

LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

07 January 2016 - 06 January 2021
(revised with effect from 17 July 2019)

CONTENTS

	<u>Section</u>	<u>Page</u>
INTRODUCTION	ONE	2
SCOPE OF THE POLICY	TWO	3 - 4
LICENSING PRINCIPLES	THREE	4 - 5
LICENSING OBJECTIVES	FOUR	5 - 10
CONDITIONS	FIVE	11 - 15
CUMULATIVE IMPACT AND SATURATION POLICIES	SIX	16 - 18
LICENSING HOURS	SEVEN	18 - 19
INSPECTION, ENFORCEMENT & REVIEW OF LICENCES	EIGHT	19 - 21
EARLY MORNING RESTRICTION ORDERS	NINE	21
INTEGRATION OF THE LICENSING POLICY WITH OTHER RELATED COUNCIL STRATEGIES <ul style="list-style-type: none">• Community Safety• Planning & Building Control• Regeneration & Economic Development• Transport• Tourism & Employment• Culture	TEN	22 - 25
OTHER KEY CONSIDERATIONS <ul style="list-style-type: none">• Social Inclusion• Disability Discrimination• Human Rights• Sustainability	ELEVEN	25 - 26
ADMINISTRATION & STANDARDS OF SERVICE DELIVERY	TWELVE	26
FURTHER INFORMATION & USEFUL CONTACTS	THIRTEEN & ANNEX 1	27 28 - 30
MAPS IDENTIFYING BOUNDARIES OF AREAS SUBJECT TO SATURATION POLICY	APPENDIX A	31 - 32
SCHEME OF DELEGATIONS	APPENDIX B	33

1. Introduction

- 1.2 This document is the Statement of Licensing Policy (the Policy) approved by the London Borough of Bexley (the Council) within the meaning of the Licensing Act 2003 (the Act) for the five year period 7 January 2016 to 6 January 2021 and was revised on 17 July 2019.
- 1.3 Under the Act the Council is responsible for licensing various activities in the Borough that involve the sale by retail of alcohol, the supply of alcohol by or on behalf of a club or to the order of a member of a club, the provision of regulated entertainment and the provision of late night refreshment.
- 1.4 The main aim of the Policy is to explain how the Council, in discharging its licensing functions, intends to promote the four licensing objectives, which are:
 - **The prevention of crime and disorder**
 - **Public safety**
 - **The prevention of public nuisance**
 - **The protection of children from harm**
- 1.5 In addition, the Policy also provides the parameters under which the Council may make licensing decisions and provides licence applicants, residents and businesses with the detail of these parameters.
- 1.6 The Policy has been prepared in accordance with the Act and associated statutory Guidance issued under section 182 of the Act (the Guidance) and agreed following a wide-ranging consultation process, including all the consultees stipulated in the Act. Proper weight has been given to the views of those consulted.
- 1.7 The Council endorsed a revision of the current Policy on 17 July 2019 and agreed that the Policy is effective for the remainder of the five year period commencing on 7 January 2016 and ending on 6 January 2021. During this period the Policy will be kept under review and any revision to the Policy will be the subject of further consultation and approval by the Council. Where further revisions are made to the Policy the Council will publish a statement of the revision or the revised Policy. Where revisions to Guidance are made by the Secretary of State during this period, it will be for the Council to determine whether revisions to this Policy are appropriate.
- 1.8 Nothing in this Policy should be regarded or interpreted as an indication that licensing or other law may be overridden (including the obligation placed on the Council under human rights legislation).
- 1.9 The Policy is available in the reception area of the Council Civic Offices and in Bexley's public libraries and on the Council's web site. A copy will be sent to any person on request to the Licensing Partnership (see section 13 for contact details)

2. Scope of the Policy

2.1 The Act is about:

- Authorising individuals to sell or supply alcohol (“Personal Licence”);
- Allowing premises to be used for the provision of licensable activities, that is the sale/supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment (“Premises Licence” & “Club Premises Certificate”); and
- Permitting certain licensable activities on a temporary basis (“Temporary Event Notice”).

2.2 Regulated Entertainment is entertainment that takes place for the purpose of entertaining an audience or spectators at a premises made available for the purpose of enabling that activity and must either take place:

- In the presence of a public audience; or
- In private but with a view to profit.

