



# LICENSING ACT 2003 STATEMENT OF LICENSING POLICY 2019-2024

Approved on:       ## December 2018  
Published on:      ## December 2018  
In effect from:    ## January 2019

This Statement of Licensing Policy of the London Borough of Sutton, the relevant Licensing Authority, was prepared under Section 5 of the Licensing Act 2003 after having regard to all relevant government guidance. The policy and its publication were approved by the full Council on **<INSERT DATE>**.

Version 1.2 **DRAFT**

Last updated: Wednesday 29 August 2018

This page has been left blank

# CONTENTS

	PAGE
GLOSSARY	4
FOREWARD	7
OVERVIEW	8
INTRODUCTION	12
PART A – MATTERS OF GENERAL POLICY	19
PART B – POLICY ON THE PROMOTION OF THE LICENSING OBJECTIVES	26
APPENDIX 1 – CONTACT DETAILS OF RESPONSIBLE AUTHORITIES	43
APPENDIX 2 – DELEGATION OF LICENSING DECISIONS	45
APPENDIX 3 – SPECIAL POLICY ON CUMULATIVE IMPACT	47

## GLOSSARY

<i>The Council</i>	The London Borough of Sutton
<i>The Licensing Authority</i>	The capacity in which the Council acts when performing its roles and duties set out in the Licensing Act 2003. This capacity is delegated to officers in certain situations and circumstances detailed in the Policy.
<i>The Act</i>	The Licensing Act 2003 and all Regulations made thereunder.
<i>Secretary of State's Guidance</i>	The Guidance issued by the Secretary of State for Digital Culture, Media and Sport under section 182 of the Licensing Act 2003
<i>Other person</i>	Any persons wishing to make representations on an application or to apply for or make representations on a review, who may include persons who live, work or visit the licensing authority's area.
<i>A member of the relevant licensing authority</i>	Any elected member of the Council.
<i>Cumulative Impact Policy</i>	A special policy in which the Licensing Authority sets out that the number of premises within a certain area or areas is such that their cumulative impact (as opposed to the impact of any particular one premises) adversely affects the promotion of the licensing objectives.
<i>Relevant representation</i>	<p>The Licensing Authority may only consider relevant representations (objections) in determining applications. Relevant Representations are defined in the Act as being those that:</p> <ul style="list-style-type: none"><li>• are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives</li><li>• are made by any other person or responsible authority within the prescribed time period following an application</li><li>• are not <i>frivolous</i> or <i>vexatious</i> (in the opinion of the Licensing Authority)</li></ul>
<i>Frivolous representations</i>	Those based on matters of limited seriousness, where the issues complained of are about a very minor nature and any action required would be disproportionate.
<i>Vexatious representations</i>	Would be those that arise out of disputes between parties and generally have little or no substance.

<i>Designated Premises Supervisor (DPS)</i>	A person specified on the licence as the supervisor of the premises licensed for the sale of alcohol. The DPS must hold a personal licence.
<i>Personal Licence</i>	A licence granted by a Licensing Authority to an individual, authorising that individual to sell, or authorise the sales of, alcohol.
<i>Operating schedule</i>	The part of an application form in which the applicant sets out their proposed activities, the times which they wish to operate and the steps they propose to promote the licensing objectives.
<i>Licensable activities</i>	<p>Activities for which authorisation is required under the Act:</p> <ul style="list-style-type: none"> <li>● the sale by retail of alcohol,</li> <li>● the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,</li> <li>● the provision of regulated entertainment, and</li> <li>● the provision of late night refreshment.</li> </ul>
<i>Regulated entertainment</i>	<p>The provision of regulated entertainment is defined as any of the following activities that takes place in the presence of an audience for the entertainment of that audience and are provided with a view to profit:</p> <ul style="list-style-type: none"> <li>● <b>Boxing or wrestling</b> including mixed martial arts (this does not include Greco-Roman or Freestyle wrestling)</li> <li>● <b>An exhibition of a film</b> (this does not include live feed television i.e. sporting events)</li> <li>● <b>Adult entertainment</b> (for example lap-dancing)</li> <li>● <b>Playing of recorded music</b> <ul style="list-style-type: none"> <li>○ Between 11pm and 8am</li> <li>○ At any time when the audience numbers are over 500 people</li> </ul> </li> <li>● <b>Unamplified live music</b> <ul style="list-style-type: none"> <li>○ Between 11pm and 8am</li> </ul> </li> <li>● <b>Amplified live music</b> (including karaoke): <ul style="list-style-type: none"> <li>○ Between 11pm and 8am</li> <li>○ At any time when the audience numbers are over 500 people</li> </ul> </li> <li>● <b>Performance of dance</b> <ul style="list-style-type: none"> <li>○ Between 11pm and 8am</li> <li>○ At any time when the audience numbers are over 500 people</li> </ul> </li> </ul>

- **Performance of a play**
  - Between 11pm and 8am
  - At any time when the audience numbers are over 500 people
- **Indoor Sporting Events**
  - Between 11pm and 8am
  - At any time when the audience numbers are over 1000 people
- **Entertainment of a similar description** to that falling within the performance of live music, playing of recorded music or performance of dance

*Responsible Authority*

Means the:

- the Chief Officer of Police
- the Fire Authority
- the Public Health authority
- the Enforcing Authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974,
- the Local Planning Authority within the meaning given by the Town and Country Planning Act 1990
- the Local Authority by which statutory functions are exercisable in relation to minimising or preventing the risk of pollution of the environment or of harm to human health,
- a body which—
  - represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
  - is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters,
- the relevant licensing authority and any other licensing authority in whose area part of the premises is situated
- the Primary Care Trust or Local Health Board for any area in which the premises are situated
- the Trading Standards Authority,
- any Licensing Authority (other than the relevant licensing authority) in whose area part of the premises is situated,
- in relation to a vessel:
  - a Navigation Authority (within the meaning of section 221(1) of the Water Resources Act 1991) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities,
  - the Environment Agency,
  - the British Waterways Board, or
  - the Secretary of State,

## **INTRODUCTION**

1. The London Borough of Sutton is committed to the delivery of sustainable economic growth throughout the Borough. The Council believes that our Town and District Centres are vital to generating a thriving local economy and have the opportunity to bring with them both economic and social benefits.
2. Our Town Centres are evolving and Sutton is looking to the future to ensure the Borough can think ahead and position itself to maximise benefit from these changes. This will include strengthening our leisure offer by creating a lively attractive night time economy that is fully inclusive, encourages families back into the high street in the evening and most importantly is safe.
3. Our vision is therefore for Sutton to have a vibrant and diverse night time economy which will include a wide choice of high quality and well managed entertainment and cultural venues in our town and district centres that are valued by those who live, work and visit the Borough.
4. The Council has extensive experience in regulating entertainment with Sutton currently home to over 400 licensed premises including pubs, bars, wine bars, restaurants, theatres and nightclubs. Many other premises including cultural venues and shops are also licensed.
5. This policy identifies the importance of widening the overall offer of licensed premises in the Borough and the associated impact on the quality of life and protection of our local residents. It also takes into consideration the development of a greater diversity in the types of entertainment and cultural activity on offer for all age groups. By doing this it furthers the objectives of prevention of crime and disorder and public nuisance.
6. The Council understands the detrimental effect that a drink dominated offer can have on the high street, its residents and visitors and wishes to discourage the effects of excessive drinking. In response to this the Council are encouraging initiatives that create a positive change in Sutton's night time economy including the provision of additional seating in premises which serve alcohol. This provides an opportunity for people to sit and enjoy a drink and order food by table service, in place of open bar space which caters for high volume vertical drinking. As such this policy will actively promote the implementation of the licensing objectives.
7. Through this Policy the Council aims to secure the safety and amenity of residential and business communities whilst ensuring a sustainable entertainment and cultural industry. To achieve this we must consider the needs of residents and businesses for a safe and healthy environment to live and work in. The Council recognises the importance of well-managed entertainment premises to the local economy, ambience and culture of the Borough and is committed to partnership working with the licensing trade, local businesses, the Successful Sutton Business Improvement District, residents and the responsible authorities.

