



STATEMENT OF LICENSING POLICY

London Borough of Sutton
BRS Licensing Section
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Foreword

This is the fourth edition of the London Borough of Suttons Licensing Policy since the Licensing Act 2003 came into effect in November 2005.

In setting out our vision for licensed premises across the borough, we recognise the impacts that licensed premises can have on our residents.

We have consistently emphasised the need to ensure that licensed premises contribute positively to their local community by upholding the four licensing objectives: public safety, the prevention of crime and disorder, the prevention of public nuisance, and the protection of children from harm. These four objectives underpin the regulation of licensed premises and we will continue to ensure that they are adhered to.

The core of the Policy remains the same and through proper consideration at the application stage, and by ensuring that premises operate responsibly, we will ensure that licensed premises have a positive impact throughout the borough.

This revision also updates our Policy to ensure consistency with the changes to the Licensing Act 2003 introduced through the Police Reform and Social Responsibility Act 2012 and Live Music Act 2012.

We are committed to partnership working with all the responsible authorities and the licensed trade itself to achieve the promotion of the licensing objectives. Our licensing policy aims to support responsibly run establishments that contribute to keeping our borough a safe place in which people want to live, work and relax.

Ruth Dombey
Leader of the Council

Sue Stears
Chair, Licensing Committee

1. Introduction

- 1.1 This Statement of Licensing Policy is made under section 5 of the Licensing Act 2003 (the 2003 Act) and details the Councils administration of those licensing functions under it.
- 1.2 It is the aim of the Policy to secure the safety and amenity of residential and business communities whilst ensuring a sustainable entertainment and cultural industry. It recognises that to achieve this it 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. To achieve this aim, the Council is committed to partnership working with the licensing trade, local businesses, residents and the responsible authorities.
- 1.3 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 October 2012.

2 Policy Principles, Purpose & Scope

Principles

- 2.1 The Council will carry out its licensing functions as required by the 2003 Act in order to promote equally the four licensing objectives:
 - a) the prevention of crime and disorder
 - b) public safety
 - c) the prevention of public nuisance
 - d) the protection of children from harm
- 2.2 This Statement of Licensing Policy fulfils the requirements of the 2003 Act by setting out the policies that the Council will generally apply to promote the licensing objectives when making decisions on applications made under it. It also gives applicants, interested parties and representatives guidance on the administration, application, objection, and hearing processes.
- 2.3 The Council will have due regard to the 2003 Act, the regulations made under it, the Secretary of States' Guidance and this Policy when administering licences under the 2003 Act.
- 2.4 This Policy seeks to avoid duplication with other regulatory regimes as far as possible but recognises that there will be unique circumstances that arise that will require specifically tailored conditions.
- 2.5 The Council will ensure it follows the principles of the Human Rights Act 1998 and the Race Relations Act 1976 (as amended) in the administration of licences under this Policy.

- 2.6 Applicants should be aware that the Licensing Authority is only entitled to impose conditions on a licence in accordance with the areas included in the operating schedule or when valid representations have been submitted

Purpose

- 2.7 This policy's principle purpose is to provide elected members of the Licensing Committee with details of the local authorities powers as licensing authority and inform members, licence applicants, residents and businesses of the parameters within which the Sub Committees will make their decisions.

Scope

- 2.8 Sutton Council, as the licensing authority under the 2003 Act, is responsible for administering premises licences, club premises certificates, temporary event notices and personal licences in the Borough in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment as defined within the 2003 Act.

3 Strategic Integration with other Policies and Regulatory Systems

Planning

- 3.1 The Authority recognises that the planning process and licensing process are completely separate and no consideration can be given to most planning matters when deciding on a licensing application. For example in cases where planning permission has not been granted this will not affect a licensing decision.
- 3.2 The existence of a valid planning consent for the premises does not guarantee that the relevant licensing permissions will be granted and vice versa.
- 3.3 Applicants are advised that it would be prudent to obtain planning permission prior to applying for a licence. If applicants are unsure of the planning system advice should be sought from the Councils planning department details of which are contained in appendix C.

Other Council Strategies

- 3.4 The Council recognises the value of integrating this Policy with other local authority policies on crime prevention, crime and disorder, planning, transport, tourism, race equality and culture, and any other plans introduced for the management of the night-time economy.
- 3.5 The Council will ensure this Policy integrates, so far as practicable, with its strategies on Crime and Disorder Reduction, Community Strategy

and Drugs & Alcohol.

- 3.6 To ensure these issues are reflected in their considerations, the Licensing Committee will receive, when appropriate, reports on
- any transport protocols agreed between the police and any other licensing enforcement officers to ensure the need to disperse people from town centres swiftly and safely
 - the cultural strategy for the area
 - the employment situation in the Borough and the need for investment and employment.
- 3.7 This Policy confirms that, wherever possible, licensing will not duplicate the work of other statutory regimes that run parallel with its aims e.g. health and safety at work or fire safety.
- 3.8 The Council recognises that certain aspects of some entertainments are not covered by law. The Council may attach conditions to premises licences and club premises certificates, where they are appropriate, for the promotion of the licensing objectives where they are not already provided for in other legislation.
- 3.9 The Licensing Committee, in considering a licence application, will not trespass into areas for which the local authority is statutorily responsible, for example, planning and food hygiene. Applicants will not be required to debate issues that have already been addressed, or are to be addressed, and determined by the local authority.

