity of alcohol premises within this radius of a school premises. The Chief Medical Officer advice (2009) is that the healthiest and safest option for children is to remain alcohol free up to 18. If they did drink alcohol it should not be at least until the age of 15. Drinking at a young age can result in physical or mental health problems and is also associated with poorer academic achievement and violent and anti-social behaviour. There is evidence that 44% of young people aged 11-15 years have drunk alcohol at least once, with 17% stating they usually drank alcohol at least once a month. Nearly a fifth of current drinkers usually bought alcohol from a retailer or licences premises (Smoking, Drinking and Drug Use among Young People in England, 2018). There is evidence that exposure to alcohol marketing influences subsequent drinking behaviour in young people, the exposure includes indirect methods such as in-store promotions (Institute of Alcohol Studies). Therefore the Licensing Authority will consider this potential negative impact on young people where applicants and operators have premises near schools or other institutions associated with young people, such as youth clubs. The Licensing Authority expects applicants to have fully assessed their impact on the licensing objective of protection of children from harm and identified ways to mitigate risks and outline these in their operating schedules upon applying for a licence.
- 2.24 Key aims of policies within this 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.

## **Planning**

- 2.25 The local Planning Authority is a responsible authority and can make representations on applications. However it can only make representations related to licensing objectives. The absence of lawful planning use is not itself a matter for licensing, however the Planning Authority will take its own action around planning breaches, and any planning restrictions supersede any permissions on a premises licence. Whilst it is understood that Planning and Licensing are separate regimes governed by their own legislative frameworks, it is also recognised that they do impact on each other, and to residents, they are both administered under one Council.
- 2.24 Therefore the Licensing Authority is committed to working in alignment with the Planning regime as closely as is possible and will share information between services around the type of business being operated at specific premises and the planning use at those premises. Both the Planning and Licensing regimes have powers of enforcement for breaches of use or licence conditions, and each authority will take its own enforcement action where breaches are identified.
- 2.26 The Licensing Authority therefore urges all applicants to ensure they have the correct planning use for the business type they are operating before they apply for their premises licence. Both planning and licensing consents must be in place for a

business to operate legally. If there is a variation between opening hours given on a premise licence and those permitted under planning, the earlier hours will apply.

- 2.27 Planning is the authority which governs how premises are used across the borough. Licensing is the authority that is responsible for individual licensable activities and the impact of those activities on the licensing objectives. The granting of planning permission for a type of use does not limit the licensing authority from considering the licensable activities taking place at that specific premises, their management and conditions appropriate to them to promote licensing objectives.

### **Vision for Evening and Night Time Economy in Lewisham**

- 2.28 During 2019 the Council consulted on an Evening and Night Time Economy Offer in the borough and asked residents, businesses and visitors their feedback on the current offer and what they would like to see more or less of. The feedback from this consultation was used to develop the boroughs vision for the Evening and Night Time Economy Offer, which was published in 2019<sup>3</sup>.
- 2.29 The Vision was developed in cognisance of the launch of the Mayor of London's vision 'From good night to great night: A vision for London as a 24-hour city'<sup>4</sup>.
- 2.30 The Vision for the borough is of safe and attractive town centres providing a diverse night-time economy, which offer decent work, are welcoming and accessible to all, and help to foster creativity while protecting the quality of life for residents. The Vision can also be summarised as offering:
- A diverse, inclusive offer for all communities.
  - A safe and healthy night out.
  - Decent work and an inclusive night-time economy.
  - Well-connected and thriving town centres.
  - A fostering of creativity, music and the arts.
- 2.32 The Licensing Authority will aim to strike a balance between promoting the licensing objectives and a thriving evening and night time economy by ensuring that those premises that operate in that economy are well managed, have suitable conditions to promote licensing objectives, are operated in such a way that reflects the nature of the area within which they are located and are compliant with law.

## **3. Licensing Objectives & Operating Schedules**

### **Operating Schedules**

- 3.1 The licensing objectives are at the heart of the licensing regime:
- Prevention of crime and disorder
  - Public safety
  - Prevention of public nuisance
  - Protection of children from harm
- 3.2 Applicants must demonstrate in their operating schedules as part of an application how they will address and promote each objective. The Licensing Authority will make decisions about new applications, variations and reviews based on the promotion of

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<sup>3</sup>[www.lewisham.gov.uk/mediafiles/imported/eveningandnight-timeoffer](http://www.lewisham.gov.uk/mediafiles/imported/eveningandnight-timeoffer)

<sup>4</sup> [https://www.london.gov.uk/sites/default/files/24\\_hour\\_london\\_vision.pdf](https://www.london.gov.uk/sites/default/files/24_hour_london_vision.pdf)

these licence objectives. Those who make representations on applications to the Licensing Authority and the Licensing Committee must base their representation on these objectives.

- 3.3 These policies aim to assist applicants by setting out considerations that they should have in mind when drafting an operating schedule. They highlight to applicants the likely criteria that responsible authorities will be considering when deciding whether to make representations on an application or when to call a review of the licence.
- 3.4 These considerations will also form the basis of any proposed conditions to be attached to licence to promote licencing objectives.
- 3.5 The Licensing Authority expects all applications to have a full operating schedule provided as part of any application received. Applicants are expected to carry out their own research and where necessary seek the views of the responsible authorities before submitting an application. Where no information is provided, it may result in a representation being made by the licensing authority or a responsible authority. Applicants are expected to demonstrate:
  - Sufficient local knowledge of the area when outlining the steps they will be taking to mitigate any negative impact on licensing objectives.
  - Knowledge of local area including proximity to residential, commercial and other licenced premises and how their activities will likely impact on these;
  - An understanding of the crime levels and types in the area and any problem hotspots where their activities may impact, e.g. areas subject to a PSPO, street congregating;
  - Knowledge of any local youth establishments including schools and youth clubs and areas where children and young people may congregate;
  - Any local initiatives such as the Safer Lewisham Business Partnership, Pubwatch and taxi marshalling that may be useful to link in with to promote licensing objectives.
  - Consideration of any specific policies that apply such as cumulative impact assessments and how their application is an exception to the policy.

## **Part B Principles and Policies**

### **4. General Principles**

- 4.1 This Licensing Authority outlines the following principles as general principles that form the basis of this statement of licensing policy:
  - a) Licensed premises can make a positive contribution to the community they are based in where they are managed responsibly, are compliant with the law, undertake measures appropriately and effectively to promote licensing objectives and engage and work with the local authority and responsible authorities.
  - b) Applicants should have a clear understanding of the locality in which they are or intend to operate and this has been taken into account in their application, in any voluntary conditions proposed and for these to be set out clearly in the operating schedule.
  - c) Existing licensees should regularly review their practices and management approaches to ensure that they are effective in promoting licensing objectives and are current to the issues that affect the area within which they are located

and their customers. This should be done in conjunction with the Licensing Authority and Responsible Authorities where required, and always upon their request.

## 5. Policy 1: Applications

- 5.1 Applications for all licences and consents available under the 2003 Act must be made on the relevant form prescribed under secondary regulations. Applications will not be progressed until the form has been completed in full and received, together with the correct relevant fee and all other required information, by the Licensing Authority and the relevant responsible authorities. This includes section M 'licensing objective considerations' as well as a full operating schedule.
- 5.2 Applications will be progressed in accordance with procedures laid down by the Act and accompanying guidance and regulations. Prospective applicants should refer to the separate relevant guidance documents for further details.
- 5.3 Applications forms are available on the council website at [www.lewisham.gov.uk](http://www.lewisham.gov.uk). This Licencing Authority recommends that all applications are made online and payments made online where online facilities are available.
- 5.4 Where electronic applications are made, the application will be taken as 'given' only when the applicant has submitted a completed application form alongside the appropriate fee.
- 5.5 Additionally applicants for new premises licences and variations are advised that where an application is made online they should not submit their newspaper advert until they have received confirmation from the Licensing Authority that the application is correct and includes all the required information and what the last day for representations will be<sup>5</sup>. Incorrect newspaper adverts will be required to be undertaken again at a cost to the applicant, and the consultation period will be extended as required.
- 5.6 Where applications do not provide sufficient information the Licensing Authority may hold the application whilst waiting for the necessary information form the application. The relevant consultation deadline will be extended as required. Should the Licensing Authority not receive the necessary information it may refuse the application and request the applicant submit a new application.
- 5.7 The licensing register and details of current applications can be also viewed on the council website. <https://lewisham.gov.uk/myservices/business/licences-and-street-trading/licences-issued-by-the-licensing-team/alcohol-and-entertainment-licences/about-alcohol-and-entertainment-licenses>
- 5.8 Steps for considering a licence application:

<b>Application Received</b>
<p>For all applications - Application is fully reviewed and considered by Responsible Authorities and Licensing Officers in line with this Licensing Policy.</p> <p>Public consultation takes place for the statutory time period.</p>

<sup>5</sup> Revised Guidance issued under section 182 of the Licensing Act 2003, page 53, Section 8.27

<b>No Representations</b>	<b>Representations Received</b>
If no relevant representations are made against an application, then the Licensing Authority must GRANT the licence in full.	If relevant representations are received, then a hearing of the licensing Committee must be held to consider the evidence provided by applicants and those making representations. (unless those making representations agree in advance that this is unnecessary. Mediation between the applicant and those making representations can take place up until the point of the hearing).
	<p style="text-align: center;"><b>At the Hearing</b></p> <p>Conditions additional to those offered by the applicant may be considered and added to the licence to promote the licence objectives in order to grant the licence.</p> <p>Alternatively, adjustments may be made to hours of activities applied for to mitigate impact on licensing objectives, or Committee may decide the application should not be granted as licensing objectives will be compromised.</p>

## Conditions

- 5.9 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. Licence conditions:
- must be appropriate for the promotion of the licensing objectives;
  - must be precise and enforceable;
  - must be unambiguous and clear in what they intend to achieve;
  - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
  - must be tailored to the individual type, location and characteristics of the premises and events concerned;
  - should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
  - should not replicate offences set out in the 2003 Act or other legislation;
  - should be proportionate, justifiable and be capable of being met;
  - cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
  - should be written in a prescriptive format.<sup>6</sup>
- 5.10 Appendix V provides a library of model conditions that can be used by applicants to add to their operating schedules to promote licensing objectives. These can also be used by responsible authorities and Licensing Officers.

<sup>6</sup> Revised Guidance issued under section 182 of the Licensing Act 2003, page 4, Section 1.16

## **New Applications**

- 5.11 As outlined in section 3.2-3.5, this Licensing Authority expects all applications to have a full operating schedule provided as part of any application received. Applicants are expected to carry out their own research and where necessary seek the views of the responsible authorities before submitting an application. Where no information is provided, it may result in a representation being made by the licensing authority or a responsible authority.

## **Personal Licences**

- 5.12 Applications for Personal Licences must provide proof of right to work in the UK. Licences must not be issued to individuals who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity. Applicants must provide one of the documents outlined in Appendix IV of this policy in order to demonstrate to the Licensing Authority the right to work in the UK.

## **Variations**

- 5.13 Where a premises licence holder wishes to amend their premises licence, the Act allows, in most cases, for an application to vary the licence to be made rather than requiring an application for a new premises licence. A minor variations process exists for proposed variations to a licence that do not impact negatively upon the licensing objectives. A separate major variations (full variation) process supplements this for variations that carry potential impacts. It should be noted, however, that some proposals to extend the current physical licensed area of the premises concerned may require a new premises licence application to be made. Applicants should discuss their proposals with the Licensing team before submitting an application in order to ensure that the correct route is taken.

## **Applications for Club Premises Certificates**

- 5.14 Club premises certificates may be issued to qualifying clubs, formerly registered members clubs. To be eligible for a club premises certificate the members of the club must have joined together for a particular social, sporting or political purpose and to purchase alcohol in bulk, for supply to members and their guests. Qualifying conditions are specified in Section 61 of the Act and the Licensing Authority must be satisfied that these conditions have been met. This Authority will require evidence to be submitted with any application that supports that the club is non-profit making and that there is a minimum of a two-day interval between the application and the acceptance of new members.

## **Provisional Statements**

- 5.15 While applications for a full premises licence may be made in respect of a premises that is not yet complete, this Council would prefer to see provisional statements sought in the first instance in cases where the responsible bodies are not yet able to confirm that works have been carried out in compliance with agreed schedules and to standard. However, the Council acknowledges that any person falling within section 16 of the Act can apply for a premises licence before new premises are constructed, extended or changed, as long as clear plans of the proposed structure exist and the applicant is in a position to complete an operating schedule. The schedule will need to contain details of:

- The activities to take place there
- The time at which such activities will take place
- The proposed hours of opening

- Where the applicant wishes the licence to have effect for a limited period, that period
- The steps to be taken to promote the licensing objectives
- Where the sale of alcohol is involved, whether supplies are proposed to be for consumption on or off the premises (or both) and the name of the designated premises supervisor the applicant wishes to specify.

### **Provision of scale plans**

5.16 Applicants should note that a current scale plan of the premises should be submitted with each new application for a premises licence and a scale plan of the proposed layout for any application for a variation of a premises licence affecting approved layout arrangements. Plans should normally be submitted in scale 1:100 unless otherwise agreed by this Authority in writing. Plans need not be professionally drawn but must be clear and legible in all material respects and provide sufficient detail for this authority to determine the application. Applicants are asked to note that plans should detail not only the arrangement of internal areas of the premises but also external areas intended to be used as part of the licence. This includes patio or garden areas and any temporary structures such as marquees or smoking shelters.