8. Alcohol-related illness or injury accounts for 180,000 hospital admissions per year. The total annual healthcare cost related to alcohol misuse are in excess of £1.7 billion per year with the bulk of this cost borne by the National Health Service. Alcohol-related deaths have more than doubled since 1979, with more people dying at a younger age.
9. Alcohol is associated with a wide range of criminal offences including drink driving, being drunk and disorderly, criminal damage, assault and domestic violence. In young people alcohol is associated with anti-social behaviour and teenage conceptions. The picture of risky drinking behaviour is complex. Information from synthetic estimates on binge drinking suggests a link with deprivation in Sutton. Patterns of health services use suggests that higher risk drinking is more widespread – occurring in both deprived and affluent areas.
10. The number of crimes in which alcohol is a factor is higher in London than other parts of the England and Wales. It is estimated that up to 80 per cent of weekend arrests are alcohol-related and just over half of all violent crime is committed while drunk.
11. London Ambulance data shows that Sutton town centre is a hotspot for alcohol related violence. This mostly occurs on Friday and Saturday evenings into the early hours. Lower level alcohol related disorder, particularly linked to groups of youths, remains the key concern of residents interviewed in the borough wide SENSOR survey.
12. Clusters of particular types of licensed premises in Sutton's Town and District Centres can lead to an accumulation of issues culminating in increased crime and disorder, anti-social behaviour and public nuisance. Special policies will be considered to address these.
13. As the Licensing Authority, the Council is required to approve and publish a Statement of Licensing Policy, setting out how it will promote the statutory licensing objectives as set out in the Licensing Act 2003. It provides the policy framework for councillors on the Licensing Sub-Committee that makes decisions on licence applications in respect of Premises Licences, Club Premises Certificates, Personal Licences and Temporary Event Notices.
14. The decisions taken by the Council's Licensing Sub-Committee, framed and guided by this Statement of Licensing Policy aim to promote a key set of licensing objectives and prevent problems with the evening and night time economy that may otherwise have a direct impact on people's lives and well-being. These same problems also put a strain on essential public services, including the police, ambulance services and Accident and Emergency (A&E) departments.
15. In exercising its powers under the Licensing Act 2003, the Licensing Authority will be mindful of the concerns set out above but it acknowledges that there are limitations on its powers. A fair balance must be struck between all the



stakeholders involved; including, licensees, businesses holders, visitors and residents. The Council also recognises that, as well as its licensing controls and directly related enforcement activities, planning policies, late night transport provision, street cleaning, policing and the provision of emergency health services all contribute to achieving this balance between those going out at night and others who want a good night's sleep or to walk through a clean town centre first thing in the morning.

16. The Council believes that as well as licensing, national schemes such as Best Bar None, Behave or be Banned, Purple Flag, Pubwatch and Business Improvement Districts have shown that a thriving and growing evening and night time economy can operate when excessive drinking is tackled consistently and robustly by local businesses, the police and the Council working together.
17. In summary therefore, the Council expects and encourages those engaged in operating licensed premises in the Town and District Centres and, indeed, across the whole of the Borough to carefully examine how they operate and how what they do may affect residents and businesses. In cases where Licensees do not act reasonably the Council will exercise robust enforcement controls to ensure that Sutton is an environment which is safe, and feels safe, for all communities.
18. This Statement of Licensing Policy has been produced following the provisions of the 2003 Act and the Guidance issued under section 182 of the 2003 Act published in April 2018.

## **POLICY, PRINCIPLES, PURPOSE AND SCOPE**

19. The Council has wide experience in regulating entertainment and it recognises that licensed entertainment in the borough contributes to its appeal to both residents and visitors as a vibrant place to live and as a destination. The entertainment industry brings cultural and financial benefits to the borough but the Council believes that good management of this vibrant industry and the street environment within which it operates is essential to the continued success of the borough in attracting a wide range of people who want to come here to work, to visit and to live.
20. There can be a potential conflict between the interests of different parts of the entertainment industry in terms of their 'offer' to potential customers and in the behaviour and activities of those customers. The Council's role as a Licensing Authority is the principle means by which, working in partnership with the Police and other bodies, it can manage the evening and night-time economy. Other legislative processes also have a bearing on the management of the evening and night-time economy, most notably planning where proposals for new leisure facilities or extended hours for existing facilities are controlled by the need for planning permission.
21. The Act requires that the Authority must review and publish a policy at least once every five years but it can review this whenever it feels appropriate. The previous Policy published in 2014 contained a Special Policy on Cumulative Impact. The Licensing Committee commenced a review of the Special Policy in 2016. Following a process of data collection and analysis it was established the 2014 Policy would require a full review and in light of the full review process requiring public consultation, the Council determined to delay consultation on a Special Policy until the whole Policy review was commenced. This Statement of Licensing Policy is the result of that review, and together with the Special Policy is subject to public consultation.
22. The consultation process involving a wide range of authorities, organisations, representatives and the general public during a consultation period between **<INSERT DATES>**. The Council consulted specifically with:
- The Metropolitan Police
  - The Council's Community Safety Team
  - London Fire Brigade
  - Residents Associations
  - Representatives of licensees
  - Representatives of local business including Successful Sutton and Opportunity Sutton
  - The Council's Public Health Team
  - Other Responsible Authorities

23. This policy will remain in force until <INSERT DATES>. However, within this period, the Policy or part of the Policy may be subject to review. The Licensing Authority will consult on any review with the organisations listed in paragraph 3 above, and take into consideration any comments they may have to make regarding the continued suitability of the Policy to promote the Licensing Objectives.

24. This policy was agreed by Council at its meeting on <INSERT DATES>, and supersedes all other versions of the Policy.

## **PROMOTION OF THE LICENSING OBJECTIVES**

25. The Council is responsible for licensing a range of activities related to the sale and supply of alcohol, the provision of regulated entertainment and late night refreshments. Licensing of these activities is through four different types of authorisations or permissions.

- Premises license
- Club premises certificate
- Temporary event notice
- Personal licence

26. In carrying out its functions under the Act, the Licensing Authority has a duty to promote the following licensing objectives:

- **the prevention of crime and disorder**
- **public safety**
- **the prevention of public nuisance**
- **the protection of children from harm**

27. The Licensing Authority must have regard to these objectives in carrying out its functions under the Licensing Act 2003 and having regard to current guidance issued by the Secretary of State, as they are reflected in its statement of licensing policy. The guidance makes it clear that each licensing objective is of equal importance and the Licensing Authority is expected to consider their promotion as of 'paramount importance'. It will always consider the circumstances and merits of each application and it may make exceptions to its policy approach where it is appropriate to do so in order to promote the licensing objectives and it will give its reasons for doing so.

28. As well as the statutory objectives, the Act and guidance support a number of other key aims and purposes linked to the licensable activities that are considered to be vitally important. They include:

- 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
- recognising the important role that pubs and other licensed premises play in our communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises
- providing a regulatory framework for alcohol that reflects the needs of local communities and empowers them to make and enforce decisions about the most responsible 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 decisions that may impact on them.

29. The Council must set out how it will promote the statutory objectives and support the other key aims and purposes in a Statement of Policy and this must strike a reasonable balance between different and sometimes competing aims, including widening the choice and appeal of licensed premises and the development of culture and protection of local residents.
30. The Council gives a high priority to the development of greater diversity in the types of entertainment and cultural activity on offer and the age groups attracted to them and also to its aims of encouraging greater mixed-use development in the town centre. By doing this, it furthers the licensing objectives of the prevention of crime and disorder and public nuisance.
31. The Council wishes to discourage drunkenness and the resulting anti-social behaviour and nuisance to residents and to other visitors to the borough. A key feature of its approach is therefore to use its influence to encourage a change in the composition of the borough's night-time economy so it is more widely based and diverse and less dominated by large alcohol-led premises.
32. The Council, acting as the Licensing Authority, has discretion on whether to grant applications for licenses and to impose conditions on granting and renewing licenses, only when representations relevant to the licensing objectives are made by "responsible authorities" or "other persons" (see Glossary). **Where no relevant representations are received, it is the duty of the Licensing Authority to grant a licence, subject to conditions consistent with the operating schedule and the mandatory conditions under the Licensing Act 2003.**
33. This Statement of Licensing Policy generally reflects the Council's understanding of the views and concerns of the responsible authorities at the time it was revised. However, those authorities are not bound by the Statement and can make any representations if they are concerned over the effect of the grant of any application on the licensing objectives.
34. This Statement does not undermine the right of any individual to apply under the terms of the Act for a variety of permissions, and have any such application considered on its merits, nor does it override the right of any person to make representations on an application or to seek a review of a licence or certificate, where provision exists for them to do so.
35. The Licensing Authority recognises that its powers under the Act are only one means by which the licensing objectives may be promoted. As such, the Authority also recognises that the Act must not be regarded as the only method for addressing and correcting problems or concerns that may arise from the use of premises for *licensable activities*.
36. In making decisions on licence applications, the Authority will take into consideration the availability of other powers and responsibilities exercised by the

wider Council, the Police and other designated authorities whilst ensuring that the final decision is based upon the promotion of the licensing objectives.