2.3 The description of entertainment activities that are licensable, or require authorisation, under the Act are:

- The performance of a play
- The exhibition of a film
- An indoor sporting event for 1000 persons or more, or for any event, regardless of the number of persons present, held between 23:00 hours and 08:00 hours
- A boxing or wrestling entertainment (indoor or outdoor)
- A performance of live music
- Any playing of recorded music
- A performance of dance
- Entertainment of a similar description to the performance of music or dance or the playing of recorded music.

Note: There are a number of exemptions under that Act where entertainment activities can be provided without the need for a licence or authorisation. In addition, deregulatory changes mean that some entertainment activities provided at specified premises, between set times and to a limited audience do not require a licence or authorisation.

2.4 Late night refreshment constitutes the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between 23:00 hours and 05:00 hours.

2.5 In general, a reference in the Policy to a Premises Licence will include a Club Premises Certificate unless otherwise stated.

2.6 The Policy covers all types of applications: provisional statements, grants, renewals, transfers, variations (full and minor) and reviews; together with the service of temporary event notices.

- 2.7 Whilst the Council will have regard to the Policy when carrying out its licensing function, the Council may depart from the Policy if necessary, in the interests of promoting the licensing objectives. The Council will give its reasons if it departs from the Policy.
- 2.8 Where applications attract no representations (or an amendment to an application leads the withdrawal of representations) the Council will have no discretion and a licence will be granted in the terms applied for. All licences will be subject to relevant mandatory conditions, which are explained further in section 5.

3. Licensing Principles

- 3.1 The Council's aspiration is that the Borough offers a wide variety of licensable activities that encourage diversity and inclusion of all sections of the community without detriment to local residents and businesses.
- 3.2 Premises providing licensable activities can add to the economy, life and vitality of town centres and shopping areas particularly in the evenings when shops have closed. They can also create and safeguard local jobs. However, without careful control they can for some businesses and residents become a great inconvenience, spoiling their enjoyment of shopping areas and undermining their sense of safety and wellbeing. The Council intends to exercise its powers under the Act in co-operation with the Police and in conjunction with its town planning and other powers to enable everyone to enjoy their local areas and shopping areas so that they are seen as the heart of local communities.
- 3.3 The Council's intention is to encourage the operation of licensable activities in a way that does not undermine the licensing objectives. It is the Council's wish to facilitate well managed premises with licence holders displaying sensitivity to the impact of the premises on local residents and businesses.
- 3.4 The Council acknowledges that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.
- 3.5 In carrying out its function under the Act the Council will avoid duplication with other regulatory regimes so far as it is possible.
- 3.6 Nothing in this Policy undermines the right of any person to apply for a variety of permissions, nor does it override the right of responsible authorities and other persons to make representations on any application or seek a review of a licence where they are permitted to do so under the Act. Appropriate weight will be given to all representations, excepting any that are deemed to be frivolous, vexatious or, at review repetitious, and every application will be considered by the Council on its individual merits having regard to this Policy, the licensing objectives and the Guidance.

3.7 If an application for a licence has been made lawfully and there have been no representations from responsible authorities or other persons, the Council must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions.

4. Licensing Objectives

4.1 The Council is required to carry out its functions under the Act with a view to promoting the four licensing objectives, each of which have equal importance and are paramount considerations at all times (paragraph 1.4 sets out the licensing objectives).

4.2 Applicants should consider carefully the impact of their application on the licensing objectives and the steps they may need to implement for the promotion of all four of the licensing objectives. While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. The Council encourages co- operation and interaction between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise. The contact details for the responsible authorities are provided in Annex 1 to the Policy.

4.3 When setting out the steps they propose to take to promote the licensing objectives, the Council expects an applicant to obtain sufficient information to enable them to demonstrate that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate, together with the need to ensure that children are protected from harm at all times, which includes safeguarding children from sexual exploitation;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives operating in the area of their premises, for example, local crime reduction initiatives or voluntary schemes, such as pubsafe, bar one bar all, cabsafe & street pastors, all of which operate in various areas of the Borough as of the adoption date of this Policy.