4 Cumulative impact

- 4.1 The Council will not use the concept of zones or quotas to restrict licensed operations.
- 4.2 The Council will not take commercial 'need' into account when considering an application, as this is a matter for planning control and the market.
- 4.3 The Council recognises that the cumulative impact of the number, type and density of licensed premises in a given area, which may lead to serious problems of nuisance and disorder outside and some distance from the premises, is a matter for the Licensing Committee.
- 4.4 Representations may be received from a responsible authority, and/or other person, that the cumulative effect of new licences is leading to an area becoming saturated with premises, making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves, creating exceptional problems of disorder and nuisance over and above the impact from the individual premises.
- 4.5 In these circumstances, the Council may consider that the imposition of conditions is unlikely to address these problems and may consider the

adoption of a special policy of refusing new premises licences or club premises certificates. This would only be where it receives relevant representations about the cumulative impact on the licensing objectives from responsible authorities and other persons that an area is saturated with licensed premises and the granting of any more would undermine one or more of the licensing objectives.

4.6 The responsibility is on those making representations to provide evidence to back up any contention that the addition of the premises in question would produce the cumulative impact claimed, whilst recognising that the impact can be expected to be different for premises with different styles and characteristics.

4.7 The Council will take the following steps when considering whether to adopt a special saturation policy:

- identify concern about crime and disorder, public safety, public nuisance or protection of children from harm
- Assess the causes of these concerns
- consider whether there is good evidence that crime and disorder or nuisance are occurring or activities pose a threat to public safety or the protection of children from harm
- Establish that the evidence demonstrates this is a result of the activities of customers from licensed premises or that the risk of cumulative impact is imminent
- Identify the area from which problems are arising and the boundaries of that area
- consultation with those specified in section 5(3) of the 2003 Act
- subject to the above, adopting a policy about future licence applications from that area within the terms of the Secretary of State's guidance
- publication of a special policy within this statement of licensing policy

4.8 The Council will review any special saturation policies at least every five years to see whether they have had the effect intended, and whether they are still needed.

4.9 The Council will not use such policies solely

- as the grounds for revoking a licence when representations are received about problems with existing licensed premises; or,
- to refuse applications to vary an existing licence, except where the modifications are directly relevant to the policy, (for example, where the application is for a significant increase in the capacity limits) and are strictly appropriate for the promotion of the licensing objectives.

4.10 Any such policy would relate only to the rebuttable presumption of

refusing new applications for premises licences or club premises certificates. Any policy would not justify and would not include provisions for a terminal hour in a particular area.

5 Policy Consultation & Review

- 5.1 The Council will consult with all the Responsible Authorities and such other persons that it considers to be representative of holders of the current licences, businesses and local residents before publishing this Statement of Licensing Policy.
- 5.2 Proper weight will be given to the views of all consulted before this Statement of Licensing Policy takes effect in December 2013.
- 5.3 The Council may also consult with neighbouring local authorities, Crime & Disorder Reduction Partnerships, the British Transport Police, St Helier Hospital Accident & Emergency Department, local bodies representing consumers and promoting tourism, local performers, performers trades unions, and entertainers involved in the cultural life of the community.
- 5.4 Consultation will be undertaken with a minimum period of eight weeks for comments to be received.
- 5.5 Before publishing any subsequent amendments, the Council will consult with all the Responsible Authorities and persons/bodies representative of local holders of premises licences, club premises certificates, personal licences, businesses and residents in the Borough.
- 5.6 This policy will remain in force for a period of not more than 5 years from December 2013 and will be subject to review and further consultation before December 2018.

6 Information Exchange

- 6.1 The Council will, on request, divulge certain information (subject to the Data Protection Act 1998 and any Memoranda of Understanding) to the relevant responsible authorities as defined in the 2003 Act and others that have a statutory duty to demand such information, e.g. HMRC.

7 Committee Structure and Delegation of Functions

- 7.1 The Council has established a Licensing Committee to administer the wide range of licensing functions under the 2003 Act. It is also constituted to deal with applications not delegated to officers under other licensing legislation.
- 7.2 The Licensing Committee is made up of a maximum of 15 Councillors.