37. It is recognised that the control of nuisance and anti-social behaviour by individuals once they are away from a licensed premises is beyond the direct control of licence holder. However, the Authority recognises that the control of licensing law forms part of a holistic approach to the management of the Borough's busy evening and night-time economy.

## **OTHER RELEVANT STRATEGIES AND LEGISLATION**

38. This revised Statement of Licensing Policy recognises and has given full regard to other relevant Council and partnership strategies and initiatives that help to promote the licensing objectives. This includes measures to tackle anti-social behaviour (having regard to the Anti-Social Behaviour, Crime and Policing Act 2014), noise and degradation of the street environment, problems often associated with late-night entertainment. Examples include:

- **Business Improvement District (BID)** – called Successful Sutton has been set up in Sutton town centre to ensure that local businesses including pubs and clubs pay a levy that is used to fund projects to enhance the appearance of the area, as well as promoting events to increase footfall.
- **Public Space Protection Orders** the borough have 65 such orders in place that provide extra enforcement powers for the police to resolve public space drinking issues.

39. The Council recognises the links between excessive alcohol consumption and poor health. The Licensing policy and regime is a key element of a wider package of initiatives to tackle alcohol harm reduction delivered through the Sutton Multi-Agency Alcohol Harm Reduction strategy and contributing to the Borough's Joint Health and Wellbeing Strategy. Within the context of the Licensing Objectives, Planning has a key role to support these wider strategies. The Council recognises the public health impacts of alcohol use and will ensure they are taken into account when promoting the licensing objectives.

40. This revised Statement of Policy places a greater emphasis on the safeguarding and protection of children following the results of the consultation exercise and a number of high profile related national inquiries. This is highlighted in more detail under **Part B: LICENCING OBJECTIVE - THE PROTECTION OF CHILDREN FROM HARM.**

41. The Council has adopted a variety of strategies to protect and promote a Safer, Fairer, and Greener Borough. These include the Opportunity Sutton programme and strategies for Crime and Disorder Reduction and Alcohol Harm Reduction. The Council has taken initiatives to prevent anti-social behaviour, noise and degradation of the street environment. These problems are often associated with, but not limited to, late night entertainment. A combination of licensing, planning and other powers along with effective management of the street environment is required to tackle these problems. This Licensing Policy will contribute to those overarching aims expressed in the Local Development Plan, Joint Health and Wellbeing Strategy and Community Safety Strategy and specifically the underpinning Opportunity Sutton Programme and Multi-Agency Alcohol Harm Reduction Strategy. Through the promotion of the licensing objectives the policy will contribute to improving the quality of life for residents and businesses and reduce alcohol related hospital admissions.

42. Many other statutory requirements apply to licensed premises, such as fire safety, planning, building control, public health, food hygiene and trading standards. The Council must also have specific regard to its duties under Section 17 of the Crime and Disorder Act 1998, to prevent crime and disorder. The Council is committed to avoiding duplication with other regulatory regimes as far as possible so will **only apply conditions to premises licenses if they are considered appropriate to promote the licensing objectives and are not required under other legislation.**

## **FAIR AND EQUITABLE TREATMENT**

43. Nothing in this statement of policy will:

- a. Undermine the rights of any person to have his/her application considered on its merits (subject to any limitations and restrictions imposed within this Statement) and in accordance with the rules of natural justice and the European Convention on Human Rights.
- b. Negate the right of any person to make representations regarding any application, or to seek a review of any licence, and for those representations to be properly considered in accordance with the rules of natural justice and the European Convention on Human Rights.

## **ADVICE**

44. Officers from the Authority are available to give advice to any person on technical matters of the legislation, including, but not exclusively, whether or not a licence, certificate or other authorisation is required and the procedures for making representations or calling for review of authorisations.

45. It should however be noted that the Authority must at all times remain impartial in the advice it provides, and as such officers will be unable to give advice on matters relating to business operation, nor advise on the likely success or otherwise of any application.

46. The Authority recognises its role as a Responsible Authority, and the inherent duties and responsibilities that this role presents. In carrying out this function, officers shall ensure that any advice given to applicants strictly relates to procedural or technical issues. Advice given by the Authority will not constitute guidance and shall be reflective of the dual role performed by the Authority.

47. Anyone requiring advice on the licensing process as outlined above should contact:

**London Borough of Sutton, Licensing Team, 24 Denmark Road,  
Carshalton, SM5 2JG.**

Telephone: 020 8773 5000

E-mail: [licensing@sutton.gov.uk](mailto:licensing@sutton.gov.uk) Website: [www.sutton.gov.uk](http://www.sutton.gov.uk)



## **PART A – MATTERS OF GENERAL POLICY**

### **THE APPLICATION OF LICENSING CONTROLS**

48. The Licensing Authority only has discretion on whether to grant applications for new premises licences or variations to licences and to impose conditions on granting licences, if representations relevant to the licensing objectives are made by “interested parties” or by “responsible authorities” in due time. Otherwise, it must grant all applications. **Therefore, the Authority will only consider and apply its policies when such relevant representations have been made.**
49. In determining applications, the Authority will take account of the need to balance relevant representations made by local residents against the benefits to the community at large and the need to avoid the imposition of conditions that are unduly and unnecessarily restrictive. The desirability of promoting artistic and cultural events is also an important consideration.

### **THE APPLICATION OF CONDITIONS**

50. The Licensing Authority encourages licence holders, businesses, local residents, the Police and other bodies to work in partnership to ensure that the licensing objectives are promoted.
51. It is anticipated that prior to making any application under the Act, applicants will have undertaken a full risk assessment of the impact of their activities on the licensing objectives. Applicants are expected to submit a detailed operating schedule setting out the steps they intend to take to promote the licensing objectives. In particular, applicants are encouraged to discuss their operating schedules with relevant Responsible Authorities in advance of making an application.
52. Where licences are granted the Authority will, where appropriate and where empowered to do so, attach such conditions, tailored to the individual characteristics and style of the premises, as it deems appropriate to promote the licensing objectives.
53. Conditions may be drawn from the guidance provided in Part B of this policy, or may be drawn up in response to particular features of the application. Applicants are encouraged to volunteer in their operating schedule such conditions they consider pertinent to their activities
54. The Authority will only apply conditions to authorisations that focus upon matters within the control of the licence holder or other relevant person and will not, as far as is reasonably practicable, impose any conditions which duplicate the requirements of existing regulatory regimes’.

55. Stricter conditions with regard to noise control may be applied in areas with a denser concentration of residential accommodation, in order to ensure the promotion of the licensing objective relating to the prevention of public nuisance.
56. Where relevant representations are made, and not subsequently withdrawn following negotiation, a Licensing Sub-Committee hearing will be held. As part of the decision making process at a Sub-Committee hearing, the Authority may apply conditions to any granted licence as are appropriate to promote the licensing objectives.
57. Where **no** relevant representations are made in respect of an application, the Authority **will grant** the licence or certificate subject to conditions consistent with the operating schedule being applied to the granted licence together with any relevant mandatory conditions specified in the Act.