### **Temporary Event Notices (TENs)**

5.17 The Act provides a system by way of “temporary event notices” for the temporary carrying on of any licensable activity outside of the terms of a premises licence or club premises certificate. Under this system no authorisation as such is required from the licensing authority. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event.

5.18 There are two types of TEN. A standard TEN and a late TEN. All TENs must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act, together with the relevant fee, and be copied to the police and this authority’s environmental protection team. Please see section 10 for further guidance on this Authority’s policy on TENs.

### **Consultation arrangements**

5.19 It is important that the local community is fully aware of local licensing applications being made within its area. Regulations governing the advertising of applications for new premises licences, variation or review of premises licences and club premises certificates require a public notice to be published in the local press and a brief summary of the application to be displayed immediately on or outside premises concerned. Failure to comply with the requirements in full will result in the progression of the application being delayed.

5.20 This Authority understands that regulations to the Act require public notices to be of a size equal or larger than A4; of pale blue colour and printed legibly in black ink or typed in black, in a font of a size equal to or larger than 16.

5.21 Applications may be rejected or consultation time extended on the basis of improper notification if public notices fail to comply with this minimum standard. Therefore to ensure that the notice of application displayed at the premises may be clearly seen and easily read by passers-by, this authority expects the following:

- that public notices be of A3 size in pale blue colour printed legibly in black ink in a font of size equal to or larger than 20.

- this Licensing Authority expects applicants to use paper that is of blue not white tone, so that the public can clearly distinguish the notice as a blue notice and different to a white notice as used for other applications;
- This Authority also asks that the notice summarises the proposed licensable activities and the proposed hours of opening and remains clearly displayed in a position where it may be readily seen by passers-by for the period during which representations may be made. Checks will be made to ensure that the summary is properly displayed.
- Template notices can be found on the Council's licensing pages on the website.

5.22 This Licensing Authority also expects applicants to take steps to consult with the wider community within which their premises is located, including notifying local businesses and neighbouring properties about their proposals in their application. This is especially important for premises where there may be sale of alcohol at later times of the day or regulated entertainment that may impact on neighbours. Early consultation and agreement on any actions to mitigate negative impact at an early stage may prevent objections to an application, or a review of licence being sought after its grant due to problems of nuisance occurring to neighbouring properties.

5.23 The Council supports the consultation process by maintaining a public register for view on the Council's website. This details all current applications (alongside detail of current licensed premises). <https://lewisham.gov.uk/myservices/business/licences-and-street-trading/licences-issued-by-the-licensing-team/alcohol-and-entertainment-licences/about-alcohol-and-entertainment-licenses>

### **Responsible authorities**

5.24 The responsible authorities (see section 2.5) must be notified of, and are entitled to lodge representations about, applications for premises licences or club premises certificates or variations. They may ask the licensing authority to review a premises licence or club premises certificate. Responsible authorities will also provide advice and information on established best management practice. Some information on preparing an operating schedule is contained within this policy but applicants may also wish to consult with the authorities directly.

5.25 This authority advises that it recognises the Lewisham's Safeguarding Children's Board as the body competent to advise on matters concerning the protection of children from harm.

5.26 It should be noted that the Director of Public Health is included as a responsible authority. While health is not included as a licensing objective, the Guidance to the Act recognises that health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions.

### **Representations**

5.27 It is open to any "responsible authority", as defined under the Act, or other person to lodge representations concerning a premises licence or club premises certificate application during the set consultation period.

5.28 A representation will only be "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. A representation that fails to do this is not "relevant" for the purposes of the 2003 Act. It

is for the Licensing Authority to determine on its merits whether any representation by an interested party is frivolous or vexatious.

- 5.28 Representations must be received in writing by the Licensing Authority by the last date for representations. Representations must be signed and dated, provide the grounds of representation in full and include the name and address of the person / body making the representation. Further information on how to make a representation and what to include can be found on the Council's website on the alcohol and entertainment pages<sup>7</sup>.
- 5.29 It should be understood that applicants are entitled to information regarding those who have lodged representations so as to understand the case made against the application.

### **The Licensing Authority acting as Responsible Authority**

- 5.29 Licensing authorities are included within the list of responsible authorities. This role will be undertaken within the authority's Crime, Enforcement and Regulation service. This Authority will determine when it considers it appropriate to act in its capacity as a responsible authority in accordance with its duties under section 4 of the 2003 Act and having regard for this Policy.
- 5.30 Where it is decided to act within the responsible authority role, a separation of duties will be maintained to ensure procedural fairness and eliminate conflicts of interest.

### **Determination of Applications**

- 5.31 In accordance with the provisions of the Act, this authority has established a Licensing Committee with a maximum of 15 members and provision for subcommittees of three members to be drawn from the overall pool of the main committee membership.
- 5.32 In doing so, the Council has sought to establish an efficient and cost-effective system for determinations of licences. Where the Act carries a presumption of grant for applications to which no objection has been made, the administration of the grant will be delegated to officers. All such matters will be periodically reported for information only to the full Licensing Committee.
- 5.33 Where matters are subject of representations, the licensing service will normally attempt to reach a negotiated conclusion through a conciliation process. This process is operated in recognition of the fact that the most workable solutions are normally ones that all parties concerned can sign up to. The conciliation process may include the agreement of conditions on the licence to address concerns or a revision of operating hours or activities. Conciliation can be agreed up until the hearing takes place. Where this is not possible the application and representations to it will be considered by the committee at a public hearing.
- 5.35 Appendix I sets out the schedule of delegation of decisions and functions to Licensing Committee and Officers. This form of delegation is without prejudice to the council's right to redirect an application as appropriate in the circumstances of any particular case.

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<sup>7</sup> <https://lewisham.gov.uk/myservices/business/licences-and-street-trading/licences-issued-by-the-licensing-team/alcohol-and-entertainment-licences/licensing---guidance-on-making-a-representation>

## Licence Reviews

- 5.36 At any stage following the grant of a premises licence, a responsible authority or other persons, may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 5.37 Additionally a review of a premises licence will normally follow in any of the circumstances outlined below:
- Where a premises has been closed by the Police for up to 24 hours on grounds of disorder or nuisance.
  - Where a magistrates court makes a closure order under Part 8 of Licensing Act 2003.
  - Where a magistrates court requests a licence review under sections 80 or 84 of the Anti-Social Behaviour, Crime and Policing 2014 when undertaking a closure order under this act. Provisions of section 167 of the Licensing Act 2003 outline this requirement.
  - Where a court has made an illegal working compliance order under schedule 6 of the Immigration Act 2016 and the Authority has received a notice under that order.
- 5.38 A licence review can have several possible outcomes:
- no action being found necessary,
  - modifying or adding conditions to the licence
  - removal of the designated premises supervisor
  - exclusion of a licensable activity from the scope of the licence
  - temporary suspension for a period not exceeding 3 months
  - Revocation of a licence.
- 5.39 Where a review of a premises licence is sought the application must relate specifically to a particular premises licence, be relevant to the licensing objectives and provide evidence to the allegations and grounds for review.
- 5.40 Before accepting an application for review, the Licensing Authority will review all application for review and will consider that the applications relates to licensing objectives and isn't vexatious or frivolous.
- 5.41 The Licensing Authority may also reject an application made by an interested party if it determines that the ground for the review is repetitious, that it is substantially similar to an earlier review, following which a "reasonable interval" has not passed since the earlier application or alternatively since the grant of the premises licence.
- 5.42 Comments about applications for review can be submitted by responsible authorities and interested parties by the way of representations. Representations may be in support or in objection to an application for review being made.
- 5.43 The Licensing Authority takes all applications for a review seriously and will judge each application on its own merits. However where there are cause for concern that the prevention of crime and disorder objective is being undermined through the premises being in connection with a criminal offence or offences, the section 182 guidance states that it is expected the revocation of the licence, even in the first instance, will be serious considered.<sup>8</sup>

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<sup>8</sup> Revised Guidance issued under section 182 of the Licensing Act 2003, page 94, Section 11.28

- 5.44 The section 182 guidance states that there is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
  - for prostitution or the sale of unlawful pornography;
  - by organised groups of paedophiles to groom children;
  - as the base for the organisation of criminal activity, particularly by gangs;
  - for the organisation of racist activity or the promotion of racist attacks;
  - for employing a person who is disqualified from that work by reason of their immigration status in the UK;
  - for unlawful gambling; and
  - for the sale or storage of smuggled tobacco and alcohol.

## **6. Policy 2: Licensing Fees**

- 6.1 Licensing fees are set and due for payment on the anniversary of the licence. If the licensing fee is not paid by this date, then the licence will be suspended until such fees are paid.
- 6.2 Where a licence is to be suspended the holder will be notified in writing giving at least two working days' notice. The police and other responsible authorities will be informed.
- 6.3 Premises licence applications are dependent upon the non-domestic rateable value of the premises. This value is set by the Valuation Office Agency (VOA) and can be found on the [www.gov.uk](http://www.gov.uk) website.
- 6.4 It is the Licence Holders responsibility to pay fees, the authority will not issue a reminder of fees when they are due. This is a matter for licence holders and this authority expects licence holders to take responsibility for ensuring that their fees are paid when they are due.
- 6.5 If the fee is disputed prior to the date it is due for a payment the licence will not be suspended pending clarification and resolution. Once the actual fee has been clarified this will be payable and continued non-payment will result in suspension. Where an administrative error occurs in relation to the recorded receipt of the annual fee has been made by the local authority and the licence holder has provided proof of payment the licence will not be suspended.
- 6.6 Carrying on a licensable activity when the licence is suspended is a criminal offence and may result in enforcement action including prosecution.

- 6.7 Details of Licence fees can be found on the website and annual fees can be paid online at the Council's website<sup>9</sup>

## **7. Policy 3: Promotion of Licensing Objectives:**

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

- 7.1 The Licensing system plays a key role in controlling and regulating crime, disorder and anti-social behaviour through its focus on the promotion of licensing objectives. This is due to the link between alcohol consumption and individuals' risk of becoming involved in crime and disorder increasing, either as a perpetrator or a victim of that crime. Crime problems that may arise include;
- Violent crime, including sexual assault
  - Criminal damage
  - Anti-social behaviour
  - Street drinking
  - Public disorder
  - Drug use
- 7.2 This range of problems then impacts more widely on the healthcare system in the form of ambulance call outs for binge drinking and alcohol related injuries and A&E attendances.
- 7.3 The Council and Licensing Authority recognises that well managed licensed premises can make a valuable contribution to the community and local economy, however poorly run premises can become a source of crime and disorder, especially if those premises offer late night alcohol, entertainment or refreshment.
- 7.4 Other crime issues that may arise in and around licensed premises are as follows:
- Drug dealing
  - Possession of weapons
  - Drunkenness on the premises
  - Underage drinking
  - Theft
  - Prostitution
  - Trafficking
  - Illegal workers
  - Child sexual exploitation
  - Harassment
  - Counterfeit products
  - Non duty paid goods
  - Breach of smoke free legislation (e.g. shisha bars)
- 7.4 The Licensing Authority expects applicants to undertake risk assessments as part of the considerations when completing their operating schedules around how to mitigate and manage risk of crime and disorder in and around their licensed premises. Whilst

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<sup>9</sup> <https://lewisham.gov.uk/myservices/business/licences-and-street-trading/licences-issued-by-the-licensing-team/alcohol-and-entertainment-licences/fees-list-for-alcohol-and-entertainment-licences>

there is no requirement to do so under the Act, applicants may find it useful to share this risk assessment with responsible authorities when submitting their application.

- 7.5 Outlined below are a number of possible controls that may be appropriate for the promotion of the prevention of crime and disorder objective that applicants are expected to consider and include as part of their operating schedules. This is not a definitive list and some may not be appropriate in all circumstances. However it is expected that applicants should consider what may be necessary to promote licensing objectives and either use or modify these suggestions as appropriate to their activities or undertake new controls as required:
- Use of CCTV of all entry and exit points, covering the licensable area, kept for a minimum of 31 days
  - Use of Security Industry Association (SIA) door staff at appropriate times of day/night - valuable in managing admissions, queues, dispersal etc.
  - Undertake measures to prevent drug use on premises
  - Membership of Safer Lewisham Business Partnership Radio Scheme
  - Regular Licensing Training for all Staff
  - Effective dispersal policies and arrangements for moving on patrons upon leaving the premises
  - Signing up to crime reduction schemes such as 'Ask Angela', Pub Watch etc.
  - Where appropriate searching patrons upon entry for weapons or drugs
  - Use of ID scanning machines
  - Setting of safe capacity limits
  - Provision of sufficient seating in the premises
  - Use of crime prevention notices
  - Control over the removal of open containers from premises
  - Use of polycarbonate plastics and toughened glass rather than glass, decanting from glass bottles etc.
  - Removal of low cost high strength alcohol from sale – to address problems such as street drinking.
  - Last admissions policy
  - Hire policy where management maintain control over premises at all times when premises are hired for private use - Also comply with requests from the police not to engage a specific promoter where this is recommended by the police for crime and disorder reasons.
- 7.6 The Licensing Authority will look to the police as the main source of advice on crime and disorder<sup>10</sup>, as well as involving the views of the Safer Lewisham Partnership. The Licensing Authority will accept all reasonable representations made by the Police unless there is evidence that to do so would not be appropriate for the promotion of licensing objectives. Conditions based on the above list of actions may be added to a licence to promote the licensing objective of prevention of crime and disorder.
- 7.7 The prevention of immigration crime is included under this licensing objective and this covers illegal working in licensed premises. The Licensing authority will work with the Police and Home Office Immigration Enforcement to address concerns around this area. The Home Office may instigate their own reviews of licences based on evidence of illegal working in licensed premises. Where appropriate conditions addressing this concern such as a requirement for all licensees to obtain evidence of

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<sup>10</sup> Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018, page 11, section 5.11

an individual's right to work in the UK before employment may be added to promote the licensing objectives.