- 7.3 Sub Committees consisting of 3 members of the Licensing Committee will be formed to hear contested applications.
- 7.4 The Licensing Committee will meet as often as required, and not less than once a year.
- 7.5 The Sub-Committees, will meet as often as necessary to complete business within the statutory time limits for determination of opposed licence applications.
- 7.6 Appendix A sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees, and officers.
- 7.7 This form of delegations is without prejudice to officers referring an application to a Sub-Committee, or a Sub-Committee to Committee, if considered appropriate in the circumstances of any particular case.
- 7.8 Many decisions and functions are purely administrative in nature and will not be dealt with by Committee. For example, the Councils Licensing Manager will deal with the grant of non-contentious applications. These will include those licences and certificates where no representations have been made, or where representations have been made and it is agreed by all parties involved that a hearing is not necessary.
- 7.9 The Licensing Manager will also be responsible for drafting appropriate conditions for premises licences and club registration certificates in accordance with operating schedules.
- 7.10 Officers will work in a manner that will ensure compliance with the 2003 Act and all associated legislation.
- 7.11 Where a councillor, as a member of the Licensing Committee or a Licensing Sub-Committee, is making or has made representations on behalf of an interested party or in their own right or has had a direct, or indirect involvement in the affairs of an application before them, they will disqualify themselves from any involvement in the decision-making process.
- 7.12 The Licensing Sub-Committee will usually defer to the next Sub-Committee meeting or exceptionally refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.
- 7.13 The Licensing Committee will refer to the licensing authority any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

- 7.14 A clear statement of reasons for the decision will accompany every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee.
- 7.15 The Council will make sure that Members and officers are appropriately trained to carry out their duties under the 2003 Act.

8 Hearings Process

- 8.1 The hearings will be conducted in accordance with the relevant regulations and the approved hearing procedure.
- 8.2 The hearings will usually be held at the Civic Offices, St Nicholas Way, Sutton during normal office hours unless there are exceptional circumstances that require a different location or time.
- 8.3 All meetings are open to the public subject to the restrictions laid down in regulations made under the Licensing Act 2003.
- 8.4 Agendas will be published according to the regulations made under the Licensing Act 2003.
- 8.5 Whilst contested applications are quasi-judicial in nature the Sub Committee will try to keep the hearing proceedings as informal as possible whilst recognising that all parties must receive a full, fair and open hearing. The procedure is inquisitorial rather than adversarial, and whilst applicants, other persons, and responsible authorities, are entitled to have legal representation, this is not a requirement.
- 8.6 Applicants should be aware that members of the Licensing Sub Committee might wish to visit the premises in question and that this would normally be done during the hearing itself to enable all parties to the hearing to be present.
- 8.7 Applicants are advised to read the Guidance on Hearings, which are available on the Councils website www.sutton.gov.uk.

9 General principles of licensing decisions

Right to be considered on merit

- 9.1 Nothing in this Statement of Licensing Policy will undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have each application considered on its individual merits.

Right to make representations

- 9.2 Nothing in this Statement of Licensing Policy will override the right of any person to make representations on any application or seek a

review of a licence or certificate where they are permitted to do so under the 2003 Act.

Consideration of Representations

- 9.3 The Councils policy is to refuse to consider representations received outside of the period prescribed by regulations made under s17(5) of the 2003 Act.
- 9.4 The Council will only consider representations based on the impact on the promotion of the licensing objectives relevant to the particular application before it.

Focus of application

- 9.5 Licensing is about the control of licensed premises, qualifying clubs and temporary events, within the terms of the 2003 Act.
- 9.6 Conditions will only be attached to licences, certificates, and permissions to cover matters that are within the control of individual licensees and others in possession of relevant authorisations.
- 9.7 When considering these conditions, the Council will primarily focus on the direct impact of the licensable activities taking place at licensed premises on members of the public living, working, or engaged in normal activity in the area concerned.

Extent of licensees responsibilities - other controls

- 9.8 The Council acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals or nuisance once they are beyond the direct control of the licensee of any premises concerned.
- 9.9 Through this Policy, the Council expects every holder of a licence or certificate to be responsible for minimising the impact of their activities and their patrons anti-social behaviour within the immediate vicinity of their premises.
- 9.10 The Council recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises including:
- planning controls
 - positive measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other departments of the council
 - provision of CCTV surveillance in town centres, ample taxi ranks, public conveniences open late at night, street cleaning & litter patrols
 - designating parts of the Borough as places where alcohol

- may not be consumed publicly
- police enforcement of the general law regarding disorder and anti-social behaviour including the issue of fixed penalty notices
- the prosecution of those selling alcohol to people who are drunk
- the confiscation of alcohol from adults and children in designated areas
- the use of police powers to instantly close down licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or noise from the premises causing a nuisance
- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question
- Early Morning Alcohol Restriction Orders

10 Application Process

- 10.1 All applications are to be made in accordance with the relevant regulations made under the 2003 Act.
- 10.2 Copies of applications must be sent to all responsible authorities at the addresses shown in Appendix C, unless the application is submitted electronically.
- 10.3 It is the Authority's intention to contact applicants in the first instance to rectify any mistakes or omissions in any application made before rejecting it and returning it as incomplete.
- 10.4 A list of current applications can be viewed on the Council's website www.sutton.gov.uk.
- 10.5 Full applications can be viewed at the Council's Licensing Offices between the hours of 0900 hrs and 1700 hrs Monday to Friday.
- 10.6 The applicant may be requested to demonstrate that notice of application has been given to the responsible authorities by providing proof of service and a copy of the advertisement in the local newspaper.
- 10.7 All applications and notices must be advertised in accordance with the relevant regulations made under the 2003 Act.