## **MAKING APPLICATIONS**

58. All applications must be made in writing, using forms prescribed by regulations. The Authority also accepts applications made online using the portal provided for this purpose on the Council's website and through the Gov.UK application portal, and actively encourages the submission of certain applications through the online portal.
59. Advice is available from Licensing Officers, and the Council's website, on the process of making applications. [See [paragraph 46 for contact details of the Licensing Team](#)].
60. Applications for new or variations to, premises licences and club premises certificates must also be submitted to the Responsible Authorities. The duty to submit a copy of the application to each authority rests with the applicant, except in cases where an application is made entirely online, in which case the Licensing Authority will notify the Responsible Authorities on the applicant's behalf.
61. The Act sets out in general terms the role of 'Responsible Authorities', and [Appendix 1](#) of this policy provides contact details for the responsible authorities in respect of applications to be made to the Licensing Authority.

## **NOTIFICATION OF APPLICATIONS**

62. The Council will ensure that the applicant complies with the consultation and advertising requirements of the Act and Regulations made under it. The applicant is required to advertise an application by means of a notice, clearly visible from outside the premises, for a specified period and by advertising in a local newspaper or other suitable borough wide publication. A copy of the application is posted on the Council's web-site for the duration of the consultation period.
63. In the case of applications for larger premises, such as open air venues applicants are encouraged to ensure that an adequate number of notices are

displayed around the area, especially adjacent to entrances, above and beyond the statutory minimum. Licensing Officers carry out checks to ensure notices are displayed.

## **COMMENTING ON APPLICATIONS (MAKING REPRESENTATIONS)**

64. The Authority recognises that the Act, and the Secretary of State's Guidance, specifies what matters it may take into consideration when determining whether any representation made is relevant. This will include a consideration whether any representation made is frivolous or vexatious (as defined by guidance).
65. Though not specified by the relevant legislation or guidance, the Authority will only consider representations received in writing, be this by letter, facsimile, e-mail or via our online portal. Representations must be made within the relevant time period specified in the Act for the application type being considered.

## **DETERMINATION OF APPLICATIONS AND INTEGRATION OF POLICIES**

66. The Authority will carry out its licensing responsibilities as swiftly, efficiently and as cost effectively as possible, through a system of a Licensing Committee and Licensing Sub-Committees, membership of which is drawn from Members of the Licensing Committee.
67. Applications will be determined by the Licensing Sub-Committees and / or officers in accordance with the Schedule of Delegations outlined at **Appendix 2**.
68. Where no representations are made in respect of an application, or in the event that representations are withdrawn before a hearing can be held (and all parties agree a hearing is unnecessary), officers are delegated to grant the licence or certificate without the need to refer the application to a licensing sub-committee.
69. Where appropriate, and where resources permit, officers from the licensing team will facilitate mediation between applicants, Responsible Authorities and other parties in respect of applications where representations are made. Mediation of this nature is designed to reach a mutually agreeable consensus incorporating conditions, adjusted times or other such measures so as to satisfy the concerns expressed by the other parties culminating in the withdrawal of representations and therefore negating the requirement to refer to a Sub-Committee for determination.
70. There is a clear distinction between the roles and responsibilities of the Council in relation to its planning and Licensing Authority functions, and any approval or rejection under either regime does not imply or lead to a similar decision under the other. However, the Authority expects that applications for licences should normally be for premises with appropriate planning consent for the activities concerned. It is recognised that there is nothing in the legislation which prevents applications made under the licensing regime from being granted in the absence

of appropriate planning permission but where this happens, the matter will be brought to the attention of the Head of the Council's Planning Service.

71. Where businesses have indicated, when applying for a licence under the Act, that they have also applied for planning permission or that they intend to do so, the Authority will seek advice and enter into discussion with the Council's Planning Service prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.
72. The Council will endeavour where possible to secure proper integration between its licensing policy and its strategies for crime and disorder, planning, culture, transport, tourism and economic development. Members of the Licensing Committee will, where appropriate, receive reports on these issues to facilitate decisions and any review of current policy.

## **APPLICATIONS FOR REVIEW**

73. Applications will be determined by the Licensing Sub-Committees and / or officers in accordance with the Schedule of Delegations outlined at **Appendix 2**.
74. Any Responsible Authority or other party may make an application for review in respect of any granted licence where it becomes apparent that, because of some matter arising at the premises, one or more of the licensing objectives are not being promoted. Anyone seeking to apply for the review of a licence is advised to contact the Licensing Team [**see paragraph 46 for contact details**] for advice on the application process.
75. Following guidance, the Authority will not consider more than one application in any 12 month period for the review of a licence on the same or similar grounds, except in exceptional and compelling circumstances such as continued disorder clearly associated with the management of the premises. Similarly, more than one application for review on the same or similar grounds will be accepted in the event of expedited reviews or a review following a closure order.
76. The Authority has delegated the function of determining whether requests for Reviews should be rejected on the grounds that they are *frivolous*, *vexatious* or repetitive to designated officers, who will consult with the Chair or Vice Chair of the Licensing Committee.

## **ENFORCEMENT PROTOCOLS**

77. The Authority has established effective working arrangements with the Police and the London Fire Brigade, Trading Standards and other relevant enforcement agencies to ensure effective enforcement of the Act and any matters brought to its attention by way of inspection, investigation or complaint, are referred to the most appropriate authority for consideration.

78. Licensing officers undertake inspections and visits of licensed premises, both independently and in partnership with other authorities. Inspections are designed to assess compliance with the terms and conditions of the respective licence and as such, resources will be targeted at those premises, deemed by virtue of history, volume of complaints, or nature of business (for example) to be performing poorly.
79. The Licensing Team has implemented a risk-based inspection programme, which results, where resources permit, in routine inspections of licensed premises at a frequency determined by assessed criteria, in order to prevent complaints, promote good practice and to assess ongoing compliance with licence requirements. At all times the Authority aims to reduce the regulatory burden on businesses, and as such will work closely with other inspecting authorities in carrying out visits or inspections.
80. In carrying out its enforcement function this Authority will comply with the Regulators Code and will:
- a. Carry out our activities in a way that supports those we regulate to comply and grow
  - b. Provide simple and straightforward ways to engage with those we regulate and hear their views
  - c. Base our regulatory activities on risk
  - d. Share information about compliance and risk
  - e. Ensure clear information, guidance and advice is available to help those we regulate meet their responsibilities to comply
  - f. Ensure that our approach to regulatory activities is transparent

## **SPECIAL POLICY ON CUMULATIVE IMPACT**

81. At its meeting on 31 March 2014, the Licensing Committee determined that it was necessary to adopt a Special Policy on Cumulative Impact for a total of 7 locations within the Borough. A further review of the Special Policy on Cumulative Impact, now a Cumulative Impact Assessment, forms part of this review.
82. The proposed Cumulative Impact Assessment can be found at **Appendix 3** to this draft Policy.
83. Applicants should be aware that in publishing a Cumulative Impact Assessment (CIA) a licensing authority is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences or club premises certificates in the area described. Having published a CIA a licensing authority must have regard to the assessment when determining or revising its statement of licensing policy. The CIA does not, however, change the fundamental way that licensing decisions are made. It is therefore open to the licensing authority to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact.

84. Applications in areas covered by a CIA should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and a licensing authority decides to grant an application it will need to provide the applicant, the chief officer of police and all parties who made relevant representations with reasons for granting the application and this should include any reasons for departing from their own policy.
85. The Authority will consider whether there is a need for any additional special policies on cumulative impact where representations from responsible authorities and/or other parties are received. In doing so, the Authority will consider whether the evidence demonstrates that the cumulative effect of a number of premises in a given area is adversely affecting the licensing objectives, e.g. with regard to the prevention of crime and disorder and public nuisance objectives.
86. In considering whether to adopt a Cumulative Impact Policy in a given area, the Authority will always consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises. The Authority will also consider, in areas where a problem is not currently evident, the risk that cumulative impact is imminent.
87. The Authority recognises that the absence of a Special Policy on Cumulative Impact does not prevent any Responsible Authority or Interested Party from making representations on the basis that an application would, if granted, give rise to or exacerbate negative cumulative impact.
88. The matter of 'need' (whether there is a need for another premises in a given area) is not a matter for consideration of the Authority, and will therefore not form part of the decision making process.