## Prevention of Public Nuisance

- 7.8 Public Nuisance in and around licensed premises is the most common reason for complaints to the Council regarding licensed premises and for representations against applications. Public Nuisance ranges from low level nuisance affecting one or two people, to incidents affecting large numbers of people. The Authority interprets nuisance in its widest sense to include matters such as music, noise from patrons both inside and outside the premises, litter, and urinating, light and anti-social behaviour. While noise is often the main concern, obstruction of the highway preventing people passing by on the pavement and forcing them into the road can also be both intimidating and dangerous and hamper access by emergency services, or street cleansing. Local residents may be further affected by smoke from barbeques and other cooking equipment used in the open air.
- 7.9 All applicants and licensees should be mindful of potential nuisance issues and take this in to consideration when preparing their operating schedules. Night time activities can be particularly intrusive as ambient noise levels drop during this time and most residents sleep. The Council deems unsociable hours for noise between 11pm and 6am. Applicants will need to demonstrate how they will address issues such as:
- The general noise of patrons arriving and leaving the premises
  - The egress and dispersal of their patrons
  - The avoidance of any congregating and loitering of patrons at or near the premises
  - Noise from patrons in queues or in outside smoking areas
  - Noise from outside seating areas and beer gardens
  - Noise from the premises itself
  - Patrons returning to parked cars in nearby streets
  - Patrons access to taxi marshals or ranks
  - Clearance of Litter or debris from activities at their premises accumulating on nearby streets.
- 7.10 Applicants are recommended to seek advice from the Council's Crime, Enforcement & Regulation Service when preparing their operating plans and schedules. Where relevant, applicants are also advised to refer to:
- The Institute of Acoustics "Good Practice Guide on the Control of Noise from Pubs and Clubs"
  - Noise at Work Guidance for employers on the Control of Noise at Work Regulations 2005 issued by the Health and Safety Executive and obtainable from <http://www.hse.gov.uk/pubns/indq362.pdf>
  - In the case of large music events, the Code of Practice on Environmental Noise Control at Concerts produced by the Noise Council together with Lewisham's Events policies ( see section 11, Policy 7)
  - Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems produced by DEFRA
  - Guidance Notes for the Reduction of Obtrusive Light – Institute of Lighting Engineers (2005)
- 7.11 Outlined below are a number of possible measures that may be appropriate for the promotion of the prevention of public nuisance objective, broken down to addressing

noise emanating from both outside and inside the premises. This is not a definitive list and some may not be appropriate in all circumstances. However it is expected that applicants should consider what may be necessary to promote licensing objectives and either use or modify these suggestions as appropriate to their activities or undertake new controls as required:

### **Prevention Noise from Outside the Premises**

7.12 Licensees have a responsibility for the conduct of their customers while they are in and around their premises. If provision is made for customers to congregate or smoke outside of premises, then sufficient management controls must be put into place to ensure that no nuisance or disturbance is caused to local residents. Failure to control customers outside of premises can result in licence reviews being submitted and impact upon the premises licence.

7.13 Some simple management controls can be put into place which can significantly reduce the risk of nuisance caused to local residents outside of licensed premises. These include placing management controls on:

- The numbers of persons using any licensed external area at any one time.
- The hours of operation of any licensed external area, requiring patrons to return back into the premises at a specific time. Licensing Authority deems that a closing time of 22.00 for external areas is appropriate to promote licensing objectives, and in dense residential areas this may need to be earlier. Any music played into the external area should also cease.
- The numbers of 'smokers' allowed outside of the premises at any one time.
- The taking of drinks outside of the premises when patrons step outside to smoke. This can be assisted by providing a 'drinks safe' area for patrons who temporarily leave the premises.
- Queues of patrons awaiting admission and how these are arranged.
- The areas within which patrons may congregate outside of the premises, restricting them, for instance, to the curtilage or footprint of the premises.
- The times within which live music and / or amplified sound may be played in any external area or marquees or relayed by external speakers (where permitted under the terms of the licence). The Licensing Authority deems that this should not continue beyond 22.00.
- The times within which barbecues or other cooking facilities may be provided within any external area.
- Terminal hour for last admissions and re-admissions to the premises.
- The supervision of patrons using any external area so as to prevent nuisance and disturbance.
- Arrangements made with local cab companies calling for customers, requiring that they call within the premises for their customers without sounding their horn in the street.
- The reduction of music levels within the premises 30 minutes before closing so as to reduce levels of excitement among patrons upon leaving.
- The display of notices at exit points asking patrons to 'please leave quietly' and be mindful of local neighbours when leaving the premises.
- The supervision of patrons outside of the premises to ensure quick dispersal from the immediate area upon closing time.
- The clearance of any litter created by the operation of the premises.
- The hours during which external activities such as the handling and removal of waste or musical equipment or the delivery of goods. It is recommended this is prohibited between 2200 and 0800.

- Restricting the use of artificial lighting outside of the premises so as to reduce the potential for light nuisance.

### **Preventing nuisance from within premises**

- 7.14 Nuisance may often be caused by sound escaping from the premises or transmitted through the structure of the building. Again, some simple management steps may be taken to reduce the problem but in some premises physical works may be necessary to prevent nuisance being caused to local residents. The likelihood of this increases where regulated entertainments are to be provided under the licence and the later the hour of the entertainment and where residents live adjacent to, above or close by the premises or there are other noise sensitive premises. Where physical measures are likely to be necessary expert advice should be sought on appropriate measures.
- 7.15 This authority expects that the following measures will be considered and applied appropriate to the level of risk of nuisance being created (again, this list is not exhaustive);
- Keeping doors and windows closed during performances of licensable regulated entertainment.
  - Management control of entrance / exit lobbies so as to ensure that the integrity of the premises is maintained and internal sound contained.
  - Management and recording of periodic perimeter checks.
  - The provision of acoustic double door lobbies.
  - The provision of acoustic seals and self-closers on doors.
  - The provision of alarms to fire doors or other private external doors.
  - The connection of fire doors and / or private external doors to the sound limiting device (so that volume is reduced if the doors are opened).
  - The installation and use of a sound-limiting device for all amplified sound to enable maximum volume and bass to be set at levels appropriate for the premises / event.
  - The installation and / or maintenance of double glazing / sound resistant glass;
  - The provision of sound insulation to party walls, floor and ceiling.
  - The provision of acoustic baffling to any ventilation extract and intake system.
  - The provision of additional air conditioning / air cooling to enable doors and windows to remain closed during any entertainment.
- 7.16 Any applicant that applies for a licence to run after midnight is expected to submit a detailed dispersal policy with their application.
- 7.17 Section 12 outlines the Authority's policy on Outdoor Events.
- 7.18 Proximity to residential accommodation is a significant concern with regards to prevention of public nuisance. Each case will be considered on its own merits, however stricter conditions will generally apply to those applications with denser levels of residential accommodation or greater proximity to residential accommodation. This may include the authority considering a terminal hour that is earlier than that proposed by the applicant. Section 14 of this statement outlines the authority's preferred terminal hours for set areas/location/premises type.

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

- 7.19 The licensing objective of the protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such

as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).

- 7.20 This Authority takes the protection of children from harm very serious expects all licensees and employees at licensed premises to do so as well. This Licensing Authority believes that it is completely unacceptable to sell alcohol and associated age-restricted products to children.
- 7.21 The Council shares the government's concern over the purchase and consumption of alcohol by minors. The Health and Social Care Information Centre report on 'Smoking, Drinking and Drug Use Among Young People in England in 2018 notes, the average (mean) consumption by pupils aged 11-15 who drank alcohol in the week before they were surveyed was 9.8 units. Consumption varied widely; 22% of pupils who drank in the last week consumed at least 15 units. The UK has one of the highest rates in the EU of admissions to hospital or A&E due to alcohol use by 15-16 year olds<sup>11</sup>.
- 7.22 Frequency of drinking is associated with offending in children and young people. The 2004 Offending, Crime and Justice Survey found those who drank alcohol once a week or more committed a disproportionate volume of crime, accounting for 37% of all offences but only 14% of respondents.
- 7.23 This Authority expects applicants for premises licences and club premises certificates to have prepared their operating schedule on the basis of a risk assessment of the potential sources of harm to children. Existing licensees are expected to review their procedures regularly and ensure they are still relevant to the nature of the premises.
- 7.24 Relevant issues might include;
- Preventing access to alcohol
  - Removing encouragement for children to consume alcohol
  - Preventing exposure to gaming
  - Preventing exposure to adult entertainments or facilities

### **Test Purchasing and Underage sales**

- 7.25 The Council's Crime, Enforcement & Regulation Service is responsible for enforcing the statutory Trading Standards provisions around under age sales. The service works closely with Police and undertake regular test purchasing operations at premises across the borough. Trading standards may take enforcement action where positive sales occur under the test purchasing scheme which may lead to prosecution. Additionally, where positive sales of alcohol to children occur, this may result in a review of a licence or request for additional conditions to be added to a licence designed to assist the management to counter attempts by children to purchase alcohol. Any additional conditions required will be subject to discussion with licence holders.
- 7.26 The Act makes it an offence to permit children under the age of 16, who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises, under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a temporary event notice. In addition, it is an offence to permit children under 16 who are not accompanied by an adult, between midnight

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<sup>11</sup> <https://digital.nhs.uk/data-and-information/publications/statistical/smoking-drinking-and-drug-use-among-young-people-in-england/2018>

and 0500 at other premises supplying alcohol for consumption on the premises, under any such authority.

7.27 The Licensing Authority recognises, however, that licences may be sought for a great variety of premises, including theatres, cinemas, restaurants, concert halls, take-away and fast food outlets as well as public houses and nightclubs. While the Licensing Authority would encourage applicants to make provision for the access of children, where appropriate, conditions restricting the access of children will be strongly considered in circumstances where:

- Adult entertainment is provided
- A member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking
- It is known that unaccompanied children have been allowed access
- There is a known association with drug taking or drug dealing
- The premises are used exclusively or primarily for the sale of alcohol for consumption upon the premises

7.28 Applicants must be clear in their operating schedules about the activities intended to be provided and the times at which these shall take place, in order to help determine when it is not appropriate for children to enter the premises.

### **Measures to protect Children from Harm**

7.29 Outlined below are a number of possible controls that may be appropriate for the promotion of the protection of children from harm objective. This is not a definitive list and some may not be appropriate in all circumstances. However it is expected that applicants should consider what may be necessary to promote licensing objectives and either use or modify these suggestions as appropriate to their activities or undertake new controls as required.

7.30 Consideration should be given to the following options:

- Restricting the hours when children are present
- Restricting or excluding children under a specified age when particular specified activities are taking place.
- Restricting the parts of the premises to which children may have access;
- Age restrictions (below 18/21)
- Requirements for an accompanying adult.
- Full exclusion of people under the age of 18 years from the premises.

### **Age Verification**

7.31 The following mandatory licence condition must be attached to all premises licences and club premises certificates issued by this Authority.

*'The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale of alcohol. This must as a minimum require individuals who appear to the responsible person to be under 18 years of age to produce upon request, before being served alcohol, identification bearing their photograph, date of birth, and a holographic mark.'*

7.32 The Licensing Authority recommends that as a minimum applicants and licensees have the following in place:

- That an age verification scheme is established and maintained that requires the production of evidence of age (comprising any Proof of Age Standards Scheme (PASS) accredited card or passport or driving licence) from any person

appearing to staff engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol

- That notices be displayed informing customers and staff that sales of alcohol will not be made to under 18s and that age verification will be required
- That evidence of the scheme (in the form of documented procedures) is maintained and made available for inspection by authorised officers

7.33 However, the Licensing Authority expects that as best management practice:

- That “Challenge 25” is supported as part of the age verification scheme established. The scheme should require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol
- That “Challenge 25” notices be displayed informing customers and staff that sales of alcohol will not be made to anyone appearing to be under 25 unless they can prove they are 18 or over
- That evidence of the scheme (in the form of documented procedures) is maintained and made available for inspection by authorised officers
- That all staff involved in the sale of alcohol shall be trained in the age verification scheme and records of such training shall be retained on the premises and made available for inspection by authorised officers
- That an incident log shall be maintained and details of all age related refusals recorded. This book shall be reviewed monthly by the DPS and any actions taken recorded in the book and signed off by the DPS. This log shall be retained on the premises and made available for inspection by authorised officers
- That if a CCTV recording system is installed inside the premises, it shall be positioned to capture the sale of alcohol. A library of recordings taken by the system shall be maintained for 31 days and made available to authorised officers upon request
- That a personal licence holder shall be on the premises at all times that alcohol is supplied
- That an EPOS (electronic point of sale) system is installed at the premises, it shall be configured to prompt the operator to check proof of age when an alcoholic product is scanned. This prompt should require the operator to confirm the purchaser is over 18 before the next item can be scanned or the transaction completed
- That the DPS shall ensure that, as far as is reasonably practical, alcohol is displayed in an area which can be constantly monitored or supervised by staff, separate from goods likely to be purchased by persons under 18
- That, if any advertising campaigns or promotions of alcohol are planned, the premises licence holder shall ensure they are carried out in a socially responsible manner and that they do not encourage irresponsible drinking. If authorised officers raise concerns about any promotion the premises licence holder shall discontinue it.