11 Premises Licence & Club Premises Certificate applications

Licensing Hours

- 11.1 The Council recognises the Government view that longer licensing hours for the sale or supply of alcohol is likely to avoid large numbers

of people leaving premises simultaneously. This may, in turn, reduce the friction that can lead to disorder and disturbance at late night fast food outlets, taxi ranks, minicab offices and other sources of transport.

- 11.2 Fixed trading hours within designated areas will not be set as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the attendant concentration of disturbance and noise that the 2003 Act is trying to avoid.
- 11.3 Such fixed hours may cause the peaks of disorder and disturbance that the 2003 Act is trying to avoid and minimise any potential improvement in the prevention of crime and disorder or public nuisance and would not be necessary to promote the licensing objectives.
- 11.4 The Council will deal with the issue of licensing hours having due regard to the individual merits of each application considering the potential for nuisance associated with the style, characteristics, and activities of the business, and examining any steps that might reduce the risk of nuisance.
- 11.5 The Council considers that it is clear that the risk of disturbance to residents is greater when licensable activities carry on later and into the early morning.
- 11.6 There will be a presumption in favour of licensing shops, stores, and supermarkets, to sell alcohol for consumption off the premises at any times they are open for shopping, unless there are good reasons to restrict those hours.
- 11.7 There will be a presumption in favour of restricting those trading hours where, for example, police representations are made about isolated shops known to be the focus of disorder, disturbance, anti-social behaviour, or where there is evidence of under-age sales taking place.
- 11.8 Licences and certificates issued will specify the authorised period for licensable activities e.g. the sale of alcohol. The opening hours of premises/events may be different from this to allow, for example, “drinking up time” for previously purchased alcohol.

Operating Schedules

- 11.9 The Council expects that operating schedules will comply with the requirements laid out in s17 of the 2003 Act, and the Secretary of States’ guidance.
- 11.10 Applicants should be aware that responsible authorities may consider, amongst other things, the matters listed in Appendix B when examining operating schedules.

- 11.11 Applicants for regulated entertainment involving live music or other cultural activities may wish to consult with local representatives of the Musicians Union, before completing their operating schedule. They may also wish to consider the provisions of the Live Music Act 2012 to identify whether live music needs to be included in the application or not.
- 11.12 It is recommended that applicants, having completed their operating schedules, should seek the views of the responsible authorities, before submitting their application. Contact details are in Appendix C.

Risk Assessments

- 11.13 Applicants should ensure that risk assessments are undertaken where necessary to assist in producing a comprehensive operating schedule and fully address the four licensing objectives.
- 11.14 The Council would expect capacity / accommodation levels to be addressed in operating schedules where risk assessments show this to be appropriate to promote the licensing objectives.

Disability Discrimination Act 1995

- 11.15 The Disability Discrimination Act 1995 introduced measures to tackle discrimination encountered against disabled people in the areas of employment, access to goods, facilities and services, and the management, buying or renting of land or property. Service providers, such as licensees will, from October 2004, have to make reasonable adjustments to any physical features that make it impossible, or unreasonably difficult, for disabled persons to access a service, or they will have to provide the service by a reasonable alternative means.

Premises Licences for Temporary Events

- 11.16 Applications must follow the same procedures and form as for a Premises Licence, but applicants are advised that the Council expects early notice of such events to allow the responsible authorities' time to discuss the operating schedules and draft risk assessments well before a formal application is submitted.
- 11.17 The authority requests that applications for premises licences should be made not less than two calendar months before the event for events up to 1000 persons; and not less than three calendar months for events in excess of 1000 persons.

12 Temporary Event Notice

- 12.1 Temporary Event Notices, commonly referred to as 'TENs', can be used to authorise licensable activities for temporary periods or specific occasions.
- 12.2 There are two types of TEN; a standard TEN and a late TEN. These are subject to different processes.
- 12.3 A standard TEN is given no later than 10 working days before the event to which it relates.
- 12.4 A late TEN is given not before 9 and not later than 5 working days before the event.
- 12.5 Standard Temporary Event Notices must be submitted to the licensing authority no less than ten working days before the first day of the event. The 10 working days runs from the day after the notice is received by the Licensing Authority, and does not include the first day of the event
- 12.6 It is recommended that the TEN is submitted well in advance of the planned event to ensure any issues can be resolved.
- 12.7 Only the Environmental Health and Police are able to object against a TEN within 3 working days of receipt. If an objection is against a late TEN a counter notice will be issued and the event will not be permitted to go ahead.
- 12.8 If the objection relates to a standard TEN a licensing sub committee will be held to determine the application.
- 12.9 The licensing subcommittee may decide to allow the licensable activities to go ahead as stated in the notice
- 12.10 Where the notice is in connection with licensable activities at a premises which already holds a premises licence or club premises certificate, the licensing authority may impose one or more of the conditions from that authorisation on the Temporary Event Notice if they are relevant and it is appropriate to do so
- 12.11 Where, following any representations at the hearing, the licensing authority is not satisfied the event will ensure the promotion of the licensing objectives it may determine to issue a counter notice to prevent the event taking place

13 Personal Licence applications

- 13.1 Applicants with unspent criminal convictions for relevant offences set out in the 2003 Act are encouraged to discuss their intended application with the police before submitting it to the Council.