## **HOURS OF OPERATION**

89. The Authority does not propose to designate areas with a view to prescribing a general terminal hour of opening, but otherwise will consider each application on its merits, having regard to the proposed use of the premises and the nature of the locality in which it is situated.
90. The Authority will generally seek to permit shops and supermarkets to sell alcohol, for consumption off the premises, during their normal trading hours in which they are (or will be) open for shopping.
91. However in cases where individual shops become a focus for disorder, disturbance or under age sales, a limitation on permitted hours for the sale of alcohol may be imposed following representations.

## **PROMOTION OF EQUALITY**

92. The Council in its role of Licensing Authority, recognises its obligation under equality legislation covering race, disability, gender, age, sexual orientation and religion or beliefs. The functions under the Licensing Act 2003 and this policy are therefore operated accordingly.

93. In consideration of its wider responsibilities beyond licensing legislation and related guidance, the Council considers that access to licensed premises and the full range of entertainment provided by a licence should not be denied to anyone who may be disabled. The Authority therefore expects all proprietors of licensed premises to give due consideration to the needs and requirements for access to their premises by disabled or less mobile customers, and to make adequate arrangements to ensure their operations are inclusive in accordance with relevant equality and access legislation.

94. Consideration might also need to be given to conditions that ensure adequate arrangements exist to enable the safe evacuation of disabled customers in the event of an emergency.

## **PROMOTION OF CULTURAL ACTIVITIES**

95. The Council is anxious to ensure that broad cultural activity and entertainment is not deterred by licensing requirements. To promote greater cultural diversity in the performing arts, the Authority encourages applications for live music, dance, theatre, street theatre and musical bands etc.

## **PART B – POLICY ON THE PROMOTION OF THE LICENSING OBJECTIVES**

96. The following is intended to help applicants by setting out criteria and considerations that they should have in mind when drawing up an Operating Schedule. The criteria, because they relate to the licensing objectives, will apply to all applications to some degree but they may not necessarily apply equally, to all applications. They have been developed with clear reference to the licensing objectives and in consultation with the “responsible authorities” and following broad community consultation.
97. The information set out should alert applicants to matters that responsible authorities are likely to consider when deciding to make representations on an application or to call for a review. It also draws the attention of applicants to matters that are likely to be subject of proposed conditions designed to promote the licensing objectives that may be attached to the grant of a licence.
98. It is expected that prior to making any application under the Act, applicants will have undertaken a full risk assessment of the impact of their activities on the promotion of the licensing objectives. Thereafter, applicants are expected to submit a detailed operating schedule as part of the application, setting out the steps they intend to take to promote the licensing objectives.
99. National guidance places an expectation upon applicants to give more detailed and thorough consideration to the local area when making applications. The Authority expects that applicants, in considering the content of their operating schedules, will provide contextual information to support the steps they propose to take to promote the licensing objectives, and in doing so applicants will be expected to demonstrate an awareness of the local community in which the premises will be based.
100. The Authority has developed guidance to assist applicants, responsible authorities and other parties in considering what steps may be necessary to promote the licensing objectives.
101. The Authority also considers that conditions imposed on granted licences, and likewise the content of submitted operating schedules, should relate closely to the circumstances of the locality within which the premises is situated.
102. The Sub-Committee will give particular emphasis to ensure that relevant and appropriate measures are taken into consideration by applicants seeking to set up or extend licensed businesses within each Neighbourhood. The approach recognises more stringent controls may be appropriate in one area, but may not be so in another.
103. Applicants are encouraged to discuss their operating schedules with relevant responsible authorities in advance of making an application.



104. In respect of the promotion of the licensing objectives, the various policies are outlined as follows:

## **LICENSING OBJECTIVE - PREVENTION OF CRIME AND DISORDER**

**To prevent crime and disorder, the Licensing Authority will take into account the following considerations, where relevant, in determining applications and reviews:**

105. The Authority recognises that licensed premises, particularly late night venues, can be a focus of crime and disorder problems. Therefore, whether the premises make, or will make, a significant contribution to levels of crime and disorder, and whether the Operating Schedule is based on an adequate risk assessment, undertaken by the applicant, of the likelihood of crime and disorder occurring as a result of the grant of the application is a key criterion.

106. Applicants must clearly set out and explain in their Operating Schedule how the operation of the premises will promote the prevention of crime and disorder. For pubs, bars and premises with facilities for music and dancing (e.g. night clubs), a specific assessment is needed as to how the risks of violence and crime in the premises and within the vicinity will be managed.

107. Where relevant representations are made, the Authority will tailor appropriate conditions for premises licenses and club premises certificates. In doing so, the Authority will treat the Police as a main source of advice on appropriate conditions for particular premises.

108. The Authority will carry out its licensing functions so as to promote the prevention of crime and disorder, by ensuring that Licence Holders **take measures to regulate the behaviour of persons on the premises and patrons who are in the vicinity**. The Police and local Community Safety Partnership are the main source of advice on crime and disorder. Applicants are recommended to seek advice on crime prevention procedures in their premises from Sutton Police before making a formal application. Contact details are provided in **Appendix 1**.

109. The Authority acknowledges that it holds a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on crime and disorder in the Borough and the need to do all that it reasonably can to prevent crime and disorder (including anti-social and other behaviour adversely affecting the local environment); the misuse of drugs, alcohol and other substances and re-offending in the Borough.

## **PROOF OF AGE**

110. In October 2010 a Mandatory Condition came into force requiring premises with Licences authorising the sale or supply of alcohol to implement an age verification policy in relation to the sale or supply of alcohol. The condition requires that the policy must incorporate measures to ensure that individuals who appear 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 a holographic mark.
111. The Authority recognises and supports the “Challenge 25” campaign, whereby anyone appearing to be under the age of 25 is asked to provide identification to demonstrate they are over 18, before being sold alcohol. The authority expects all holders of licenses permitting the sale of alcohol to implement and actively publicise “No ID – No Sale” schemes, and encourages applicants to adopt current best practice on age verification policies – “Challenge 25”.
112. Licence Holders are expected to include within their age verification policy:
- a. documented training procedures to ensure staff are fully trained in age verification procedures, including induction and regular refresher training with signed records kept of that training.
  - b. use of till prompts in shops together with appropriate warning notices being displayed at alcohol fixtures.
  - c. the use of refused sale records, which are regularly checked and signed off by the Designated Premises Supervisor.
113. The Authority supports and recommends that premises accept identity cards bearing the logo of the Proof of Age Standards Scheme (PASS) accreditation scheme, which aims to approve and accredit various proof of age schemes that are in existence and thereby ensures that such schemes maintain high standards, particularly in the area of integrity and security. Details of the PASS scheme are available from the Trading Standards Responsible Authority [[contact details available at Appendix 1](#)].

## **PUBWATCH AND RELATED INITIATIVES**

114. The Council supports local Pubwatch schemes and similar initiatives. Such schemes are demonstrations of good practice by the licensed trade. Licence holders are encouraged to participate in local groups to help promote the licensing objectives. Where appropriate the Council will offer advice and assistance to such initiatives and where invited to participate will endeavour to do so.

## **‘SIGNIFICANT’ EVENTS IN LICENSED PREMISES**

115. Licensees are advised to consult the local Metropolitan Police Licensing Unit to clarify whether a proposed event, for example an event outside of the normal operational characteristic of the venue, or an event involving a high profile or niche market artiste / DJ, is classed by them as ‘significant’.

116. Where a 'significant' event is proposed to take place at any licensed premises, the licence holder will be expected to undertake a risk assessment and liaise with the Metropolitan Police Service.

## **LICENSING OBJECTIVE - PUBLIC SAFETY**

**To promote public safety the Licensing Authority will take into account the following considerations, where relevant, in determining applications and reviews:**

117. Whether appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and the licensing authority that demonstrate that the public will be safe within and in the vicinity of the premises are the key criteria relevant to this objective.