4.4 Where a premises falls within an area that the Council has designated as being subject to 'cumulative impact' and a saturation policy is in place applicants are expected to demonstrate an understanding of how this policy impacts on their application; set out any measures they will take to mitigate impact; and explain why they consider their application should be an exception to the policy (see section 6 of the Policy for further information on cumulative impact).

4.5 Applicants are expected to include positive proposals in their application on how they will manage any potential risk and provide the Council with sufficient information to determine the extent to which their proposed steps are appropriate to promote the licensing objectives. Such information should be premises specific. Single steps may promote more than one objective.

- 4.6 Applicants should be aware that the steps they propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to any premises licence that may be issued.
- 4.7 The Council accepts that for some premises, it is possible that no measures will be appropriate to promote the licensing objectives. Where this is the case applicants are expected to set out their rationale for reaching this decision.

PREVENTING CRIME AND DISORDER

- 4.8 The Council expects applicants to set out in their operating schedule any relevant steps they intend to take so as to ensure that the operation of the premises does not undermine the crime and disorder objective. Relevant steps are the things an applicant intends to do so as to prevent crime and disorder, including anti-social behaviour, occurring both on the premises and in the immediate vicinity of the premises. Such steps may include information on:
- the prevention and control of drunkenness;
 - management systems;
 - staff training;
 - drugs policies;
 - search procedures;
 - entry policies;
 - physical security;
 - door supervisors;
 - bottle bans and drinks containers – The use of safety or plastic glasses and bottles may be appropriate at all times or on specific occasions and in particular in where the consumption of alcohol is on a public open space;
 - smoking area and other outdoor spaces;
 - capacity limits;
 - CCTV - The installation and operation of CCTV in and around licensed premises is a positive measure to prevent and detect crime. It can also assist the police in the apprehension and prosecution offenders;
 - age verification systems such as challenge 25;
 - crime prevention notices and signage;
 - the type and location of alcohol; and
 - Join a local Pubsafe Group - In Bexley there are several Pubsafe groups operating. Each group is organised by licence holders in a specific area, who meet to share intelligence and best practice. Speakers attend meetings to help inform licence holders of current issues such as police campaigns and changes in licensing and other regulatory law. The police and relevant licensing officers attend most meetings.

The above list is not exhaustive it merely provides examples of matters that may be relevant to the prevention of crime and disorder.

- 4.9 The Police are the main source of advice on the prevention of crime and disorder. Applicants and licence holders should seek assistance on crime and disorder issues from Bexley Police (see Annex 1 for contact details).

PUBLIC SAFETY

- 4.10 The public safety objective is concerned with the physical safety of the people using the relevant premises and not with public health. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption. It includes the safety of performers, but does not extend to the prevention of injury, by one contestant to another, in a boxing or wrestling match.
- 4.11 The Council expects applicants to set out in their operating schedule any relevant steps they intend to take so as to ensure that the operation of the premises does not undermine the public safety objective. Relevant steps are the things an applicant intends to do to ensure public safety. Such steps may include information on:
- fire safety;
 - emergency communications policy and access for emergency vehicles;
 - number of trained first aiders and location of first aid kits;
 - dispersal policies, both routine and in the case of an emergency;
 - information on late-night transportation and any special arrangements in place to this effect;
 - policies on prevention of drunkenness and drug taking;
 - glass collection and disposal;
 - limits on the maximum capacity: and
 - CCTV and lighting in and around the premises.

The above list is not exhaustive it merely provides examples of matters that may be relevant to public safety.

- 4.12 The Council's Food and Health & Safety Team are the main source of advice on ensuring public safety at licensed premises. Applicants and licence holders should seek assistance on public safety issues from them (see Annex 1 for contact details).

PREVENTING PUBLIC NUISANCE

- 4.13 Public nuisance is not narrowly defined in the Act and could therefore include low level nuisance affecting a few people as well as major disturbance affecting the whole community. It may also include the reduction of the living and working amenity of people living and working in the vicinity. Licence holders should take particular care to prevent nuisance arising during the night hours (23:00 hours until 07:00 hours the following day), or from any outdoor area that may be used in association with licensable activities such as patios, beer gardens, and smoking areas or shelters.
- 4.14 The Council expects applicants to set out in their operating schedule any relevant steps they intend to take so as to ensure that the operation of the premises does not undermine the public nuisance objective. Relevant steps are the things an applicant intends to do to prevent public nuisance. Such steps may include information on:

- control and limitations on use of outdoor areas;
- measures taken to prevent noise emanating from the premises;
- dispersal policies;
- outdoor and external lighting;
- litter patrols; and
- relevant signage.