14 Crime and Disorder Objective

- 14.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol, and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 14.2 The Council will expect Operating Schedules to satisfactorily address crime and disorder issues arising from the design of the premises through to the daily operation of the business.
- 14.3 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 C
- 14.4 In addition to the requirements for the Council to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 14.5 The Council may attach conditions to licences and certificates to deter and prevent crime and disorder, both inside and immediately outside the premises,
- 14.6 These conditions may, for example, include items relating to management systems, training, drugs policies, search procedures, entry policies, physical security, door supervisors, bottle bans, drinks containers, CCTV, restricting drinking areas, premises capacity limits, age verification systems such as challenge 25 , crime prevention notices, and signage.
- 14.7 The Council will keep under review the effectiveness of any orders made under the Local Authority (Alcohol Consumption in Designated Public Places) Regulations 2001 as a measure to control crime and disorder.
- 14.8 The Council will continue to attend and advise local Pubwatch schemes when it is requested to do so.
- 14.9 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.

15 Public Safety Objective

- 15.1 A wide range of premises including cafes/restaurants, cinemas, concert halls, nightclubs, public houses, theatres, fast food outlets, and takeaways, require licensing under the 2003 Act.
- 15.2 Each presents a mixture of risks, with many common to most premises, and others unique to specific operations. It is essential that premises

are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.

- 15.3 The Council will expect operating schedules to satisfactorily address these issues and applicants are advised to seek advice from Council officers and the London Fire and Emergency Planning Authority before preparing their plans, risk assessments and operating schedules. Contact details are provided in Appendix C.
- 15.4 The Council may attach conditions to licences to promote public safety if it is appropriate to do so following representations.

16 Prevention of Public Nuisance Objective

- 16.1 The Council will seek to protect the amenity of residents and businesses in the vicinity of licensed premises. At the same time it is aware that the licensed trade is important to the local economy and the cultural and leisure facilities of an area. Those premises operating late at night and in the early hours of the morning can cause a range of nuisances affecting people living, working or sleeping in the vicinity.
- 16.2 It is expected that, where appropriate, applicants will have regard to the “Good Practice Guide on the Control of Noise from Pubs and Clubs” published by the Institute of Acoustics.
- 16.3 The Council will consider the measures proposed in the operating schedule to deal with the potential for nuisance and anti-social behaviour. In particular the Council will consider the steps taken or proposed to be taken by the applicant to prevent or control annoyance or nuisance from;
- noise and vibration escaping from the premises including music, noise from ventilation equipment and human voices. Such measures may include installing soundproofing, air conditioning, acoustic lobbies and sound limiting devices, requirements to keep doors and windows closed.
 - customers arriving at or leaving the premises – this will be of greater importance between 2200 hrs and 0700 hrs than at other times of the day
 - the queuing of either vehicular or pedestrian traffic
 - staff leaving the premises
 - the use of gardens and other open areas
 - delivery and collection times
 - positioning of external lighting including inappropriately installed security lighting
 - increased refuse storage or disposal problems or additional litter including fly posting and illegal placards in the vicinity of the premises.
- 16.4 The Council will expect Operating Schedules to satisfactorily address

these issues and have regard to the impact these may have. Applicants are advised to seek advice from the Council's licensing, environmental health and planning officers before preparing their Operating Schedules. Contact details are provided in Appendix C.

- 16.5 The Health Act 2006 prevents people smoking inside licensed premises, and consequently may lead to patrons going outside to smoke. Applicants and existing licence holders are encouraged to assess whether the noise from such patrons could potentially disturb nearby residents and whether there is potential for smoke to drift to nearby residential properties. As the licence holder can only be responsible for matters within their control, it is recommended that licence holders focus on the effects of smoking in beer gardens, patios and any areas directly outside the premises.
- 16.6 The Council may attach conditions to licences and permissions to prevent public nuisance if it is appropriate to do so following representations..

17 Prevention of Harm to Children Objective

- 17.1 The Council expects the submitted Operating Schedules to address the following issues.

Access to licensed premises

- 17.2 This Policy does not seek to prohibit children from having free access to any licensed premises subject to any restrictions within the 2003 Act but the Council recognises that limitations may have to be considered where it appears appropriate to protect children from physical, emotional and sexual, harm and neglect.
- 17.3 The following are examples of premises that the Council considers may raise concern:
- Where adult entertainment is provided
 - where there have been convictions of members of the current management for serving alcohol to minors or with a reputation for allowing underage drinking
 - where requirements for proof of age cards or other age identification to combat the purchase of alcohol by minors is not the norm
 - with a known association with drug taking or dealing
 - where there is a strong element of gambling on the premises (but not small numbers of cash prize gaming machines)
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 17.4 Where applicants wish to allow access for children to premises where these associations may be relevant, they should, when

preparing operating schedules, explain their reasons and outline in detail the steps that they intend to take to protect children from harm on such premises.