118. The Authority must try to ensure the safety of people visiting and working in licensed premises. It will therefore need to be satisfied that measures to promote public safety, including risk assessments, setting safe capacities, adequate means of escape and, where appropriate, closed-circuit television are put in place and adequately maintained, if not provided for by other regulatory regimes. As such, it is expected that applicants will satisfactorily address these issues in their operating schedules and plans/drawings submitted as part of the application process.

119. The Authority is not in a position to impose conditions on licences that relate to fire safety legislation, for whom the enforcing authority is the London Fire Brigade (LFB). However, given that applications must be submitted to LFB, who may make representations on applications which are not considered to be demonstrating the promotion of public safety, applicants are advised to make contact with their local fire safety officer for advice regarding measures to ensure adequate fire protection and means of escape prior to the submission of applications.

120. Whilst existing health and safety legislation will generally be sufficient to control risks to the safety of the public in most premises, the Authority recognises that, in some situations, statutory requirements may not be adequate, or be in place, to ensure public safety. Where its right is invoked, the Authority may impose conditions requiring the licence holder to take steps over and above minimum legal requirements as may be necessary to ensure safety.

121. It should be noted that conditions relating to public safety should be those that are appropriate in the particular circumstances of any individual premises or club premises, and should not duplicate other requirements of existing health and safety legislation. Equally, the attachment of conditions to a premises licence or

club premises certificate does not in any way relieve employers of their statutory duty to comply with the requirements of primary health and safety or fire safety legislation.

122. In addition to the points made in this section, applicants and responsible authorities may wish to consider advice and guidance provided in a number of separate publications and relevant British Standards, which may be of particular use in relation to specific types of operation. Whilst a full list of helpful documents is given in the Secretary of State's Guidance, the following documents and websites are considered to be particularly beneficial:

- Technical Standards for Places of Entertainment';
- Managing Crowds Safely HSG154;
- The Guide to the Safety at Sports Grounds;
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances;
- London Events Toolkit <http://www.londoneventstoolkit.co.uk/about/>; and
- The Health & Safety Executive guidance on event safety <http://www.hse.gov.uk/event-safety/>

## **SPECIAL EFFECTS**

123. The use of special effects in support of regulated entertainment is becoming increasingly common. Special effects can present significant risks, and conditions may be necessary to ensure appropriate storage, maintenance and use of such effects in order to minimise any risk to the safety of the audience, performers and / or staff. Special effects which should be considered for such conditions include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flames;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers; and
- explosives and highly flammable substances.

124. In some circumstances, conditions may be necessary to require that special effects are only used with the prior notification of the licensing authority or following inspection by an appropriate authority.

## **INDOOR SPORTING ENTERTAINMENT**

125. In premises where the provision of indoor sporting entertainment in the presence of an audience, it may be necessary for conditions to control or restrict seating arrangements, the provision of stewards and appropriate medical facilities.

126. At water based events (swimming competitions for example) it may also be appropriate to include conditions requiring staff adequately trained in rescue and life safety procedures to be present.

## **LICENSING OBJECTIVE - PUBLIC NUISANCE**

**To prevent public nuisance the Licensing Authority will take into account the following considerations, where relevant, in determining applications and reviews:**

127. The Borough has a substantial residential population and the authority has a responsibility to protect it from nuisance. In certain locations, the increased concentration of entertainment uses and longer hours of operation have adversely affected local residents. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and help sustain their business. The role of the Council as a licensing authority is to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of residents, businesses, workers, shoppers and visitors.

128. The potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises and the potential steps which could be taken to reduce the risk of nuisance occurring are therefore the key criteria relevant to this objective. This will particularly apply where there is residential accommodation in the proximity of the premises.

129. The Authority will expect applicants to set out in their Operating Schedules the steps taken, or proposed to be taken, to deal with the potential for public nuisance arising from the operation of the premises or open air site under the licence.

130. Applicants should identify and describe through a risk assessment how these risks will be managed. Public nuisance could include low-level nuisance perhaps affecting a small number of people living locally as well as major disturbance affecting the whole community. It may include, in appropriate circumstances, a reduction of the living and working amenity and environment of interested parties in the vicinity of licensed premises.

131. Eating and drinking outdoors is increasingly popular and the banning of smoking inside premises has increased the number of people outside premises smoking or accompanying smokers. The noise of people outside can cause public nuisance, even if the individuals are well behaved. In addition, the blocking of footways, and more occasionally roadways, by people standing around drinking and smoking is a public nuisance whether or not it amounts to an offence of obstruction or becomes an issue of public safety. The Authority will therefore

encourage the management of people standing outside premises to minimise the adverse effects on the licensing objectives.

132. Hours of opening and hours for each licensable activity must be included in the Operating Schedule. Conditions will be attached on the hours when premises are permitted to be open to the public or to members and their guests for the prevention of public nuisance. Conditions may be appropriate to limit when certain licensable activities take place, even though the premises might otherwise be open to the public at these times. Conditions may also be applied referring to the parts of premises that might be used for certain licensable activities at certain times. Stricter conditions should be expected in areas where there is a high proportion of residential accommodation.
133. Applicants should carefully consider the hours that they wish to operate each licensable activity and when to close their premises for the entry of customers and when to require them to leave. The Authority will similarly consider hours for licensable activities and closing times and appropriate conditions. Applicants should consider the benefits of stopping serving alcohol before other licensable activities stop and a suitable time before the premises close and customers leave (“winding down” period). In noise sensitive areas, operators should consider stopping playing dance music and to switch to quieter, slower tempo music with a less pronounced beat while other listenable activities continue.
134. Applicants are encouraged not to apply for later hours than they will in fact operate, particularly seeking 24 hour licenses where there is no intention of operating on this basis. Responsible authorities will generally be more likely to make objections the later the hour that licensable activities are proposed to take place.
135. The consideration of hours of operation will be in the context of the particular circumstances of each application and the licensable objectives of preventing crime and disorder and public nuisance. The hours at which noise may occur and disturbance of resident’s reasonable expectation of relaxation and sleep for themselves (and for families with young children) will be of particular concern. For example, conditions will generally be framed to ensure that closing hours on nights when residents have to get up for work the next morning are earlier than on other nights when they are less likely to do so.
136. Conditions that might be applied to premises licenses include, maximum noise levels over particular time periods, the installation of sound limiters, acoustic lobbies, provision of signs, publicity and verbal advice to patrons to leave quietly and by certain routes, controlling nuisance from light pollution, taking food or drink outside, flyposting, distribution of leaflets, litter and cleaning of the frontage and in the vicinity of the premises.
137. Changes brought about by the deregulation of Regulated Entertainment mean certain activities are no longer considered licensable activity and consequently cannot generally be subject to conditions. Whilst existing conditions relating

directly or indirectly to such entertainment between 08:00 and 23:00 no longer have effect during those times, licence holders are strongly recommended to continue to provide the control measures those conditions require so as to demonstrate due diligence.

138. The Environmental Protection Act 1990 provide some protection to the general public from the effects of noise and other statutory nuisances arising from licensed premises. In addition the London Local Authorities Act 2004 (as amended) gives authorised officers the power to issue fixed penalty notices. Conditions that promote good management practice or otherwise promote the prevention of public nuisance residents will be applied in respect of licensable activities where appropriate.

## **LICENCING OBJECTIVE - THE PROTECTION OF CHILDREN FROM HARM**

**To protect children from harm, the Licensing Authority will take in to account the following considerations, where relevant, in determining applications and reviews:**

139. The Authority supports the formation of family-friendly entertainment environments and whether there are appropriate measures in place to protect children from harm (including moral, psychological and physical harm) is the key criteria relevant to this objective.

140. Applicants are expected to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and implemented to protect children from harm, having regard to the style, characteristics and activities of the premises and the activities provided. The measures expected to be considered may include staff training on how to control the entry of young people under 18 and the vetting of staff who will supervise them. Applicants will have to give particular regard to these measures in applications for licences involving:

- **the sale of alcohol**
- **children's performances**
- **attractions or performances likely to attract children**

141. It is an offence to sell alcohol to children (under 18). There is a further specific offence of persistently selling alcohol to children if sales are made on 2 or more occasions within 3 months. Unaccompanied children under 16 should not be on "premises being used exclusively or primarily for the supply of alcohol" e.g. pubs, bars and nightclubs. In addition, unaccompanied children under the age of 16 should not be allowed on licensed premises between the hours of midnight and 5.00 am. Operating Schedules should consider whether there will be

circumstances when children under 16 should not be on the premises and whether they were there for a specific purpose such as partaking of a meal or being entertained by live performances and whether there were any specific aspects of licensable or other activities taking place where children should be excluded e.g. drinks promotions or particular types of performances or competitions.