The above list is not exhaustive it merely provides examples of matters that may be relevant to preventing public nuisance.

- 4.15 The Council’s Environmental Protection Team is the main source of advice on preventing public nuisance at licensed premises. Applicants and licence holders should seek assistance on preventing public nuisance from them (see Annex 1 for contact details)

PROTECTING CHILDREN FROM HARM

- 4.16 The body that the Council has decided will fulfil the role of the “responsible authority” in connection with the protection of children from harm is the Trading Standards Service.
- 4.17 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). The Council will also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 4.18 Applicants must be clear in their operating schedules about the activities and times at which the events will take place so as to determine when it is not appropriate for children to enter the premises. In carrying out its licensing functions the Council will seek to protect children from harm, and, to this effect, the Council will have particular regard to the admission of children at premises: -
- where entertainment or services of an adult or sexual nature are commonly provided;
 - where there have been convictions of members of the current staff at the premises for serving alcohol to minors or for premises with a reputation for underage drinking;
 - where it is known that unaccompanied children have been allowed access;
 - where requirements for proof of age cards or other age identification is not the norm;
 - with a known association, or evidence, with drug taking or dealing;
 - where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided in the premises.
- 4.19 The Act makes it an offence to permit children under the age of 16 to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on the premises unless they are accompanied by an adult (person aged 18 or over). This offence applies equally to premises that have a permanent licence and those operating on a temporary basis. The Act also makes it an offence to allow unaccompanied children under the age of 16 at other premises

supplying alcohol for consumption on the premises between midnight and 5 am. Outside of these hours there is nothing to prevent the admission of unaccompanied children under 16 to premises where the consumption of alcohol is not the exclusive or primary activity. Such premises may include hotels, bowling alleys, cinemas and restaurants. However, this does not mean that children should automatically be admitted to such premises.

- 4.20 It is not intended that the definition “exclusively or primarily” in relation to the consumption of alcohol should be applied in a particular way by reference to turnover, floor space or any similar measure.
- 4.21 The Council recognises that, subject only to the provisions of the Act and any licence conditions, the admission of children to a premise will always be at the discretion of those managing the premises. The Act on the one hand, gives no presumption of giving children access, while on the other hand, gives no presumption of preventing their access to licensed premises. Given this, each application and the circumstances obtaining at each premises, will be considered on its own merits. However, it is a mandatory condition (see paragraph 5.19) that licences authorising the exhibition of films restrict the admission of children to the exhibition of any film in accordance with the recommendations of the British Board of Film Classification, or the Council itself. In the case of premises giving film exhibitions, the Council will, where relevant representations are made, expect applicants to include in their operating schedules arrangements for restricting children from viewing age restricted films.
- 4.22 The Council cannot attach conditions requiring an applicant to allow the admission of children to premises. Therefore, the admission of children is a matter for the discretion of the individual licensee, club or person who has given a temporary event notice. Where an applicant’s own risk assessment has determined it as necessary, an applicant may volunteer prohibitions and restrictions in respect of the admission of children in their operating schedule. Where no relevant representations are made these volunteered prohibitions and restrictions will become conditions attached to the licence and will be enforceable as such.
- 4.23 The Council expects applicants to set out in their operating schedule any relevant steps they intend to take so as to ensure that the operation of the premises does not put children at harm. Relevant steps are the things an applicant intends to do to protect children from harm and to prevent public nuisance. Such steps may include information on:
- limitations on the hours when children may be present;
 - limitations on the exclusion of, children under certain ages when particular specified activities are taking place;
 - limitations on the parts of premises to which children might be given access;
 - age limitations (below 18);
 - 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);
 - full exclusion of people under 18 years of age from the premises when licensable activities are taking place; and
 - age verification policies.