7.34 This Authority recommends that all operators should give careful consideration to introducing these controls into their management practices and including them within their operating schedules.

### **Children and responsible drinks promotions**

7.35 The Portman Group operates, on behalf of the alcohol industry, the ‘Code of Practice of the Naming, Packaging and Promotion of Alcoholic Drinks’ to ensure that alcohol is marketed responsibly and only at adults. The Code applies to all alcohol marketing

(including naming, packaging, sponsorship, point of sale and brand merchandising) which is primarily UK targeted and not already subject to regulation by the Advertising Standards Authority (ASA) or Ofcom.

- 7.36 The Code can be viewed at <http://www.portmangroup.org.uk/codes/alcoholmarketing/code-of-practice/code-of-practice>. This authority commends the Code accordingly.

### **Children and Cinemas – Mandatory licence condition**

- 7.37 Where premises licences incorporate film exhibitions as a licensable activity the following mandatory condition will be imposed:

- The admission of children to films is to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (currently the British Board of Film Classification) or by the licensing authority itself.

- 7.38 Applicants are expected to include within their operating schedule arrangements for restricting children from viewing age-restricted films.

- 7.39 The Licensing Authority will not make exceptions to the above position, inclusive of requests to host 'mother and baby' screenings where infants are allowed into screenings of 12, 15 and 18 rated films. The Council and this Licensing Authority takes its role around safeguarding of children very seriously. Under no circumstances will this Licensing Authority allow children to view age-restricted films in a licensed premises or event.

### **Regulated Entertainment Provided for Children**

- 7.40 Where entertainments or facilities generally are provided specifically for children, applicants are asked to demonstrate within their application;

- That the company / organisation has a policy or statement on keeping children safe from harm
- How employees or contracted agencies will be made aware of the company's / organisation's policy / statement on keeping children safe from harm
- That recruitment processes for staff who may have to deal direct with children under the age of 18 seek to ensure, as best the company / organisation can, that the appointed applicant has not been known to have harmed children
- That there will be clear expectations on staff with regard to their personal conduct in direct relations with children under 18 and guidance on what is appropriate in dealing with specific situations which may arise
- There are systems in place and that staff are aware of them for dealing with possible abuse or violence to children from other users of the licensed facility
- There are clear and accessible complaints systems for children to report if they have been harmed and that there are clear whistle-blowing procedures for staff who may have concerns about the welfare of children on the premises
- That all duty managers or staff in charge of the premises are aware of how to refer any concerns about the welfare of children to the local police, education authority or social services as necessary

- 7.42 Where a theatrical entertainment is specially presented for children, the Council advises the presence of sufficient adult staff to control access and egress of children and to protect them from harm as follows:

- (1) An adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof
- (2) No child (unless accompanied by an adult) to be permitted in the front row of any balcony
- (3) No standing to be permitted in any part of the auditorium during the Performance

### **Entertainment involving Striptease and Nudity**

- 7.43 Applicants proposing activity that includes adult entertainment are also referred to the policy set out on the Council's website:  
<https://lewisham.gov.uk/myservices/business/licences-and-street-trading/licences-issued-by-the-licensing-team/sex-establishment-licences>. The victims of "people trafficking" often include young females under 18, and this is a further reason why the policy makes reference to it (see Policy 18).
- 7.44 Additionally, applicants need to consider the proximity of their premises to schools, youth clubs and other buildings where children may frequent and address these risks in their operating schedules. See Section 21 for more guidance on this Authority's policy on Entertainment involving striptease and nudity.

### **Public Safety**

- 7.45 The public safety licensing objective is concerned with the physical safety of the people using the premises. To ensure the safety of customers, applicants will need to be able to demonstrate that the premises comply with all health and safety regulations and risk assessments, where required are current and up to date.
- 7.46 Outlined below are a number of possible controls that may be appropriate for the promotion of the public safety objective. This is not a definitive list and some may not be appropriate in all circumstances. However it is expected that applicants should consider what may be necessary to promote licensing objectives and either use or modify these suggestions as appropriate to their activities or undertake new controls as required.
- 7.48 Applicants should have consideration to the following measures:
- Strict and enforced capacity limits – these should be set following a fire safety risk assessment as required under the Regulatory Reform Order 2005. This will reduce the likelihood of the Fire Brigade making a representation against an application
  - Suitable training for staff to recognise vulnerable patrons, including those who may be under the influence of drugs or may be drunk, so that they may be assisted home safely
  - Training on drunkenness and an awareness of impact of selling to those already drunk
  - Transport options advertised at premises – taxis, contact numbers and availability of telephone to call a taxi at the premises.
  - Measures to compact drink spiking
  - Use of safety schemes such as 'Ask Angela', Women's Safety Charter
  - Dispersal Policy to help reduce time that patrons may be waiting for cabs at taxi ranks etc.
  - Training to deal with harassment or aggressive behaviour
- 7.49 Applicants are advised to seek advice from the London Fire Brigade as a responsible authority when preparing this risk assessments and operating schedules. Where an

applicant identified an issue relating to public safety that is not covered by existing legislation, the applicant should identify in their operating schedule the steps they will take to ensure public safety.

## **8 Policy 4: Partnership working**

- 8.1 The Licensing Authority aims to work partnership wherever it is appropriate and possible to do so. This includes working alongside responsible authorities such as the Police and Environmental Health, as well as enforcement agencies such as HMRC and local and national agencies such as Safer London Business Partnership, Pub Watch, Institute of Licensing and trade groups.
- 8.2 This partnership approach includes information sharing about licensees, licensed premises and activities associated with those premises, operating schedules, results of compliance checks and details of related enforcement.
- 8.3 The Licensing Authority will also take a multi-agency approach to compliance visits, enforcement operations and engagement exercises with licensees and residents by working with relevant and appropriate partner agencies.
- 8.4 The Licensing Authority will also communicate with responsible authorities to seek their views on applications to ensure that a partnership approach is achieved in considering applications and any representations that may be made to those applications.
- 8.5 The Licensing Authority is also committed to working in partnership with and being accessible to licensees and other organisations representing licensees' interests such as Pub Watches, Business improvement districts, regeneration schemes and other business forums. The Licensing Authority aims to support these groups in order to promote licensing objectives and address potential problems at an early stage, with the aim of collaboratively developing preventative measures and interventions to problems that may arise.

## **9 Policy 5: Enforcement**

- 9.1 This Licensing Authority will aim to undertake a stepped approach to enforcement, working with appropriate responsible authorities.
- 9.2 All enforcement actions taken by the licensing service are governed by the Council's Enforcement Policy, which has been drafted with reference to the Principles of Good Regulation as stated in the Legislative and Regulatory Reform Act 2006 and the Regulators Code as published by the Better Regulation Delivery Office.
- 9.3 It is essential that licensed premises operate in accordance with the Act and comply in full with licence terms, conditions and restrictions at all times. Part of the Licensing Authority's role is to monitor premises and take appropriate action to ensure that the licensing objectives are promoted. This Authority recognises the importance of enforcement to the promotion of those objectives. The Authority is committed to continue to undertake enforcement measures and proceedings in partnership with other relevant statutory agencies. Offences against the Act are set out in the Act, Appendix V provides an outline for reference.
- 9.4 In accordance with the guidance to the Act, the Licensing Authority will work in partnership with the police and the other responsible authorities in promoting the

licensing objectives. It is general practice that where issues come to the attention of the Licensing Authority that these will be shared with other responsible authorities and joint actions will undertake to address those problems.

- 9.5 The Authority will operate on an intelligence led approach to its enforcement, where compliant, well-regulated licensed premises are not generally a focus of enforcement and where premises that do not meet these standards are supported to become compliant and well managed businesses. Where this is not successful, they will be subject to appropriate and proportionate enforcement action.
- 9.6 All proactive premises inspections will be undertaken on a risk-assessed basis with resources targeted toward agreed problem and high-risk premises, which require greater attention.
- 9.7 Investigations may be undertaken through a range of means including overt and covert operations. This could include overt visits to premises to ensure opening hours restrictions are adhered to, and covert test purchases of age restricted products including alcohol (see section 19 for more details on this Authority's policy on Age Verification and Test Purchasing).
- 9.8 Additionally, this Authority recognises the important role played in preventing crime and disorder by the Security Industry Authority by ensuring that door supervisors are properly licensed and, in partnership with the police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This Authority will look to co-operate with the SIA as far as possible and as part of this co-operation has authorised officers to act under the powers of the Private Security Industry Act 2001.
- 9.9 It remains the over-riding intention of this Authority, the Police and the other relevant enforcement agencies to work together at all times with responsible licence holders and operators to help run successful venues and facilities that play a positive role within the local community. We will look to provide support, advice and education and give early warning of any concerns identified at any premises. In return we expect licence holders to act responsibly and work together with us. However, the authorities will use the range of enforcement powers made available under the Act where individuals act with disregard to their responsibilities.
- 9.10 Officers will deal with a first breach of licence with a warning letter and advice and support about how to be compliant. Following this, if further breaches are identified then licences may be placed on action plan. Should officers warrant the breach to be of a serious or concerning nature or repeated attempts to work with licensees to be compliant fails, then officers will seek a review of the licence to request changes, add conditions or revoke it.
- 9.11 The Licensing Authority will investigate complaints regarding licensed premises and alleged breaches of licence and incidents of nuisance. Residents can make complaints regarding licensed premises to [licensing@lewisham.gov.uk](mailto:licensing@lewisham.gov.uk). The Licensing Authority will work in conjunction with the Police and other relevant responsible authorities to address the complaint.
- 9.12 Where complaints are concerning criminal matters at the premises, the Police will take a lead on any investigation. Residents can report crimes at licensed premises to 101 or 999 in an emergency.

## **10. Policy 6: Authority and Designated Premises Supervisor**

- 10.1 Every supply of alcohol under a premises licence must be made or authorised by someone holding a personal licence. Every premises with a licence must have one person holding a personal licence specified as the Designated Premises Supervisor (DPS). This will normally be the person with day-to day responsibility for running the premises.
- 10.2 The Authority recognises that there is no requirement for the DPS to be on the premises at all times that licensable activities are taking place, however the DPS must be able to ensure that all four licensing objectives are being promoted at all times that the sale of alcohol is taking place and that the premises is operating compliantly with the law and related regulations. The DPS should be familiar with the local area and the challenges that may be present in promoting the licensing objectives in that area.
- 10.3 Where sales of alcohol take place and the DPS is not present, written authorisation must be given to other persons involved in making the sales in their absence. This Licensing Authority expects that this written authorisation should be displayed and easily available for inspection at premises at all times, and at a minimum kept on the premises for inspection by an authorised officer upon request.
- 10.4. The Licensing Authority expects that licence holders and those that make sales of alcohol are able to understand the terms of the licence and their legal obligations. The Licensing Authority may consider conditions around staff training in obligations under the Licensing Act be placed on the licence at time of grant.
- 10.5 The Licensing Authority expects that the DPS is contactable at all hours that the premises is open to the public. It is regarded as good management practice that a personal licence holder or the DPS be present in the premises where the opening hours exceed 11pm.
- 10.6 Where the DPS is no longer involved in the day-to-day responsibility of the business or has resigned or dissociated themselves from the business, the Licensing Authority expects that the DPS should make contact with the Licensing Authority in writing to remove themselves as DPS from the licence immediately. Whilst named on the licence as DPS, that person will continue to be responsible all alcohol sales regardless as to whether they still work at the premises or not. The premises licence holder should also ensure that the DPS named on the premise licence is someone involved in the day to day responsibility of the business and where changes to this take place they should replace the DPS with an appropriate person who can fulfil these duties.

## **11. Policy 7: Temporary Events Notices**

- 11.1 This Licensing Authority expects that all applications for Temporary Events Notices are received well in advance of the 10 days being the statutory minimum for a standard TEN, and sufficient accompanying information is provided at the time of the application to allow due consideration, including evidence of permission to use the space if it is public or council land and that efforts have been undertaken to engage local residents.
- 11.2 It is expected that any existing conditions on a licence will be maintained for the purposes of a TEN. It is also recommended that TENs submitted well in advance

prior to the event to allow responsible authorities to consider the application. This, alongside the supporting information, will likely reduce the risk of an objection being made to the TEN and possible committee hearing.