142. Other than specific instances where the Act prohibits unaccompanied children on licensed premises, it does not in itself prohibit the access by children to any type of licensed premises. The Authority considers, therefore, that conditions prohibiting access to a premises, or parts of premises, may be necessary in some circumstances, particularly in premises where:

- There have been convictions for serving alcohol to minors or where there is evidence of underage drinking.
- Entertainment of an adult (language, sexual imagery etc) nature is provided.
- There is a strong element of Gambling (note: the Gambling Act 2005 also provides for the protection of children from harm).
- There is a known association with drug taking or dealing.
- Where, be it after a certain time or otherwise, the predominant use of the premises is for the consumption of alcohol on the premises.

143. These circumstances are not considered to be the only occasions when such conditions may be appropriate, and as such, on receipt of representations from responsible authorities or interested parties, the Authority may consider it necessary to impose such conditions in other situations.

144. At premises and performances which are likely to attract a substantial number of children, the Authority may attach conditions requiring the presence of a sufficient number of adult staff on the premises to ensure the well-being of the children during an emergency.

145. No condition will be attached to any licence that requires the licence holder to admit people under a specified age, unless such a condition is volunteered by an applicant.

146. In 2015 a specific Safeguarding Children Policy for Licensed Premises was developed and published by the London Local Safeguarding Children Board (LSCB). It is intended to provide advice and guidance for all staff (paid or unpaid) involved in premises which have been licensed under The Licensing Act 2003. It gives some basic information about what to do if you are concerned about a child and how your local Children's Social Care and Metropolitan Police Team will respond to and deal with reports about children whose welfare is causing concern, including:

- Being alert to the possibility of child abuse and neglect, i.e. the definition, prevalence, identifying features in a child or adult, legal parameters and social consequences;



- Having enough knowledge to recognise an abusive or potentially abusive event or set of circumstances;
- Knowing who in the organization to raise your concerns with,
- Being competent in taking the appropriate immediate or emergency action, and
- Knowing how to make a referral to Social Services and/or the Police.

147. Recommended best practice is for the owner/licence holder to nominate themselves or a senior staff member to have the following responsibilities\*\* in relation to safeguarding children for the licensed premises – to:

- Arrange safeguarding children training for all staff;
- Monitor and report on whether all staff have received the minimum (initial and refresher) safeguarding children training;
- Ensure that all staff have read and know where to find this policy and the Government Guidance: “What To Do If You’re Worried a Child is Being Abused”;
- Ensure that an up-to-date Safeguarding Children Procedures Poster is displayed for all staff at all times;
- Provide advice and support to staff when they have a concern about safeguarding a child;
- Record all concerns raised by staff; and
- Be the contact person for the local Children’s Social Services and the Police in relation to all incidents or concerns related to the safeguarding of children on or linked to the premises.

\*\* This list is not exhaustive

148. The LSCB has a statutory role to coordinate what is done by each person or body for the purposes of safeguarding children and promoting the welfare of children in the local area, and ensuring the effectiveness of this work.

## **RESPONSIBLE RETAILING**

149. The Authority expects all applicants and licence holders to recognise the responsibility that the retail sale or supply of alcohol brings in order to promote the licensing objective relating to the protection of children from harm.

## **THE SHOWING OF FILMS**

150. Where an application seeks permission to exhibit films, the Authority expects applicants to detail in their operating schedule the steps they intend to take to prevent children from viewing age restricted films, trailers or advertisements.

151. A mandatory condition set out in the Act requires that where a licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with any recommendation made by a film classification body.

152. Therefore, where the exhibition of films is permitted, the Licensing Authority will require that the age restrictions applied by the British Board of Film Classification (BBFC) are to be complied with.

153. Films that have not been classified by the BBFC may only be shown after they have been classified by the Council. The Council has delegated the function of classifying such films, using the BBFC classification guidelines prevailing at the time, to designated officers. The Council requires that films are presented for classification at least 28 days before the intended date of exhibition.

154. In some circumstances, it may be appropriate for additional conditions relating to the admission of children to film exhibitions be included. Matters for consideration in such respects may include:

- Conditions specify that immediately before each exhibition at the premises of a film there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the classification or as regards a trailer advertising a film, of a statement indicating the classification of the film being trailed.
- The display of notices inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer.

## **THEATRES & OTHER PERFORMANCES OF PLAYS**

155. Whilst the admission of children to theatres, or other performances of plays, would not normally be restricted, it may be appropriate to do so in certain circumstances in order to promote the licensing objective of the protection of children from harm.

156. The admission of children to the performance of a play would normally be left to the discretion of the licence holder; however a condition restricting the admission of children to performances involving nudity and / or adult material or language may be required.

## **OPERATING SCHEDULES – ADDITIONAL CONSIDERATIONS**

157. The following section sets out a range of additional considerations and controls that the Authority may have regard to, depending on the location of the applicants premises, in order to ensure that the licensing objectives are met. Some of the controls described may have greater significance and be given greater emphasis by the Licensing Sub-committee as a result.

### **Door Supervision**

- The use of door supervisors at licensed premises play a valuable role in controlling queues, undertaking searches for the purpose of preventing drugs or offensive weapons being admitted and for ensuring any capacity limits are not exceeded
- Whilst all applicants should assess whether the provision of door staff is necessary for their business, the authority expects that all Pubs, Bars, Nightclubs and premises offering Late Night Refreshment to provide door supervisors. The number of door supervisors should be identified through risk assessment and with due consideration to the health and safety of door supervisors, staff and the public. This assessment should consider the need for female door supervisors.
- Where its right is invoked, the Authority will generally impose a condition requiring door staff on licences for this type of premises, unless it can be demonstrated that such a condition is not appropriate for the promotion of the licensing objectives.
- Applicants and licence holders are expected to ensure that a policy on searching customers is devised and implemented. Searches of persons bags, or in some cases pat down or metal detector body searches may be necessary to prevent and deter the bringing into licensed premises of drugs and / or offensive weapons. Door supervisors are trained and equipped with the necessary skills to undertake this task, and it may be necessary in certain types of establishments for conditions to be included that require the carrying out of searches.

### **Closed-Circuit Television (CCTV) systems**

- CCTV cameras are a vital asset to both the licence holder and the regulatory authorities. Footage obtained by CCTV has proven to be a vital source of evidence in detecting crime at and immediately outside licensed premises.
- Overt cameras also help deter criminal acts, such as theft of stock, and whilst it is acknowledged that the installation of CCTV may incur considerable expenditure, the Authority expects all applicants and licence holders to consider providing CCTV systems
- The Authority expects that CCTV systems will:
  - cover all entrances, exits, internal and external areas of the premises.
  - Ensure that images are stored for a minimum of 31 days
  - Enable images to be delivered to Police or Council Officers in a recognised format, in a timely manner, upon request

- be adequately maintained so as to operate and record at all times the premises are open (for crime prevention purposes, it is recommended that CCTV systems are operational 24 hours a day, using motion sensors during non-opening hours).

### **Control of glass drinking vessels**

- Glass drinking vessels can be used as weapons and when broken can inflict serious injury during incidents of disorder, not only within licensed premises, but further away if such vessels are permitted to be removed from the premises.
- It is expected that applicants will consider whether drinks should be provided in toughened glass drinking vessels, and whether, after a given time at night, drinks usually served in bottles should be decanted before service. Such conditions can be subject to appropriate exceptions, for example in the case of champagne bottles or wine sold for consumption with a table meal.
- The Authority considers that all premises serving alcohol for consumption on the premises should be subject to conditions preventing open bottles being taken away from the premises.