- 4.24 With regard to age verification policies, the Council shares the Government's concern over the purchase and consumption of alcohol by children and will focus on enforcing the law concerning the consumption of alcohol by minors. The Council therefore strongly supports the use of 'Challenge 25' in all licensed premises as an aid to preventing underage sales of alcohol. Further information about 'Challenge 25' is available from the police and Trading Standards in their roles as responsible authorities.
- 4.25 Applicants should also consider the proximity of the premises to schools and youth clubs and take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 4.26 The Council's Trading Standards Service is the main source of advice on protecting children from harm at licensed premises. Applicants and licence holders should seek assistance on protecting children from harm from them (see Annex 1 for contact details)

ALL FOUR LICENSING OBJECTIVES

- 4.27 The Council recommends that for significant, and for one off, events a comprehensive risk assessment is undertaken to ensure that proper consideration is given to all four licensing objectives and that all relevant matters are identified and addressed. Risk assessments should be documented.
- 4.28 Where a risk assessment is carried out the Council anticipates that these will be completed having due regard to any advice or guidance issued by the responsible authorities. If requested copies of the risk assessment should be provided at least 14 days prior to the proposed event. In addition, debrief forms should be submitted to the responsible authorities within 14 days of the conclusion of the event if requested.
- 4.29 With specific regard to the objective of preventing crime and disorder, the Council considers the Metropolitan Police Promotion/Event Risk Assessment Form 696 and the After Promotion/Event Debrief Risk Assessment Form 696A to be useful and effective tools. Forms 696 and 696A are available by contacting the Bexley Police.
- 4.30 Whilst the completion of Form 696 is voluntary the Metropolitan Police recommend that music event organisers, managers of licensed premises or event promoters should complete it if they hold an event that is:
- promoted / advertised to the public at any time before the event;
 - predominantly features DJs or MCs performing to a recorded backing track;
 - runs anytime between the hours of 10pm and 4am; and
 - is in a nightclub or a large public house.

However, use of the Form 696 is not restricted to any specific event. Event organisers, managers of licensed premises and promoters may, if they wish, use it for events that do not fall into the guidance provided above. Bexley Police will aim to give appropriate support and advice to ensure a safe event (see Annex 1 for contact details)

5. Conditions

- 5.1 Conditions include any limitations or restrictions attached to a licence and are the steps or actions the holder of the licence must comply with at all times when licensable activities are taking place at the premises. They are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged.
- 5.2 There are three types of conditions that may be attached to a licence: proposed, imposed and mandatory. Failure to comply with any conditions attached to a licence is a criminal offence.
- 5.3 The general principles that apply to all conditions is that they:
- must be appropriate for the promotion of the licensing objectives;
 - must be precise and enforceable;
 - must be unambiguous and clear in what they intend to achieve;
 - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
 - must be tailored to the individual type, location and characteristics of the premises and events concerned;
 - should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
 - should not replicate offences set out in the 2003 Act or other legislation;
 - should be proportionate, justifiable and be capable of being met;
 - cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
 - should be written in a prescriptive format.

PROPOSED CONDITIONS

- 5.4 Proposed conditions are the steps that an applicant, after conducting a risk assessment, has identified as being necessary to promote the licensing objectives and has set down in the operating schedule. This includes the opening hours of the premises.
- 5.5 The Council recommends that applicants consult with responsible authorities when operating schedules are being prepared. Applicants may also wish to have regard to the Council’s pool of model conditions, a copy of which is available on the Council’s website or a copy can be provided on request to the Licensing Partnership. Applicants should remember that proposed conditions should suit the specific needs of the individual premises and may include conditions not listed in the Council’s pool of model conditions.
- 5.6 Where no relevant representations have been made to an application the Council is required to grant the application subject only to such conditions that are consistent with the operating schedule, together with any mandatory conditions required by the Act itself. The phrase ‘consistent with the operating schedule’ does not mean that the Council will simply replicate the wording set out in an applicant’s operating schedule. However, to meet the ‘consistency’ test the effect of the condition should be substantially the same as that intended by the terms of the operating schedule.