- 17.5 The Council will consider the following options for limiting the access of children where that is necessary for the prevention of harm to children:
- limitations on the hours when children may be present
 - limitations on ages below 18
 - limitations on the presence of children under certain ages when specified activities are taking place
 - limitations on the parts of premises to which children might be given access
 - requirements for an accompanying adult (including, for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult) and
 - full exclusion of people under 18 from the premises when any licensable activities are taking place
- 17.6 There will be a strong presumption against permitting any access at all for children under 18 years where a responsible authority has made a valid representation on any of the concerns listed in paragraph 18.2.4 of this policy.
- 17.7 The Council commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks as good practice for licensees.
- 17.8 Conditions will not be imposed requiring children to be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee or club.
- 17.9 The licensing authority will work closely with trading standards and the police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children
- 17.10 Representations made by child protection bodies and the police will be given considerable weight by the Licensing Committee when they address issues regarding the admission of children.

Access to cinemas

- 17.11 Films may cover issues of violence, horror or items of an adult or sexual nature, some or all of which may be considered unsuitable for children within certain age groups.
- 17.12 To prevent children from seeing such films, the Council will expect applicants to include suitable arrangements in their operating schedules to restrict children from viewing age-restricted films classified

according to the recommendations of the British Board of Film Classification (BBFC).

Children and public entertainment

- 17.13 There are many entertainment activities arranged especially for children, both as audience and performers, (for example, children's film shows and dance or drama school productions), which require additional arrangements to safeguard children whilst on the premises.
- 17.14 Where a regulated entertainment is specially presented for children, the Council will expect an adult member of staff to be stationed in the vicinity of each of the exits from any level, in order to control their access and egress and to assure their safety.
- 17.15 Where children are taking part in any regulated entertainment the Council will expect compliance with the provisions of the Children & Young Persons Act 1968 for performance licences and the Council Bylaws dated October 1998 for work permits.
- 17.16 The Council may attach conditions to licences to prevent harm to children if it is appropriate to do so following representations.

Advice

- 17.17 Applicants are advised to seek advice from the Sutton Local Safeguarding Children Board on protecting children from harm before submitting their application. Contact details are given in Appendix C.
- 17.18 Applicants are encouraged to consider the "Child Protection Policy For Licensed Premises" issued by the Sutton Local Safeguarding Children Board when preparing their operating schedules.

18 Special Events

- 18.1 The Licensing Authority recommends that for special events a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Accordingly, for premises that wish to stage promotions, or events the Licensing Authority recommends that applicants address the Risk Assessment and debrief processes in their operating schedule.
- 18.2 It is recommended that risk assessments are provided to the police for consideration prior to the event.

19 Licence/Certificate Conditions

- 19.1 Conditions may only be attached in response to matters raised in the

applicants operating schedule, or by way of a relevant objection in response to an application.

19.2 Conditions attached to licences or certificates will be tailored to the point(s) at issue, and have regard to the size, style, characteristics and activities taking place at the premises concerned.

19.3 Any conditions

- will only be applied to ensure that the licensing objectives are promoted
- will not replicate licensing offences set out within the 2003 Act
- will not duplicate other existing legislation
- will reflect the Councils strategies for example in relation to CCTV and crime and disorder
- will not seek to deter live music, dancing and theatre

20 Enforcement

20.1 It is essential that licensed premises comply with the terms of their licence as well as other requirements of the Licensing Act. Equally important is ensuring that premises not licensed to provide licensable activities are prevented from doing so.

20.2 The licensing authority shall continue to work with the licensed trade by providing advice and information on promoting the licensing objectives and establishing best practice.

20.3 The Council will work closely with all the responsible authorities and other relevant enforcement agencies to ensure the efficient enforcement of licensing law. Therefore, higher-risk and problem premises will be targeted for enforcement activity whereas a lighter touch approach will be adopted for low risk, well-run premises.

20.4 The Council will seek to work actively with the police in enforcing licensing legislation in accordance with the Councils Strategies on Crime & Disorder Reduction; Community Safety; Drugs and Alcohol; Culture and Tourism. It expects the police to share information about licensees and licensed premises under s115 of the Crime and Disorder Act 1998 and its common law powers, and to consult closely with the Council when any enforcement action may be required.

20.5 The Council will sign up to the relevant enforcement and exchange of information protocols with the Metropolitan Police and the LFEPA.

20.6 The licensing authority is required to suspend a premises licence or club premises certificate if the annual fee has not been paid when it is due. When a premises licence or certificate has been suspended, no licensable activities can be lawfully carried out at the premises until the annual fee has been paid. The suspension shall be lifted immediately upon payment of the fee and licensable activities may be resumed

21 Live Music, Dancing and Theatre

- 21.1 The Council recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community, particularly for children.
- 21.2 When considering applications for such events and the imposition of conditions on licences or certificates, the Council will carefully balance the cultural needs with the necessity of promoting the licensing objectives.
- 21.3 Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.
- 21.4 The Council will seek to monitor the impact of licensing on regulated entertainment, particularly live music and dancing. Any evidence to show that such events are being deterred by licensing requirements will be considered in the review of this Policy with a view to reversing the situation.