- 11.3 A TEN is required for the following licensable activities:
- Selling of alcohol
  - Serving alcohol to members of a private club
  - Providing entertainment such as music, dance or indoor sporting events
  - Serving hot food and drink between 11pm and 5am
- 11.4 A TEN is also required for any activities not included in the terms of an existing premises licence or club premises certificate.
- 11.5 To be eligible for a TEN an event must have:
- Fewer than 500 people at all times, including staff running the event and any performers
  - Last no longer than 7 days or 168 hours
- 11.6 Statutory limits are also in place around the number of TENs allowed in one calendar year:
- 15 TENs for one premises, or 21 days, whichever comes first
  - A personal licence holder may be granted up to 50 TENs in one calendar year
  - Non personal licence holders may be granted up to 5 TENs in one calendar year
- 11.7 There must be 24 hours between one TEN finishing and another starting at any one premises. Only one TEN can take place at a time to ensure the statutory limits are not exceeded.
- 11.8 TENs should not be used as a means to avoid the need for applying for a premises licence.
- 11.9 A TEN can only be applied for by an individual, not a business or organisation. Individuals must be of at least 18 years of age.
- 11.10 TENs should be submitted with 10 clear working days between the day of the application and the day of the event. However it is recommended that TENS be submitted at least 30 days prior to the event to give responsible authorities time to review the application and ask for further information if required to avoid a possible objection to the event.
- 11.11 Where a TEN is submitted the Licensing Authority expects the following information to be provided:
- A clear description of the event, what licensable activities are proposed and details of the area within which the activities will be carried out
  - Where the event is in an open space, a site map should be provided detailing where the licensable activity will take place, any bars, stages, sound equipment and food serveries, and perimeter fencing to manage the space and the capacity limits.
  - Evidence of permission to use council owned or managed land, any street closure permissions
  - A risk assessment and capacity determination

- Evidence of consultation with Lewisham’s Events Safety Advisory Group where this is considered appropriate ( see section 12)
- 11.12 Applicants should expect that in some cases, particularly those events taking place in outside spaces, responsible authorities may request an event management plan detailing a noise and dispersal policy.
- 11.13 A Late TEN is where a late application is made outside of the statutory 10 clear working days before the event, but where 5-9 working days are given before the event.
- 11.14 Where a personal licence is held, the limit that can be applied for is 10 Late TENs per calendar year. Where no personal licence is held, the limit is 2 per calendar year.
- 11.15 Only the Police and Environmental Health can object to a TEN. They must do this within 3 working days of receiving the notice. They can only object if they think an event could:
- Lead to crime and disorder
  - Cause a public nuisance
  - Be a threat to public safety
  - Put children at risk of harm
- 11.16 If an objection is received, a hearing will be held with the Council’s Licensing Committee, no later than 24 hours before the event, unless all parties agree that a hearing is not needed.
- 11.17 At the hearing, the committee will either approve the TEN, add conditions or reject the notice. If the applicant disagrees with the committee decision, they can appeal to the local magistrate’s court, this must be done within 21 days, and at least 5 working days before the date of the proposed event.
- 11.18 If the police or environmental health object to a Late TEN, the notice will become invalid and the event cannot be held. The Late TEN application process does not allow for a hearing to be held in the occurrence of an objection, so a counter notice will be issued to the applicant immediately and the decision is final. There is no right of appeal.
- 11.19 It is therefore this Licensing Authority’s view that applicants should avoid the Late TEN process as far as possible and allow at least 30 working days between submitting the notice and the date of the event to ensure sufficient time for any appeal that the applicant may wish to make should the notice be taken to committee and declined.
- 11.20 Applications will only be taken as ‘given’ where the application form is completed correctly and it is submitted alongside the correct fee. Where ‘full’ information isn’t provided according to that outlined above, it is likely to result in an objection by a responsible authority.
- 11.21 This Licensing Authority is working to a paperless system for TEN applications. The Licensing Authority expects all applicants to submit TENs online via the council’s website or [www.gov.uk](http://www.gov.uk).

## 12. Policy 8: Outdoor Events

- 12.1 Each year Lewisham hosts a number of outdoor community events. It is important that such events are organised and managed so as to ensure that minimum disturbance is caused to people living and working nearby and public safety is promoted at all times.
- 12.2 To help achieve this applicants are asked to submit an **Event Management Plan** to the Licensing Authority and Council's Environmental Protection Service with their application and to consult with Lewisham's Events Team early in the process of preparing for any event – [events@lewisham.gov.uk](mailto:events@lewisham.gov.uk)
- 12.3 Events may require consideration at the Borough's Events Safety Advisory Group. All events over a capacity of 5000 will be required to be heard at ESAG at least 3 months in advance of the date of the event. Some smaller events maybe also be required to be reviewed at ESAG due to its nature or location. This will be advised by either the Licensing Authority or the Council's Events team.
- 12.4 Any event that has over 499 attendees will require a premises licence. Events over this capacity cannot be run using Temporary Event Notices. Applicants are advised to be mindful of the timescales for applying for a premises licence when looking at organising events, time should be made for a committee to consider any representations that may come in as well as the potential need for an appeal.
- 12.5 The Licensing Authority alongside the Environmental Protection team under the Environmental Health service, as a responsible authority, will assess all licence applications for their impact with regard to public nuisance. Nuisance from outdoor events can be created by many activities, for example:
- Set up rigging / de-rigging
  - Plant & machinery (generators etc.)
  - Vehicle movements
  - Music and entertainment
  - Patrons congregating and dispersing
  - Fireworks and special effects
  - Smoke
  - Odour from concessions or open food preparation
  - Litter
  - Lighting
- 12.6 It is recommended that event organisers include a **Nuisance Management Section** within the **Event Management Plan** assessing all nuisance-causing activities and setting out the measures proposed to mitigate any nuisances that are likely to be caused.
- 12.7 The nuisance management section should include the following information:
- Location & site plan
  - Information on the type of event
  - Orientation of any stage(s), marquees or potential sources of noise
  - Access to & from site and site routes within the event perimeter
  - Location of operational plant & vehicles
  - Background noise survey and predictive noise assessment
  - During performance – Who will hold responsibility for sound management and any recording of levels; Who will deal with responses to any complaints and keep

records of any remedial actions; Who will attend the post-event audit meeting with the authority.

- Contact details of a person at the event responsible for liaison with the council and other enforcement officers.
- A copy of the pre-event information leaflet to be dropped to occupiers of nearby noise sensitive premises.
- Location of light sources & light impact assessment
- Litter control, waste management & recycling provisions
- Noise control measures
  - Sound limiting technology to be used
  - Maximum noise / bass levels
  - Selection of equipment etc.

12.8 Event organisers may also be required to provide the following:

- Egress / dispersal plan
- Security plan
- Traffic / transport / road closure plans where relevant
- Vehicle movement management plan
- First Aid provision

12.9 All event organisers are advised to consult the 'purple guide' when organising events<sup>12</sup>.

### **Other Consents**

11.8 Licensees should be aware that a range of other consents may be necessary to provide smoking shelters or space heaters, awnings, tables and chairs or 'A' boards on the highway. Please discuss your proposals with the Crime, Enforcement and Regulation team in the first instance.

## **13. Policy 9: Management of Outside Spaces**

13.1 Outside spaces are often a necessity for licensed premises, particularly for smoking areas. However, outside areas are often cause for concern for local residents due to the noise that they can facilitate, particularly late in the evening. Therefore it is this Licensing Authority's view that all outside spaces be subject to appropriate conditions to ensure that minimal disruption to local residents.

13.2 Where smoking, eating and drinking takes place outside, the Licensing Authority expects that applicants outline comprehensive details in their operating schedules around:

- The location of the outside areas
- How the outside areas will be managed to prevent nuisances occurring from noise, smells,
- How littering and pavement obstructions will be avoided
- Arrangements for clearing the tables and chairs

13.3 The Authority expects applicants to outline how smoking areas will be managed and kept separate from any areas which children may be allowed, for example outdoor eating areas.

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<sup>12</sup> <https://www.thepurpleguide.co.uk/>

- 13.4 It is this Licensing Authority's view that there be a terminal hour of 22:00 for all outside spaces to close, and in some cases depending on the circumstances and proximity to residents this terminal hour will be 21:00.
- 13.5 The Licensing Authority expects licensees to ensure that drinking should be contained within the licensable areas either indoors or outdoors, and where gathering of patrons is taking place outside of these areas the licensee takes steps to address this.
- 13.6 The Licensing Authority expects that applicants seeking to make use of forecourts ensure they have the appropriate forecourt licence before exercising any permissions issued under the licence. Information around the use of forecourt areas applied for to the Licensing Authority will be shared with the relevant team responsible for issuing forecourt licensing in the Council and enforcement action may be taken against those undertaking unauthorised forecourt use.

### **Entry and Dispersal**

- 13.7 The Licensing Authority expects that licensees should take all reasonable steps to prevent their patrons from becoming a nuisance or causing crime and disorder when leaving their premises and immediately outside their premises. This includes on the pavement, within outside spaces such as beer gardens, smoking areas and queues.
- 13.8 Licence holders should have consideration to the impact that their patrons may have on the licensing objectives, specifically that in relation to the prevention of public nuisance and the prevention of crime and disorder. The Licensing Authority expects that all applicants submit a dispersal policy with any application for closing times after midnight outlining how the licensee intends to manage any potential impact and the measures they will take to mitigate that impact.
- 13.9 Licensees should also have regard to any entry and exit points and any disturbance that may be caused to local residents around patrons trying to get in to premises. Queuing systems should be well managed and organised in a fashion not to impact on the public highway.

## **14. Policy 10: Cumulative Impact Areas**

- 14.1 The Licensing Authority will consider evidence of cumulative impact across the borough and where evidence suggests that a cumulative impact policy (since April 2018, such policies or zones have been re-termed 'Cumulative Impact Assessments' (CIA)) is required it will put one in place. Any policy made will be reviewed every 3 years as per the section 5A (12) of the Act to establish whether there is a need to continue the policy or if the evidence supports discontinuation of that policy.
- 14.2 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.
- 14.3 The Act 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.

- 14.4 The effect of any cumulative impact assessment 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.
- 14.5 Whether or not a special policy on cumulative impact exists does not prevent any responsible authority or other person 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.
- 14.6 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.
- 14.7 At the time this policy was published, the Licensing Authority did not possess evidence to maintain previous CIAs in New Cross or Blackheath Village, or to introduce a further CIA in the borough.
- 14.8 The need for a CIA in the borough will be reviewed at regular intervals by the Licensing Authority working in conjunction with responsible authorities and responding to any feedback from residents. Where a CIA is in place, these must be reviewed every 3 years in line with requirements under the 2003 act (as amended in 2016).
- 14.9 The effect of any CIAs is that the Licensing Authority is minded to refuse applications for a new premises license 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 negative cumulative impact already being experienced. Applicants in respect of premises situated in the CIAs will need to address the implications of the CIA in their operating schedules in order to rebut such a presumption.
- 14.10 The adoption of a CIA does not relieve responsible authorities or other persons of the need to make a relevant representation. Before the Council may lawfully consider giving effect to its CIA a relevant representation must have been made. Responsible authorities and other persons may make written representations, maintaining that it is necessary to refuse an application within a CIA and in doing so may refer to the evidence considered by the Council in the adoption of the CIA.
- 14.11 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.
- 14.12 The Licensing Authority cannot use any CIA as grounds for revoking an existing license or certificate when relevant representations are received about problems with those premises. The CIA can only be used in the justification of rejection of an application to vary if those modifications are directly relevant to the policy.
- 14.13 The CIA does not include provisions to impose quotas on the number of licensed premises permitted or the capacity of those premises.

## 15. Policy 11: Hours of Sale and Location

- 15.1 It is a principle of licensing legislation that each application should be considered on its own merits, and this Licensing Authority will ensure that this is the case at all times. In its role to promote licensing objectives, the Licensing Authority has developed a set of preferred hours for opening and closing times for licensed premises in the borough in order to provide a guide for applicants in how to best manage the licencing objectives based on the location within which their premises is based in order to ensure that their activities have as minimal impact on neighbouring properties as possible.
- 15.2 These hours are based on the types of premises and the type of area within which they are located. This has been developed to ensure that the hours that licensable activities occur reflect the character of the area within which they are located and the needs of both residents and businesses.
- 15.3 The Licensing Authority has identified the following categories of business:
- Public Houses and Bars
  - Restaurants and cafes
  - Nightclubs / non-diversified alcohol led venues
  - Off licences
  - Takeaways
  - Hotels
  - Theatres
  - Private Members clubs
  - Other entertainment venues e.g. cinemas, bingo halls, bowling alleys
- 15.4 The below table outlines the nature of these businesses and potential impact their activities may have:

Type of Premises	Expected style of operation	Potential impact / issues
Public Houses and Bars	Combination of alcohol and food on offer Alcohol available without purchase of food Ample seating for patrons Mostly recorded music with some live music on occasion Beer gardens and outside seating and smoking areas	Noise nuisance upon dispersal of patrons at closing time Noise nuisance from use of outside seating and smoking areas Some risk of drunkenness and related crime/anti-social behaviour
Restaurants and Cafes	Food led premises Alcohol sold as an ancillary to food Patrons seated at tables at all times Table service for alcohol	Minimal noise upon dispersal of patrons Low risk of drunkenness and related crime /anti-social behaviour

	<p>Mostly recorded music with some live music on occasion</p> <p>Premises floor plans outline dedicated seating and kitchen areas for food preparation</p>	
Nightclubs / non-diversified alcohol led venues	<p>Primary use for alcohol consumption</p> <p>High level of vertical drinking</p> <p>Some seating areas</p> <p>Food may be provided in a limited form</p> <p>Premises floor plans may have areas dedicated to dancing</p>	<p>High risk of noise and disorder upon entry and dispersal of patrons late at night</p> <p>Possible noise nuisance from loud music</p> <p>Noise nuisance from use of outside seating and smoking areas</p> <p>Some risk of drunkenness and related crime/anti-social behaviour</p> <p>Risk of violence including sexual assault</p> <p>Risk of drug use/drug dealing</p>
Off Licences	<p>Alcohol sold off the premises only</p>	<p>Minimal disturbance from patrons entering and leaving the premises</p> <p>High risk of attraction of street drinkers and associated anti-social behaviour</p> <p>Some risk of underage patrons trying to buy alcohol and other age restricted products</p>
Takeaways	<p>Some takeaways sell alcohol and may deliver alcohol with food</p> <p>Licence only required when selling hot food and/or drink between the hours of 11pm and 5am</p>	<p>Risk of noise nuisance from patrons entering and leaving premises late at night.</p> <p>Noise from delivery drivers and vehicles</p> <p>Some risk of crime/anti-social behaviour due to tendency for patrons to congregate outside premises after drinking, often there may be queues for food following closure of nearby alcohol led premises</p> <p>Litter discarded by customers</p>
Hotels	<p>Primarily providing accommodation</p> <p>Alcohol usually served alongside food although</p>	<p>Minimal risk of noise / anti-social behaviour from residents</p>

	there may be a separate bar to restaurant Customers are usually residents Alcohol and food usually served 24 hours to residents	May be risk of disturbance or drunkenness from non-residents if allowed to entry to a late night bar Possible child protection issues
Theatres and other entertainment venues	Alcohol is provided on an ancillary basis to the main entertainment e.g. theatre performances, bowling, film screening, bingo	Low risk of disturbance from patrons entering and leaving premises Low risk of drunkenness and related crime / anti-social behaviour issues
Private Members Clubs	Only supply alcohol to members of the club or qualifying guests Recorded music likely with some occasional live music	Low risk on noise and disturbance from members entering and leaving premises Low risk of drunkenness and related crime and anti-social behaviour Low risk of noise form entertainment
Outdoor events and festivals	Usually focused on live music performances, On site provision of alcohol and food outlets Large capacity of patrons	Likely noise disturbance from patrons Dispersal and egress likely to impact on surrounding areas Risk of drunkenness which may impact on crime /anti-social behaviour issues Likely music noise disturbance Possible child protection issues Possible public safety issues

15.5 The Core Planning Strategy<sup>13</sup> focuses growth and larger scale development in the north of the borough in Lewisham, Catford, Deptford and New Cross/New Cross Gate. These are identified as Regeneration and Growth Areas. Benefiting from higher levels of public transport accessibility and land that is available and deliverable, this strategy area is expected to accommodate substantial new jobs, homes and supporting facilities and infrastructure. The Strategy identifies smaller scale development opportunities as District Hubs and Local Hubs (identified as district town centres and local shopping parades, including the immediate surrounding residential neighbourhoods).