IMPOSED CONDITIONS

- 5.7 The Council can only impose conditions on a licence when its discretion has been engaged following the receipt of relevant representation and it is satisfied at a hearing of the necessity of applying the condition. The Council's primary consideration in imposing conditions will be the promotion of the licensing objectives.
- 5.8 In imposing conditions, the Council will focus on the direct impact of the activities taking place at the premises on members of the public living, working or engaged in normal activity in the area concerned, and of businesses. Conditions will only relate to matters that the licensee and others granted relevant authorisation, can be expected to control and these are likely to relate to the premises and places themselves and the vicinity of those premises and places.
- 5.9 The Council will have regard to the individual style and characteristics of the premises and events concerned when attaching conditions to a licence, as this is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions.
- 5.10 Where relevant representations are made it is not the intent of the Council to impose blanket standard conditions. The Council will formulate conditions appropriate to particular circumstances and will have regard to any pool of conditions prepared by the responsible authorities, from which necessary and proportionate conditions may be drawn.
- 5.11 The Council will give considerable weight to representations about child protection matters. Such representations may include, amongst other things, concerns of child sexual exploitation and the use of health data about the harm that alcohol can cause to underage drinkers. Representations linking specific premises with harms to children (such as allegations of child sexual exploitation, ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) will be taken into account by the Council. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms to persons aged under 18, the Council will consider what conditions may be appropriate to ensure that this objective is promoted effectively.
- 5.12 Where regulated entertainment is provided specifically for children the Council will, subject to relevant representations being made, impose conditions concerning the presence of adult staff to control the access and egress of children and to protect them from harm. Conditions will usually be made as follows:
- An adult Member of staff shall be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof;
 - No child (unless accompanied by an adult) shall be permitted in the front row of any balcony; and
 - No standing shall be permitted in any part of the auditorium during the performance.
- 5.13 Where children are the providers of the regulated entertainment (e.g. actors or entertainers) the Council will, subject to relevant representations being made, impose a condition for a nominated adult responsible for such child performers to be in attendance.

MANDATORY CONDITIONS

Designated Premises Supervisor and authorisation of supply of alcohol by a Personal Licence holder

- 5.14 Where a licence (not a club premises certificate) authorises the supply of alcohol, no supply may be made at a time when no designated premises supervisor has been specified in the licence; or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended. Furthermore, every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 5.15 The main purpose of the 'designated premises supervisor' is to be the specified individual who will have been given day to day responsibility for running the premises by the premises licence holder. This does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times.
- 5.16 "Authorisation" does not imply direct supervision by a personal licence holder of each sale of alcohol. The Council will have regard to the following factors when considering whether or not an authorisation has been given:
- the person(s) authorised to sell alcohol at any particular premises should be clearly identified;
 - the authorisation should have specified the acts which may be carried out by the person who is authorised to supply alcohol;
 - there should be an overt act of authorisation, for example, a specific written statement given to the individual who is authorised to supply alcohol; and
 - there should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.
- 5.17 The Council strongly recommends that personal licence holders give specific written authorisations to individuals whom they are authorising to retail alcohol. A single written authorisation would be sufficient to cover multiple sales over an unlimited period.

Door Supervisors

- 5.18 Where a licence includes a condition, either proposed or imposed, that at specified times one or more individuals must, under section 21 of the Act, be at the premises to carry out a security activity, the licence must contain a condition that each such individual must be licensed by the Security Industry Authority (SIA) under the Private Security Industry Act 2001 Act, or be entitled to carry out that activity by virtue of section 4 of the 2001 Act.

Exhibition of Films

- 5.19 Where a licence authorises the exhibition of films, the admission of children (i.e. persons under 18 years of age), to the exhibition of any film shall be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC) or by Bexley Council.

Irresponsible promotions & drinking games

5.20 Where a licence authorises the supply of alcohol for consumption on the premises the responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. Irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

- games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - drink as much alcohol as possible (whether within a time limit or otherwise)
- provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Free potable water

5.21 Where a premises licence authorises the supply of alcohol for consumption on the premises the responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Alcoholic measures

5.22 Where a premises licence authorises the supply of alcohol for consumption on the premises the responsible person must ensure that:

- where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - beer or cider: ½ pint;
 - gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - still wine in a glass: 125 ml
- these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- where a customer does not, in relation to a sale of alcohol, specify the quantity of alcohol to be sold, the customer is made aware that the measures identified above are available.