22 Reviews

- 22.1 The Council recognises that the effective promotion of the licensing objectives relies heavily on partnership working. It will try to make sure that reviews are not used to drive a wedge between groups and, where appropriate, will give licence holders early warning of their concerns about problems identified at the premises and the need for improvement. It expects that a failure to respond to such a warning would lead to a decision to request a review.
- 22.2 The Council views particularly seriously reviews arising in connection with the use of premises for:
- the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crimes
 - the sale and distribution of illegal firearms
 - underage purchase and consumption of alcohol
 - prostitution or sale of unlawful pornography
 - grooming of children by paedophiles
 - unlawful gaming and gambling
 - organised criminal activity
 - the organisation of racist activity or promoting racist attacks
 - the sale of stolen or smuggled goods or where
 - the police are frequently called to attend incidents of disorder
 - there are prolonged or repeated instances of public nuisance

- serious risks to public safety have been identified and the management is unable or unwilling to correct them
- serious risks to children have been identified .

22.3 It is the policy of this Council that where, on review, the Licensing Committee determines that the crime prevention objective is being undermined through the premises being used to further crimes, it will seriously consider revocation of the licence even in the first instance.

22.4 While it is recognised that evidence in support of a review application can be submitted prior to a hearing and with consent of all parties at the hearing, applicants are strongly advised to submit the supporting evidence at the same time as the review application is submitted.

22.5 This recognises that the evidence to support the application should already have been gathered before a decision is made to apply to review a licence. It also allows the 28 day consultation period for mediation to take place and for all parties to prepare for a hearing if necessary. Any additional evidence that subsequently comes to light before a hearing takes place can still be submitted.

22.6 Failure to submit supporting evidence in relation to a review in good time before a subcommittee hearing may result in that hearing having to be delayed in the public interest and to ensure a fair hearing can take place.

23 Irrelevant, Frivolous, Vexatious and Repetitious Representations

23.1 Officers will determine objectively whether a representation is deemed to be irrelevant, repetitious, frivolous, or vexatious using, as guidance, the criteria and examples contained with the Secretary of States guidance.

23.2 Where representations are rejected, the person making that representation will be given a written reason as to why that is the case.

Relevant Representations

23.3 A representation from other persons will be considered irrelevant if it does not directly relate to the likely effect of the grant of the licence or certificate on the promotion of at least one of the licensing objectives in the context of that application.

23.4 Representations that argue that a business would be commercially damaged by the grant of a licence or certificate for a new business would be deemed to be irrelevant.

- 23.5 Representations about general crime and disorder that cannot be positively tied or linked to the particular premises will be deemed to be irrelevant.
- 23.6 Representations that consider nuisance caused by a new application and relate those to an inadequate set of control measures would be deemed to be relevant and would be heard.

Repetitious Representations

- 23.7 A repetitious representation is one that is identical or substantially similar to
- a ground for review specified in an earlier review application for the same licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the licence or certificate was first granted; or
 - representations which would have been made when the application for the licence or certificate was first made and which were excluded then by reason of the prior issue of a provisional statement; and
 - in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of the licence or certificate.
- 23.8 There will be a presumption against accepting review applications originating from other persons on similar grounds within a period of twelve months except in exceptional and compelling circumstances or where it follows a closure order.
- 23.9 It is Council policy that repeat representations made about related planning applications will not be considered.

Frivolous Representations

- 23.10 Frivolous representations are those characterised by a lack of seriousness. The test will be whether any ordinary and reasonable person would consider the issue raised to be frivolous. Officers will differentiate between frivolous and trivial complaints. Trivial complaints may only be heard after investigation by officers to determine the relevance.

Vexatious Representations

- 23.11 Vexatious representations will be judged according to the individual circumstances and on their own merit

24 Complaints against licensed premises

- 24.1 Whilst the Council is content to investigate complaints against licensed premises, complainants will in the first instance be encouraged to raise

the complaint directly with the licensee or business concerned.

24.2 Where other persons make a valid representation about a licensed premises or a valid application for a licence to be reviewed, the Council may arrange for a mediation meeting to try to confirm, clarify and resolve the issues of concern.

24.3 The process will not override the right of any other person to ask the Licensing Committee to consider their valid representations or for any licence holder to decline to participate in a mediation meeting.

25 Licensing Register

25.1 The Public Register, as required under section 8 of the 2003 Act, is kept in electronic format at the Councils Licensing Offices.

25.2 The Register can be viewed at the offices during normal opening hours of 0900 hrs to 1700 hrs, Monday to Friday, free of charge.

25.3 The fees for copies of the register entries requested will be charged at the current rate as determined under delegated authority or any regulations issued by the secretary of state.