15.6 Utilising the Core Planning Strategy and feedback from public consultations, the Licensing Authority have identified the following hubs in the borough:

- Town Centres – Lewisham and Catford
- District hubs - New Cross, Sydenham, Lee and Forest Hill

<sup>13</sup> <https://lewisham.gov.uk/myservices/planning/policy/ldf/core-strategy>

- Local hubs – Deptford High Street, Blackheath, Brockley, Hither Green and Bell Green
- Other areas - Residential areas and open spaces

15.7 The Licensing Authority has developed the following preferred operating hours for types of premises dependent on the area within which they are located as defined above:

<b>Type of Premises</b>		<b>Town Centres</b>	<b>District hub</b>	<b>Local hub</b>	<b>Residential</b>
Public Houses and Bars	Preferred earliest start time	Monday – Sunday – 11am	Monday – Sunday – 11am	Monday – Sunday – 11am	Monday – Sunday – 11am
	Preferred latest end time	Friday and Saturday – 2am Sunday to Thursday – 1am	Friday and Saturday – 1am Sunday to Thursday - midnight	Monday to Sunday – midnight	Monday to Sunday – 11pm
Restaurant and cafes	Preferred earliest start time	No preferred Start Time	No preferred Start Time	No preferred Start Time	No preferred Start Time
	Preferred earliest end time	Saturday – 2am Sunday to Thursday – 1am	Friday and Saturday – 1am Sunday to Thursday - midnight	Monday to Sunday – midnight	Monday to Sunday – 11pm
Nightclubs / non-diversified alcohol led venues	Preferred earliest start time	Monday – Sunday 11am	Monday – Sunday 11am	Venue type not appropriate	Venue type not appropriate
	Preferred earliest end time	Friday and Saturday – 2am Sunday to Thursday – 1am	Friday and Saturday – 1am Sunday to Thursday – midnight	Venue type not appropriate	Venue Type not Appropriate
Off Licences	Preferred earliest start time	Monday to Sunday 11am	Monday to Sunday 11am	Monday to Sunday 11am	Monday to Sunday 11am
	Preferred earliest end time	Monday to Sunday – Midnight	Monday to Sunday – Midnight	Monday to Sunday – 11pm	Monday to Sunday – 11pm
Takeaways	Preferred earliest start time	No licence required for hot food and drink except between the hours of 11pm and 5am.			
	Preferred earliest end time	Friday to Saturday – 3am Sunday to Thursday 1am	Friday to Saturday – 3am Sunday to Thursday 1am	Friday to Saturday – midnight Sunday to Thursday – 11pm	Monday to Sunday - 11pm

Hotels	Preferred earliest start time	No restriction for residents of hotel	No restriction for residents of hotel	No restriction for residents of hotel	No restriction for residents of hotel
	Preferred earliest end time	Where hotel bar is open for non-residents, start and end times for 'public houses and bars' apply.			
Theatres and other entertainment venues	Preferred earliest start time	No preferred Start Time	No preferred Start Time	No preferred Start Time	No preferred Start Time
	Preferred earliest end time	Monday to Sunday - 2am	Monday to Sunday – 1am	Monday to Sunday – Midnight	Monday to Sunday – 11pm
Private Members Clubs	Preferred earliest start time	No preferred Start Time	No preferred Start Time	No preferred Start Time	No preferred Start Time
	Preferred earliest end time	Monday to Sunday - 2am	Monday to Sunday – 1am	Monday to Sunday – Midnight	Monday to Sunday – 11pm
Outdoor events and festivals	Preferred earliest start time	Monday to Sunday – 11am	Monday to Sunday – 11am	Monday to Sunday – 11am	Monday to Sunday – 11am
	Preferred earliest end time	Monday to Sunday – 11pm	Monday to Sunday – 11pm	Monday to Sunday – 11pm	Monday to Sunday – 11pm

15.8 Whilst the framework above has been developed to ensure that the hours that licensable activities occur reflect the character of the area within which they are located and the needs of both residents and businesses, every application will be considered on its own merits. The Licensing Authority reserves the right to grant licences outside of these times where it feels that licensing objectives will not be negatively impacted; for example, where an applicant agrees to conditions that address issues of noise nuisance and crime and disorder at later hours of the evening.

## 16. Policy 12: Minimum Unit Pricing

- 16.1 In May 2014 the Licensing Act 2003 (mandatory conditions) Order 2014 came in to force banning the sale of alcohol below 'a permitted price', which is defined as the level of alcohol duty plus VAT.
- 16.2 All premises are required to provide evidence upon request of the Licensing Authority that the premises is compliant with this order.
- 16.3 Premises should not offer irresponsible drinks promotions which encourage irresponsible drinking. Any premises identified as promoting irresponsible drinks promotions may be subject to a premises licence review or representations at point of application where suitable conditions may be imposed to promote the licensing objectives. Each case will be considered on its own merits. Guidance on this has

been issued by the home office 'Guidance on Mandatory Licensing Conditions' September 2014.<sup>14</sup>

- 16.4 Any future legislation regarding minimum unit pricing of alcohol introduced during the term of this policy will apply.

## **17. Policy 13: Delivery Services**

- 17.1 The Licensing Authority expects applicants to be very clear in their operating schedules if they will providing delivery services of either food or alcohol.
- 17.2 The Licensing Authority expects applicants who intend to undertake delivery services to address issues relating to prevention of public nuisance around the use of delivery vehicles and related late night activities and the protection of children harm by the way of ensuring rigorous checks at the point of purchase and the point of delivery.
- 17.3 The Licensing Authority expect the following measures to be under taken:
- Age verification at both point of sale and delivery
  - Alcohol only to be delivered to an residential of business address, not a street or other open space
  - To be mindful of local residents and not to leave engines running when collecting deliveries
  - Orders for alcohol to be paid for over the phone or in person at the premises, no payment to be taken at the point of delivery
  - Consider the safety of the delivery drivers at delivery points and undertake measures as appropriate to protect staff
  - Have a system in place to address 'problematic' deliveries, such as deliveries of alcohol to house parties or people who appear to be intoxicated, where in such circumstances alcohol should be refused and recorded in a refusals book.
  - The DPS shall ensure that all delivery agents that are used have also been trained and seek assurance from the company`s management.
- 17.5 The Licensing Authority is likely to place appropriate conditions on a premises licence where deliveries will be part of the operating schedules in order to promote the licensing objectives.

## **18. Policy 14: Women's safety**

- 18.1 Lewisham Council is a signatory to the Women's Safety Charter and is committed to promoting the Mayor of London's vision that all Londoners are able to work, travel and go out safely at night.
- 18.2 The Licensing Authority expects that all licensed premises sign up to the Women's Safety Charter. The Charter can be found on the Council's Website<sup>15</sup>.

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<sup>14</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/350507/2014-08-29\\_MC\\_Guidance\\_v1\\_0.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/350507/2014-08-29_MC_Guidance_v1_0.pdf)

<sup>15</sup> <https://www.london.gov.uk/what-we-do/arts-and-culture/24-hour-london/womens-night-safety-charter/sign-up>

- 18.3 The Licensing Authority expects that all licensed premises that operate in the evening and night time have appropriately trained staff who are proactive and vigilant around women's safety at night. This includes a duty to report information to the police at the appropriate times.

## **19. Policy 15: Public Health**

- 19.1 The Licensing Authority will consider the impact of the sale of alcohol on the health of residents in the borough.
- 19.2 Public health is not a licensing objective under the Act, however as outlined section 2 of this statement of policy there is a clear link between alcohol consumption and negative impacts on health, and there are a number of alcohol related health impacts that are of concern in the borough.
- 19.3 The Director of Public Health at Lewisham Council has been a responsible authority since 2012 and is able to make representations and initiate reviews based on evidence they have on negative impact of alcohol. When such evidence is presented it will be considered and where there are links to any of the four licensing objectives it will be considered by a committee in deciding the application.
- 19.4 The Licensing Authority expects applicants to consider the following and address these in their operating schedules;
- Proximity to substance misuse treatment centres and primary care units such as hospitals
  - Proximity to schools, youth centres or other areas where children may congregate
  - Training for staff in identifying drunk behaviour and empowering them to feel able to refuse a sale to an individual already intoxicated.
  - Ensuring there is availability of food and non-alcoholic drinks in the premises so that alcohol is not the main focus of the offer.
  - Provision of adequate levels of seating within the premises as well as other diverse entertainments
  - Avoid the sale of high strength alcohol in off licences
  - Avoid drinks promotions or any advertising that encourages the consumption of alcohol.
  - Avoid substantial areas of the premises layout that are dedicated to vertical drinking due to the link with excessive alcohol consumption (see section 24)
- 19.5 This Licensing Authority promotes responsible sales of alcohol at all times and aims through this policy to discourage drunkenness and excessive alcohol consumption. Therefore the Licensing Authority expects that licensees with off sales do not sell cheap 'super' or high strength alcohol above an ABV of 6% except for premium and craft beer and cider.
- 19.6 As outlined in section 2.22 LBL Public Health have implemented an initiative looking at school 'superzones' which is identified as the 400m radius around schools and identifying risks to children within this zone. One of these risks identified was alcohol and the proximity of alcohol premises within this radius of a school premises. The Licensing Authority expects applicants to have fully assessed their impact on the licensing objective of protection of children from harm and identified ways to mitigate risks and outline these in their operating schedules upon applying for a licence.

## **20. Policy 16: Age Verification and Test Purchasing**

- 20.1 This Licensing Authority expects all applicants and licensees to have robust age verification measures in place. The Council's Crime, Enforcement & Regulation Service is responsible for enforcing the statutory Trading Standards provisions around under age sales and will undertake test purchasing operations to check compliance of premises with the minimum purchase age requirements under the law. Where sales are made to children enforcement action will be taken.
- 20.2 The Licensing Authority expects that the following is undertaken by licensees:
- All licensees to operate a 'challenge 25' scheme where any individual who appears under the age of 25 is asked for ID before a sale of alcohol is made. Notices to this effect should be displayed in store. Identification provided should be in the form of a drivers licence, passport or and PASS accredited card.
  - Evidence of this scheme being implemented is maintained through the use of a refusals book which can be presented to authorised officers upon request.
  - A personal licence holder shall be on the premises when alcohol is being sold.
  - Staff will be given appropriate and regular licensing training that is documented and can be evidenced to authorised officers upon request.
  - The DPS will ensure that at all times alcohol is displayed in an area that is constantly monitored by supervised staff, separate from other goods likely to be purchased by those under the age of 18.
- 20.3 Where sales of alcohol are made to children, action will be taken in the form of a licence review to impose conditions to promote the licensing objectives, or by way of discussions with the licensee to request that a minor variation be undertaken to add conditions.

## **21. Policy 17: Early Morning alcohol Restriction Order (EMRO) and the Late Night Levy**

- 21.1 An Early Morning Restriction Order (EMRO) is a discretionary power which enables licensing authorities to restrict sales of alcohol in the whole or part of their area for any specified period between midnight and 6am. An EMRO does not have to apply on every day of the week, and different periods can be applied on different days. It is a flexible measure to deal with crime and disorder.
- 21.2 The Late Night Levy is a discretionary local power that enables the police and licensing authorities to raise a 'levy' from late-opening alcohol suppliers to assist with the costs of policing the night time economy. If a licensing authority resolves to introduce the Levy it must apply to the whole of the licensing authority's area. The period to which the levy relates must begin at or after midnight and end at or before 6am.
- 21.3 The Licensing Authority can deduct administrative expenses from the gross levy revenue. The police would then receive 70% of the net revenue, with the remaining 30% going to the licensing authority. The licensing authority's portion must be spent on services connected with the management of the night time economy that are targeted at dealing with alcohol related crime and disorder. The Act does not specify how the Police's portion of the levy is to be spent. The amount of the levy has been set by regulation and is calculated according to the rateable value of the premises. It would be collected alongside the annual licence fee.