### **Lighting**

- In certain premises where levels of natural light may be reduced, consideration should also be given to conditions that ensure that electrical lighting in any area accessible to members of the public shall be maintained fully operational when the premises is open.
- It may also be necessary to use conditions to control the use of external lighting operated in conjunction with licensable activities. For example, floodlighting to gardens and smoking areas should only illuminate intended areas, and flashing or particularly bright lights on or outside licensed premises must not cause a nuisance to nearby properties.
- However, the Authority recognises the benefits to the prevention of crime and disorder of lighting in certain areas of the premises, and any conditions must be mindful of ensuring such benefits are promoted.

### **Management Practices**

- The Authority considers good management practices are essential, and would expect applicants and licence holders to demonstrate good practice, where appropriate through conditions requiring written documentation in respect of:

- Dispersal of customers
  - Noise management
  - Drugs policy
  - Queue control and Searching
  - Control of deliveries and the disposal of empty bottles and other refuse late at night
- The control of noise emanating from licensed premises, or occurring as a result of the provision of licensable activities, should be considered by premises located close to areas of residential accommodation. In particular:
    - In certain premises consideration should be given to conditions to ensure that noise or vibration does not emanate from the premises. This could be achieved through a requirement to keep doors and windows closed, for example, or perhaps to require use of noise limiters on amplification equipment.
    - It may also be necessary to restrict the use of gardens or other external drinking areas after certain times to reduce the level of noise likely to be generated. For example, conditions may restrict the use of such areas by preventing the taking of drinks or food into the areas after a given time, but thereby still providing facilities for smokers.
    - The disposal of refuse or recycling generated by the operation of a licensed premises can, when undertaken at the wrong time of day, cause significant noise particularly in respect of the moving and disposal of glass bottles. It may therefore be necessary to condition that undertaking of such activities will take place at times that will minimise disturbance.
  - A number of licensed premises, particularly those predominantly providing late night refreshment, have the potential to affect the quantity of litter on the streets around the neighbourhood. It is expected that any premises wishing to provide late night refreshment, as their predominant licensable activity will agree to conditions requiring the cleaning of the pavement immediately in front of their premises. The same conditions may also be necessary for businesses that generate significant quantities of printed matter, by way of flyers or promotions.

- The Authority recognises the importance of Pubwatch and considers the attendance at meetings of representatives from premises contributing to the evening and late night economy as essential.

## CONTACT DETAILS OF RESPONSIBLE AUTHORITIES

AUTHORITY	ADDRESS	TELEPHONE EMAIL ADDRESS
THE LOCAL PLANNING AUTHORITY	24 DENMARK ROAD CARSHALTON SM5 2JG	020 8770 5070  <a href="mailto:DEVELOPMENTCONTROL@SUTTON.GOV.UK">DEVELOPMENTCONTROL@SUTTON.GOV.UK</a>
RESPONSIBLE AUTHORITY FOR NOISE AND ENVIRONMENTAL POLLUTION	24 DENMARK ROAD CARSHALTON SM5 2JG	020 8770 5070  <a href="mailto:ENVIRONMENTALHEALTH@SUTTON.GOV.UK">ENVIRONMENTALHEALTH@SUTTON.GOV.UK</a>
HEALTH & SAFETY (LOCAL AUTHORITY ENFORCED BUSINESSES)	24 DENMARK ROAD CARSHALTON SM5 2JG	020 8770 5070  <a href="mailto:BRS@SUTTON.GOV.UK">BRS@SUTTON.GOV.UK</a>
HEALTH & SAFETY (HSE ENFORCED BUSINESSES)	HM INSPECTOR OF HEALTH & SAFETY FOD LONDON DIVISION HEALTH & SAFETY EXECUTIVE ROSE COURT 2 SOUTHWARK BRIDGE LONDON SE1 4LW	0845 345 0055  <a href="mailto:HSE.INFOLINE@CONNAUGHT.PLC.UK">HSE.INFOLINE@CONNAUGHT.PLC.UK</a>
TRADING STANDARDS	24 DENMARK ROAD CARSHALTON SM5 2JG	020 8770 5070  <a href="mailto:TRADING.STANDARDS@SUTTON.GOV.UK">TRADING.STANDARDS@SUTTON.GOV.UK</a>
LONDON FIRE & EMERGENCY PLANNING AUTHORITY	SOUTH EAST AREA 3 169 UNION STREET LONDON SE1 0LL	020 8555 1200 x 37630  <a href="mailto:FIRESAFETYREGULATIONSE@LONDON-FIRE.GOV.UK">FIRESAFETYREGULATIONSE@LONDON-FIRE.GOV.UK</a>

<p><b>METROPOLITAN POLICE</b></p>	<p><b>LICENSING OFFICE SUTTON POLICE STATION 6 CARSHALTON ROAD SM11 4RF</b></p>	<p><b>020 8649 0793</b> <a href="mailto:ZT-LICENSING@MET.POLICE.UK">ZT-LICENSING@MET.POLICE.UK</a></p>
<p><b>PROTECTION OF CHILDREN FROM HARM</b></p>	<p><b>SUTTON LOCAL SAFEGUARDING CHILDREN BOARD THE LODGE HONEYWOOD WALK CARSHALTON SM5 3NX</b></p>	<p><b>020 8770 5000</b></p>
<p><b>PUBLIC HEALTH</b></p>	<p><b>DIRECTOR OF PUBLIC HEALTH LONDON BOROUGH OF SUTTON ST NICHOLAS WAY SUTTON SM1 3RA</b></p>	<p><b>020 8770 4998</b> <a href="mailto:PUBHEALTH_ADMIN@SUTTON.GOV.UK">PUBHEALTH_ADMIN@SUTTON.GOV.UK</a></p>
<p><b>THE LICENSING AUTHORITY</b></p>	<p><b>24 DENMARK ROAD CARSHALTON SM5 2JG</b></p>	<p><b>020 8770 5070</b> <a href="mailto:LICENSING@SUTTON.GOV.UK">LICENSING@SUTTON.GOV.UK</a></p>



## DELEGATION OF LICENSING DECISIONS

Matter to be dealt with	Full Committee	Sub-Committee	Officers
APPLICATION FOR A PERSONAL LICENCE		If a Police objection is made	If no objection
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 A PROVISIONAL STATEMENT		If a relevant representation made	If no relevant representation made
APPLICATION TO VARY PREMISES LICENCE/CLUB CERTIFICATE		If a relevant representation made	If no relevant representation made
APPLICATION TO VARY A DESIGNATED PERSONAL LICENCE HOLDER		If a Police objection is made	All other cases
REQUEST TO BE REMOVED AS A DESIGNATED PERSONAL LICENCE HOLDER			All cases
APPLICATION FOR TRANSFER OF PREMISES LICENCE		If a Police objection is made	All other cases
APPLICATIONS FOR INTERIM AUTHORITIES		If a Police objection is made	All other cases
APPLICATION TO REVIEW PREMISES LICENCE/CLUB PREMISES CERTIFICATE		All cases	
DECISION ON WHETHER A REPRESENTATION IS IRRELEVANT, FRIVOLOUS, VEXATIOUS ETC			All cases

Matter to be dealt with	Full Committee	Sub-Committee	Officers
DETERMINATION OF AN OBJECTION NOTICE TO A TEMPORARY EVENT NOTICE		All cases	
APPLICATION FOR A MINOR VARIATION			All Cases (decision made by the officer appointed in the Council's Scheme of Delegations*)
APPLICATION BY A COMMUNITY PREMISES TO DISAPPLY MANDATORY CONDITIONS		If a Police Representation Received	Where no relevant representation is received (decision made by the officer appointed in the Council's Scheme of Delegations*)
DECISION ON WHETHER A CLUB TO WHICH A CLUB PREMISES CERTIFICATE APPLIES NO LONGER SATISFIES CONDITIONS FOR BEING A QUALIFYING CLUB (S90 OF THE LICENSING ACT 2003)			All Cases (decision made by the officer appointed in the Council's Scheme of Delegations * in consultation with the Chair of Licensing)

\* The officer currently appointed in the Scheme of Delegations is the Group Manager Regulatory Services, Kingston and Sutton Shared Environment Services

# SPECIAL POLICY ON CUMULATIVE IMPACT

APPENDIX 3