26 Copyright & Royalties

26.1 Applicants are reminded of the need to obtain Performing Right Society Licences and Phonographic Performances Ltd Licences and to observe other copyright arrangements.

LIST OF APPENDICES

Appendix A	Table Of Delegations Of Licensing Functions
Appendix B	Matters That May Be Considered When Examining Applications And Operating Schedules
Appendix C	Responsible Authority Contact Details

APPENDIX A

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COMMITTEE	SUB COMMITTEE	OFFICER
Application for personal licence		If a police objection Made	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence or 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 or club premises certificate			If no relevant representation made
Application to vary designated premises supervisor		If a police objection Made	All other cases
Request to be removed as designated premises supervisor			All cases
Applications for transfer of premises licence		If a police objection Made	All other cases
Application for Interim Authorities		If a police objection Made	All other cases
Application to review premises licence or club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
Determination of an Environmental Health objection to a temporary		All cases	

event notice			
Making a representation on behalf of the Licensing Authority			Licensing Manager
Initiating a Review on behalf of the Licensing Authority			Licensing Manager

APPENDIX B

MATTERS THAT MAY BE CONSIDERED WHEN EXAMINING APPLICATIONS AND OPERATING SCHEDULES

In considering all licence applications, the following may be taken into account:

- the nature and character of the operation
- the character of the surrounding area
- the impact of the licence on the surrounding area, both individually and cumulatively with existing licences

In considering operating schedules the responsible authorities may consider, the measures proposed to promote the licensing objectives. Depending on the type of premises and activities applied for the following measures may be appropriate:

- noise prevention , measures including music, noise from ventilation equipment and customers. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
- to prevent disturbance by patrons arriving at or leaving the premises
- to prevent queuing or, if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise to manage the queue to prevent disturbance or obstruction
- to ensure staff leave the premises quietly
- to prevent the consumption or supply of illegal drugs, including by search procedures
- to highlight local public transport service links within their premises control of refuse, delivery times,,
- Regularly clearing additional litter in the vicinity of the premises
- CCTV systems operated and images recorded for a minimum period of 31 days
- Staff training on LA03, licence conditions and under age sales, including refresher training, and signed training records
- SIA Door Supervisors, number and deployment locations and recording duty registers
- Search policies and procedures
- Use of strengthened glass / polycarbonate drinking vessels, glass collection procedures
- Safe capacities
- Management of external areas such as smoking areas and beer gardens
- Challenge 21 or 25 under age sales policies
- Refusal registers for drunkenness and under age
- Use of radios or ring round schemes to notify police or other premises of incidents
- Last entry time to premises

- Drinking up / dispersal times and procedures
- Not allowing drinking vessels to be taken outside of the premises
- Regular and documented checks of the toilets to deter drug use

APPENDIX C

RESPONSIBLE AUTHORITY CONTACT DETAILS

Licensing Authority

BRS Licensing Section
Civic Offices
St Nicholas Way
Sutton
Surrey
SM1 1EA

Tel 020 8770 5070
Fax 020 8770 5633
Email licensing@sutton.gov.uk
Website www.sutton.gov.uk

Environmental Health

24 Denmark Road
Carshalton
SM5 2JG

Tel (Noise) 020 8770 5070
Fax 020 8770 5540
Email E&LEHEnvironmentalHealthTeam@sutton.gov.uk

Planning

24 Denmark Road
Carshalton
Surrey
SM5 2JG

Tel 020 8770 6200
Fax 020 8770 6201
Email Development.Control@sutton.gov.uk
Website www.sutton.gov.uk

Sutton Local Safeguarding Children Board

Protection of Children from Harm
Children & Young People Learning Services
The Lodge
Honeywood Walk
Carshalton
Surrey
SM5 3NX

Tel 020 8770 4532
Email francesca.hamilton@sutton.gov.uk
Website www.sutton.gov.uk
Out of hours tel: 020 8770 5000

Trading Standards

Civic Offices
St Nicholas Way
Sutton
Surrey
SM1 1EA

Tel 020 8770 5070
Fax 020 8770 5633
Email Trading.standards@sutton.gov.uk
Website www.sutton.gov.uk

Police

Licensing Office
Sutton Police Station
6 Carshalton Road
Sutton
Surrey
SM1 4RF

Tel 020 8649 0793
Fax 020 8649 0797
Email zt-licensing@met.police.uk
Website www.met.police.uk/sutton

Health & Safety

Commercial Premises Team,
Business Regulation Services,
Civic Offices,
St Nicholas Way,
Sutton, SM1 1AE

Tel: 020 8770 5070.
Fax: 020 8770 5633
Email: BRS@sutton.gov.uk

Public Health

Director of Public Health,
London Borough of Sutton,
St Nicholas Way,
Sutton, SM1 3RA

Tel: 020 8770 4998
Email: Ellis.Friedman@sutton.gov.uk

Fire Authority

Fire Safety Regulation: London Fire Brigade,
South East Area 3,
169 Union Street,
London, SE1 0LL

Tel: 020 8555 1200 ext 37630
Email: FireSafetyRegulationSE@london-fire.gov.uk