21.4 The Licensing Authority has considered the need for an EMRO and/or the late night levy in the borough. Currently it is considered as not necessary to manage the late night economy in the borough. Should the licensing Authority be minded to undertake either an EMRO of the late night levy then it will be published as part of this statement of licensing policy.

## **22. Policy 18: Entertainment involving Striptease and Nudity**

22.1 The Council has adopted the provisions of Schedule 3, Local Government (Miscellaneous provisions) Act 1982 as amended by the Policing and Crime Act 2009. This Legislation established a new extended licensing regime for sex establishments covering sex shops, sex entertainment venues and sex cinemas.

22.2 Anyone who wishes to operate such a venue must apply to the Council for a licence to do so. Occasional use without a licence is permitted but limited to no more than 12 per year, each less than 24 hours duration and at least one month apart.

22.3 The Licensing Authority will give particular consideration to the promotion of all four of the licensing objectives in cases where applicants include entertainment involving nudity or strip tease or other kinds of sex related entertainment in their applications.

22.4 It is the Licensing Authority's policy to consider such entertainment as a possible public nuisance if they are near residential premises or close to areas where children will frequent and gather, such as schools, playgrounds, youth centres or other community facilities.

22.5 Applications of this type will not normally be granted where the premises are located near:

- Residential premises
- Schools, youth clubs, parks and leisure facilities
- Places of worship or other public and community buildings
- Near pedestrian travel points such as train stations and bus stops

22.6 Applicants should outline in their operating schedules how they will promote the licensing objectives and manage any potential risk. The following conditions should be considered:

- A code of conduct for all dancers will be in place including appropriate disciplinary procedures for failure to comply with the code
- Rules of conduct of customers shall be in place including appropriate procedures for breach of these rules
- Provision of SIA door staff at all times entertainment is taking place
- No advertisements for striptease or nudity on the outside of the premises#
- When sex related entertainment of any kind is being conducted on the premises there should be a strict no under 18s policy in place and signs to that effect erected at the premises.
- No sex related entertainment of any kind will be visible from the street or outside the premises.

22.7 Consultation on the application must include details of the entertainment that is being proposed to take place at the premises with blue notices and newspaper adverts providing details to this effect.

## 23. Policy 19: Modern Day Slavery and Human Trafficking

- 23.1 This Licensing Authority recognizes the growing concern of modern day slavery and human trafficking in the UK and through this policy aims to promote good practice in licensed premises to ensure that those individuals working in licensed premises are doing so under proper employment arrangements.
- 23.2 The Safer Lewisham Partnership published its Modern Day Slavery and Human Trafficking Protocol in 2019 and set out clear aims to tackle this issue in the borough of Lewisham. The protocol notes that *“There are an estimated 40.3 million people living in slavery today, and the Home Office estimates that up to 13,000 of those are based in the UK”* Kevin Hyland, *Independent Anti-Slavery Commissioner 2017*.<sup>16</sup>
- 23.3 Human trafficking is the trade of humans for the purpose of forced labour, sexual slavery, or commercial sexual exploitation for the trafficker or others. Modern slavery is an umbrella term, encompassing human trafficking, slavery, servitude and forced labour.
- 23.4 Someone is in **slavery** if they are:
- Forced to work through mental or physical threat
  - Owned or controlled by an ‘employer’
  - Usually through mental or physical abuse or the threat of abuse
  - Dehumanised, treated as a commodity or bought and sold as ‘property’
  - Physically constrained or have restrictions placed on their freedom.
- 23.5 As outlined in section 7.7, the prevention of immigration crime is included under the licensing objective of Prevention of Crime and Disorder and this covers illegal working in licensed premises. Illegal working is often linked to human trafficking and labour exploitation with victims trafficked to UK illegally to work in sub-standard conditions for little or no pay in return for accommodation. Under such conditions victims may face violence or threats. If they are foreign nationals, their passports may be confiscated by their exploiters and they may be made to live in terrible conditions and under constant threat.
- 23.6 The Licensing Authority will work with the Police and Home Office Immigration Enforcement to address concerns around this area and will take issues of illegal working very seriously. Section 11.27 of the Section 182 Home Office Guidance states that for employing a person who is disqualified from that work by reason of their immigration status in the UK is a crime that should be taken particularly seriously by the Licensing Authority. Therefore This Licensing Authority will work to ensure that any licensed premises that has been involved in such activity will be reviewed and action taken to promote licensing objectives.
- 23.7 The Home Office may also instigate their own reviews of licences based on evidence of illegal working in licensed premises.
- 23.8 Where appropriate, conditions addressing this concern such as a requirement for all licensees to obtain evidence of an individual’s right to work in the UK before employment and keeping documents at the premises may be added to promote the licensing objectives.

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<sup>16</sup> LBL Modern Day Slavery and Human Trafficking Protocol 2019  
[www.lewisham.gov.uk/documents/s62969/Lewisham%20Modern%20Day%20Slavery%20Protocol%20February%202019.pdf](http://www.lewisham.gov.uk/documents/s62969/Lewisham%20Modern%20Day%20Slavery%20Protocol%20February%202019.pdf)

23.9 Councils are under a duty under Section 52 of the Modern Slavery Act to identify potential victims of modern slavery, and refer them to the Government. Councils are what's known as first responders, meaning that they can refer victims directly. Authorised officers will use powers of entry to inspect licensed premises. Where any concerns are identified, this Licensing Authority will take steps to refer any activity it suspects may be linked to human trafficking or any form of modern day slavery to the home office through the national referral mechanism (NRM).

## **24. Policy 20: Vertical Drinking**

24.1 It is known that there is a strong link between vertical drinking and violent and disorderly behaviour. Increased levels of drinking amongst patrons are also associated with vertical drinking. Given the clear public health (see section 2.20) and crime and disorder considerations around this, the Licensing Authority expect any application that proposes vertical drinking to make this clear in their operating schedules and outline effective measures for managing the associated risks.

24.2 The Licensing Authority would expect the following measures to be in proposed as a minimum to promote licensing objectives:

- SIA door staff employed during the hours where vertical drinking most likely to take place until closure of premises.
- Training staff to be vigilant to excessive consumption in customers, and avoiding the service of those who are drunk
- Providing a wide selection of reasonably process non-alcoholic beverages
- Providing a food offer on the premises at all times alcohol is being sold.
- Close management and monitoring of outside areas and entry and exit points to ensure noise nuisance is deterred.

24.3 There certain areas of the borough that in the Licensing Authority's' view are not appropriate for vertical drinking venues, particularly residential areas of the borough and the quieter local hubs (see Policy 10). Applicants are expected to give consideration to this in the applications and ensure the operating schedule they propose is suitable and appropriate for the area they are intending to undertake their business. For example, Customers who have been seated in premises which are not crowded with vertical drinkers will behave differently, they are less likely to have been talking at high volume and will leave the premises more quietly. This helps to ensure that noise nuisance is managed more effectively and is less likely to impact on surrounding properties at closing time.

24.4 Because of the potential impact of vertical drinking on noise nuisance, crime and disorder and public health, the Licensing Authority is not minded to relax conditions on existing licences where alcohol is only allowed to be served to patrons as an ancillary to their table meal.

24.5 The Licensing Authority takes the view that the removal of seating or tables from premises which has the effect of increasing the floor area for vertical drinking is not suitable for the Minor Variation procedure. Such applications should be made under the Full Variations procedure. The Licensing Authority will expect applicants to demonstrate how the removal of seating or tables will promote the licensing objectives.

## Appendix I

### Delegation of Functions

<b>Matter to be dealt with</b>	<b>Licensing 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
Application for Minor Variation for Premises Licence / Club Premises Certificate		In all cases
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	All cases	

authority considering the application		
Determination of an objection to a Temporary Event Notice	All cases	

## Appendix II

### **Mandatory Conditions prescribed by the Licensing Act 2003**

#### ***Mandatory conditions where the licence authorises the sale of alcohol***

#### ***Alcohol sales authorised under a Premises Licences***

*(Note: Conditions 4, 5, and 7 relate to on-sales only)*

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available. A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.
8. (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -  

$$P = D + (D \times V)$$
 Where -
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8 (ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

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

### ***Supply of alcohol under a Club Premises Certificate***

The mandatory conditions 4 to 8 above will apply. If the club premises certificate authorises the supply of alcohol for consumption off the premises, the following three mandatory conditions must also be included:

1. The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol to members of the club for consumption on the premises.
2. Any alcohol supplied for consumption off the premises must be in a sealed container.
3. Any alcohol supplied for consumption off the premises must be made to a member of the club in person.

### ***Supply of alcohol from community premises***

The following mandatory condition will replace the first three mandatory conditions above when an application is made for a premises licence by the management committee of community premises and the licensing authority also grants an application for this alternative licence condition to be included in the licence:

1. Every supply of alcohol under the premises licence must be made or authorised by the [management committee / management board / board of trustees].

### ***Mandatory condition when a premises licence or a club premises certificate authorises the exhibition of films***

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

### ***Mandatory Condition relating to door supervision which only applies where a premises licence includes a condition that one or more individuals must be at the premises to carry out a security activity***

10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority

### **Appendix III**

Maps for Cumulative Impact Assessments

N/A

### Appendix IV

#### **Documents which demonstrate entitlement to work in the UK**

Applicants may be asked to demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They can do this by providing with their application, copies or scanned copies of the documents listed below (which do not need to be certified). The documents that demonstrate an entitlement to work in the licensing regime are based on existing prescribed document lists for checks undertaken by employers. They are set out in the following regulations: The Immigration (Restrictions on Employment) Order 2007 and the Immigration (Restrictions on Employment) (Codes of Practice and Amendment) Order 2014.

- a) An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK. See note below about which sections of the passport must be provided].
- b) A current or expired passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of an European Economic Area country or Switzerland.
- c) A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- d) A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- e) A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- f) A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- g) A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- h) A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- i) A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, when produced in combination with an official document giving the person's

permanent National Insurance number and their name issued by a Government agency or a previous employer.

- j) A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- k) A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- l) A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relating to the carrying on of a licensable activity.
- m) A current Residence Card issued by the Home Office to a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- n) A current Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity. when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- o) A Certificate of Application, less than 6 months old, issued by the Home Office under regulation 17(3) or 18A(2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- p) Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office, such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- q) Reasonable evidence that a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - a) working e.g. employment contract, wage slips, letter from the employer,
    - b) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - c) studying e.g. letter from the school, college or university and evidence of sufficient funds, or
    - d) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- any page containing the holder's personal details including nationality;

- any page containing the holder's photograph;
- any page containing the holder's signature;
- any page containing the date of expiry; and
- any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided. In addition, all staff who are employed in the UK must have the right to work in the UK. Employing someone illegally without carrying out the prescribed checks can lead to robust sanctions including:

- a civil penalty of up to £20,000 per illegal worker;
- a criminal conviction carrying a prison sentence of up to 5 years and an unlimited fine;
- closure of the business and an application for a court compliance order;
- disqualification as a director (where relevant);
- not being able to sponsor migrants; and
- seizure of earnings made as a result of illegal working.

**Appendix V Table of relevant offences under the 2003 Act**

<b>Section</b>	<b>Offence</b>	<b>Prosecuting Authority</b>
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority

## **Appendix VI – Model Conditions**

The following model conditions can be used by the applicant of a new premises licence, provisional statement or licensee varying their application. The applicant or licensee can select the conditions that they feel will enable them to demonstrate how they will ensure that the premises will operate so as not to impact one or more of the licensing objectives.

These model conditions can also be used by responsible authorities or interested parties when making representations regarding applications submitted to the Licensing Authority. The Licensing Committee when determining applications will have regard to these conditions and may choose to add one or more conditions or variations of them depending on the concerns raised during the determination process.

The model conditions are not intended to be used as blanket conditions applied to each premises licence, nor is this an exhaustive list and new or amended versions of model conditions can be produced to meet the specific requirements of that application.

The model conditions have been put under general topic headings to assist in identifying particular conditions that may address specific issues raised. By the side of each condition a reference to the relevant licensing objective that they relate is indicated. The codes used for the licensing objectives are:

CD - preventing crime and disorder  
 CH – Prevention of Children from Harm  
 PN - Prevention of public nuisance  
 PS – Public Safety

### **CCTV**

MC01	The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.	CD, PS, CH, PN
MC02	A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.	CD, PS, CH, PN

MC03	All persons entering the premises shall be captured on an eye level colour CCTV camera. This camera shall capture the full face of any person entering and re-entering the premises and be available to police officers immediately upon request. The CCTV must also cover the ID scanner and capture the customers being scanned in. CCTV at front and back of building with particular regard to the smoking areas and alleyway at the back of the premises.	CD, PS, CH, PN
MC04	The CCTV must cover all areas of the venue that the public have access to. There should be no obstructions to any internal camera that creates areas that are not wholly covered by CCTV, apart from within toilet cubicles and directly covering men's urinals.	CD, PS, CH, PN
MC05	The smoking area must be covered by CCTV that is to the same standards as the internal CCTV system.	CD, PN

### Door Supervision

MC06	A minimum of XX SIA registered door staff, (Where 2, of which one (1) must be female) and are all employed by an Accredited Contractor Scheme (ACS) registered company. They must be on duty on XXX nights from 21:00hrs until 30 minutes after closing and when conducting licensable activities or any other advertised or private event.	CD, PS, CH, PN
MC07	A register of security personnel employed on the premises shall be maintained in a legible format and made available to police upon reasonable request. The register should be completed by the DPS/ duty manager/ nominated staff member at the commencement of work by each member of security staff and details recorded should include; full name, SIA badge number, time of commencement and completion of duties. The security operative should then sign their name.	CD, PS, CH, PN
MC08	At the commencement of work, security personnel should ensure that they are recorded on the CCTV system and that a clear head and shoulders image showing their face clear of any hat, glasses or other obstruction is recorded.	CD, PS,
MC09	All persons entering or re-entering the premises shall be searched by an SIA trained member of staff and monitored by the premises CCTV system.	CD, PS,
MC10	All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests, due to main road outside front.	CD, PS,

### Age Verification and Protection of Children from Harm

MC11	A proof of age scheme, such as Challenge 25, must be operated at the premises where the only acceptable forms of identification are (recognized photographic identification cards, such as a driving license or passport / Holographical marked PASS scheme identification cards) appropriate signage must be displayed.	CD, CH
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MC12	All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.	CD, CH
MC13	A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open.	CD, CH
MC14	Unaccompanied children are not permitted on the premises.	CD, CH
MC15	No children permitted on the premises whilst adult entertainment is in progress.	CD, CH
MC16	All children under the age of 16 must be accompanied by an adult	CD, CH
MC17	No children on the premises after 21:00hrs	CD, CH
MC18	Children must not be allowed in the bar area	CD, CH
MC19	The licensee will ensure, through regular checks and intervention that children will not congregate outside the premises.	CD, CH
MC20	Notwithstanding the mandatory condition imposed by Section 20 of the Licensing Act 2003 (above) the exhibition of films pursuant to this licence will be restricted to films that have been classified as Universal (U) or Parental Guidance (PG) by the film classification body designated under Section 4 of the Video Recordings Act 1984.	CD, CH

### Signage

MC21	The premises shall prominently display signage at all entrances informing customers: - (‘All persons entering this premise are liable to be searched. Agreement to search is a condition of entry. If persons do not consent, entry will be refused.) (All persons entering the premise will produce identification), (Police may be called if drugs or weapons are found.) (CCTV is in operation throughout this premises and is made available to the police.) (Any person found carrying weapons or illegal drugs will be permanently excluded and the police will be informed.) (‘Management reserve the right to refuse entry’)	CD, PS, PN
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### Deliveries

MC22	All delivery drivers must not leave their engines running whilst waiting for their alcohol orders nor must they congregate on the road outside the premises.	PN
MC23	Where an order involves alcohol, the customer will be required to confirm that they are over 18 at the point of completion of the order.	CH
MC22	There will be a clear warning at the point of order that alcohol will only be delivered to someone over the age of 18 and that appropriate identification may be requested.	CH

MC23	The delivery of alcohol will not be made to a person in a public place such as a street corner, park or bus stop etc.	CH, PN, CD
MC24	The delivery of alcohol to be made only to a residential or business address, where it is evident that the customer is a resident or occupies the business.	CH, PN
MC25	The DPS shall ensure that all employed delivery staff shall receive regular training, a minimum of once a year on the prevention of underage sales and on Challenge 25 scheme. The DPS shall also ensure that all delivery agents that are used have also been trained and seek assurance from the company's management.	CH, PN, PS, CD

### Identification of Offenders or Problem Persons

MC26	All customers who enter the premises after 22:00hrs on Club nights must have their personal details recorded by an electronic scanner (such as a club scan or scan net).	CD, PS, PN
MC27	All customers, promoters and DJ's entering the premises after 22:00 on Club Nights shall have their personal details recorded by an electronic identification scanner. This scanner must record the identification produced and time of entry of any person. This information must be made available to police or Local Authority Officers immediately.	CD, PS, PN
MC28	A record book of banned individuals shall be held by the SIA registered door supervisors at the front door and will be made available to Police and Council upon request.	CD, PS, PN

### Public nuisance & Outdoor areas

MC29	A noise limiter must be fitted and maintained within the premises. The level of this meter must be set in accordance with required legislation and standards by a qualified sound engineer. The limiter must be sealed in such a way that no unauthorised person can tamper with it. The level should be set in the presence of an authorised officer of the Crime Enforcement and Regulation Service of the London Borough of Lewisham. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device. The device should be calibrated annually and a record kept to be available for inspection by officers.	PN
MC30	An appropriately qualified acoustic engineer must be engaged to carry out an acoustic report for both sound insulation, egress and dispersal with appropriate recommendations as to how statutory nuisance can be mitigated appropriately.	PN

MC31	During the 30 minute cool down period after sale of alcohol ceases, the volume of any music being played must be decreased.	PN, CD
MC32	All windows and doors must be kept shut whilst entertainment is in progress except for the immediate entrance/egress of patrons.	PN
MC33	No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.	PN
MC34	Loudspeakers shall not be located in the entrance lobby or outside the premises building.	PN
MC35	Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.	PN
MC36	Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (X) persons at any one time.	PN
MC37	Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.	PN
MC38	A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.	PN, PS
MC39	Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.	PN, PS
MC40	No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.	PN
MC41	The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.	PN, PS, CD
MC42	During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.	PN
MC43	Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined as (specify location).	PN
MC44	The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.	PN, PS
MC45	The premises shall have a written dispersal policy including addressing parked or stationary vehicles across outside the front of the premises. All door staff shall be knowledgeable of this policy and able to enforce it.	PN, PS, CD

MC46	No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.	PN
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### Supply of Alcohol ON sales

MC47	There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.	CD, CH
MC48	No drinks shall be served in glass containers at any time.	CD, PN, PS
MC49	The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.	CD, PN
MC50	The supply of alcohol shall be by waiter or waitress service only.	CD, PN
MC51	Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.	CD, PN, PS
MC52	Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.	CD, PN
MC53	The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed at the outside tables and chairs shown on the licence plan, shall be by waiter or waitress service, served only to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only.	CD, PN

### Supply of Alcohol OFF sales

MC54	There shall be no sales of alcohol for consumption off the premises after (XX.00).	CD, PN
MC55	All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.	CD, PN
MC56	Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.	CD, PN

MC57	No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.	CD, PN
MC58	Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.	CD, PN
MC59	No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.	CD, PN
MC60	There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.	CD, PN
MC61	No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.	CD, PN

### Public Safety

MC62	Any special effects or mechanical installations shall be arranged, operated and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the licensing authority where consent has not previously been given. • dry ice and cryogenic fog • smoke machines and fog generators • pyrotechnics including fireworks • firearms • lasers • explosives and highly flammable substances. • real flame. • strobe lighting.	PS
MC63	The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.	PS
MC64	As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.	PS
MC65	All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle	PS
MC66	All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.	PS

### Late Night Refreshments

MC67	There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.	CD, PN
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## Crime and Disorder

MC72	In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that: (a) The police (and, where appropriate, the London Ambulance Service) are called without delay; (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police; (c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.	CD, PS
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## Staff Training

MC73	All documents of members of staff will be retained for a period of 12 months post termination of employment and will be made available to the police, immigration and/or Licensing officers upon reasonable request.	CD, CH, PN, PS
MC74		CD, CH, PN, PS
MC75	New and seasonal staff must attend induction training and receive refresher training every six months.	CD, CH, PN, PS
MC76	The premises Licence Holder and/or Designated Premises Supervisor shall keep up to date policies and staff training records in relation to the following: Requirements of the challenge 25 scheme, drugs, identification & recognition of drunks, identification recognition and responsibilities of dealing with vulnerable persons and the correct procedures to be followed when refusing service regular training must be provided to all staff at least every six months, a record of the training will be maintained for at least twelve months.	CD, CH, PN, PS

## Recording of Incidents and Visits

MC78	An incident log shall be kept at the premises, and made available on request to an authorized Local Authority or Police Officer, which will record the following: a) All crimes reported to the venue. b) All ejections of patrons. c) Any complaints received. d) Any incidents of disorder. e) All seizure of drugs or offensive weapons. f) Any faults in the CCTV system. g) Any refusal of the sale of alcohol. h) Any visit by a relevant authority or emergency service.	CD
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## Large Events

MC79	An Event Management Plan containing detail appropriate to each year's Event will be produced and implemented in consultation with and with the agreement of the Responsible Authorities through the multi-agency or Safety Group meetings.	CD, CH, PN, PS
MC80	For each Event the Premises Licence holder will produce a final Event Management Plan (including the plan of the Site) which must be agreed by the Licensing Authority prior to the relevant Event taking place.	CD, CH, PN, PS
MC81	The Premises Licence holder will ensure that arrangements are made to provide information to persons attending the Event to include transport, access and egress arrangements, dealing with lost and found persons and property, emergency services, promoting responsible drinking and taking care of their hearing.	CD, CH, PN, PS
MC82	The Premises Licence holder will appoint to the satisfaction of the Licensing Authority a competent security/stewarding provider.	CD, CH, PN, PS
MC83	A full Security/Stewarding Plan will be produced and contained within the Event Management Plan for each Event. All security/stewards will be easily identifiable, have the appropriate training and where appropriate, hold licences for their respective duties. The Plan will include details of numbers and deployment of security/stewards. A register will be maintained of all stewards/security staff.	CD, CH, PN, PS
MC84	The Alcohol Management Plan will be produced and contained in the Event Management Plan and will set out procedures to minimise any contribution to crime and disorder arising from the consumption of alcohol.	CD, CH, PN, PS
MC85	All drinks will be served in either plastic bottles or collapsible cups in the public arena area.	CD, CH, PN, PS
MC86	An Illegal Substances Policy and Management Plan will be produced for each year's Event and be contained in the Event Management Plan.	CD, CH, PN, PS
MC87	For each Event, the Premises Licence holder will appoint a health and safety consultant and provide a detailed Risk Assessment for all activities at the Site. The Risk Assessment will be incorporated into the Event Management Plan.	CD, CH, PN, PS
MC88	The Licensed Site capacity and attendance each day at the Event will not exceed XXXX, which number includes the paying audience and guests but not staff or artists.	CD, CH, PN, PS
MC89	The Premises Licence holder will make adequate provisions for monitoring and controlling the number of persons on the Licensed Site.	CD, CH, PN, PS

MC90	The occupancy of all temporary structures within the Licensed Site will be continuously monitored and the capacities agreed with the Responsible Authorities will not be exceeded.	CD, CH, PN, PS
MC91	Appropriate arrangements by way of fencing, gate systems and security will be made in agreement with the Responsible Authorities to prevent unauthorised access to the Site.	CD, CH, PN, PS
MC92	Entrances and exits to the Licensed Area, including roadways, pedestrian routes and emergency vehicle routes will be adequately illuminated during periods of darkness.	CD, CH, PN, PS
MC93	Adequate lighting levels will be maintained within temporary structures.	CD, CH, PN, PS
MC94	Suitable and sufficient firefighting provision will be provided and maintained on the Site throughout the duration of each Event to the satisfaction of the Fire and Rescue Service.	CD, CH, PN, PS
MC95	The fire retardant characteristics of all tents, drapes, scenery etc. used on or in any temporary structures on the Site will be to the satisfaction of the Fire and Rescue Service.	CD, CH, PN, PS
MC96	No pyrotechnics, flame effects or fireworks are to be used without the consent of the Licensing Authority.	CD, CH, PN, PS
MC97	The Premises Licence holder will employ a competent noise control consultant to produce a Noise Management Plan prior to each year's Event for the approval of the Licensing Authority and a Noise Control Report following each Event.	CD, CH, PN, PS
MC98	<p>On each Event day, the noise control consultant will continuously monitor noise levels, both on Site and off Site, at agreed monitoring positions, throughout the period that amplified or live Entertainment is provided and liaise with the relevant Responsible Authority. Sound check times, show times and details of noise monitoring procedures will be included in the Noise Management Plan. The agreed Noise Management Plan will be incorporated into the Event Management Plan.</p> <p>A Transport Management Plan ("TMP") will be prepared in consultation with the Metropolitan Police and other relevant Responsible Authorities to ensure emergency services access and egress routes are maintained and to minimise unreasonable disruption to local residents. The TMP will form part of the Event Management Plan.</p>	CD, CH, PN, PS
MC99	The Premises Licence holder will set up a publicised meeting each year with local residents prior to the relevant Event to discuss the plans for the Event and receive residents' representations.	CD, CH, PN, PS

	The Premises Licence holder will set up a publicised meeting each year with local residents after the relevant Event to receive residents' representations.	
MC100	The Premises Licence holder will make arrangements for a dedicated telephone line to be made available and manned for the receipt of any complaints from the general public whilst the Event is in operation. The telephone number will be publicised locally and all complaints recorded, full details of all calls received will be provided to the Licensing Authority and/or Responsible Authorities upon request.	CD, CH, PN, PS
MC101	The Alcohol Management Plan, which forms part of the Event Management Plan, will address the measures that will be taken to dissuade and prevent persons under the age of 18 from buying, attempting to buy, or attempting to secure the supply of alcohol during the Event.	CD, CH, PN, PS
MC102	The Premises Licence holder will provide a welfare policy for each Event dealing with lost and found persons, including children, and the provision of information to persons attending the Event.	CD, CH, PN, PS

## Appendix VII Contact details

### Licensing Authority

[licensing@lewisham.gov.uk](mailto:licensing@lewisham.gov.uk)

020 8314 6400

For licensing advice, to make applications, report breaches or problems

### Crime, Enforcement & Regulation Service

[cer@lewisham.gov.uk](mailto:cer@lewisham.gov.uk)

02083147237

To report noise nuisance, anti social behaviour, statutory nuisance

### Lewisham Police

101 or 999 in an emergency

To report a crime or crime/safety concern