Age verification

- 5.23 Where a premises licence authorises the supply of alcohol: The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:
 - a holographic mark, or
 - an ultraviolet feature.
- 5.24 The Council would encourage an age verification policy which requires individuals who appear to the responsible person to be under an age of 25 to produce such identification on request.
- 5.25 The Council reminds licence holders that they need to consider carefully what steps they are required to take to comply with the age verification requirements in relation to sales of alcohol made remotely. These include sales made online, by telephone and mail order sales, and alcohol delivery services.

Banning the sale of alcohol below the cost of duty plus VAT

- 5.26 Where a premises licence authorises the supply of alcohol a relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition:

- “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- “permitted price” is the price found by applying the formula - $P = D + (D \times V)$

ADDING, AMENDING OR REMOVING A CONDITION

- 5.27 A licence holder can apply to vary a licence so as to add, amend or remove any ‘proposed’ or ‘imposed’ condition. The type of variation application required, that is full or minor, would depend on the nature of the application sought. There is no ability for a licence holder or club premises certificate holder to amend or remove a mandatory condition.

CENSORSHIP

- 5.28 In general, other than in the context of film classification for film exhibitions, The Council will not use its powers under the Act to seek to impose conditions which censor the content of any play or other form of regulated entertainment. However, where a concern about protecting children is made, this may be addressed via a condition restricting their access.

6. Cumulative Impact and Saturation Policies

Overview

- 6.1 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, the potential impact of crime and disorder or public nuisance on a town centre due to a concentration of licensed premises.
- 6.2 Cumulative impact must not be confused with 'need'. Need concerns the commercial demand for another licensed premises, which is a matter for the market place and the Council's Planning Committee. Need is not a matter the Council will have regard to when discharging its licensing functions.
- 6.3 Where the Council receives satisfactory evidence that the cumulative impact of a concentration of licensed premises in a specified area is undermining the promotion of the licensing objectives, it may adopt a special policy in respect of that area. However, the absence of a special policy does not prevent any responsible authority or other person making representations on applications for new licences, or material variations of an existing licence, on the grounds that the application will give rise to a negative cumulative impact on one or more of the licensing objectives.
- 6.4 Once adopted, special policies should be reviewed regularly to assess whether they are needed any longer or if those which are contained in the statement of licensing policy should be amended.
- 6.5 Special policies may apply to the impact of a concentration of any licensed premises, including those licensed for the sale of alcohol on or off the premises, and premises licensed to provide late night refreshment.

Review of Special Policies

- 6.6 In April 2007, having identified three areas of the Borough as being subject to 'cumulative impact', the Council adopted 'saturation policies' in respect of Bexleyheath Town Centre, Welling Town Centre and Bexley Village. In October 2014 the licensing authority undertook to review 'cumulative impact' in order to ascertain if:
 - the three 'saturation policies' remained necessary; and
 - any other areas of the Borough are subject to 'cumulative impact'.
- 6.7 The review identified that Bexleyheath Town Centre and Welling Town Centre continued to be subject to 'cumulative impact', whilst Bexley Village did not. Furthermore, no other area of the Borough was identified as being subject to 'cumulative impact'.

Adoption and Effect of 'Saturation Policy' - Bexleyheath and Welling Town Centres

- 6.8 The Council has received evidence that the cumulative impact of licensed premises in Bexleyheath and Welling Town Centres is undermining the promotion of the licensing objectives. After considering this evidence and carrying out an

extensive consultation exercise, which included all persons set out in section 5 of the Act the Council has adopted a special 'saturation policy' in respect of these areas. The boundaries of each area to which this 'saturation policy' applies are identified on the maps attached at Appendix A to the Policy.

- 6.9 The evidence for the adoption of the 'saturation policy' in respect of Bexleyheath and Welling Town Centres is available to any person on request to the Licensing Partnership (see Annex 1 for contact details).
- 6.10 The effect of the 'saturation policy' in respect of Bexleyheath and Welling Town Centres is that the Council will refuse applications for a new licence, or material variations of an existing licence, where the variation sought is relevant to the saturation policy, whenever it receives relevant representation unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.
- 6.11 The adoption of the 'saturation policy' for Bexleyheath and Welling Town Centres does not relieve responsible authorities or other persons of the need to make a relevant representation. Therefore, in order for the Council to lawfully consider giving effect to its 'saturation policy' a relevant representation must have been made. Where no representations are received, it remains the case that any application must be granted in terms that are consistent with the operating schedule and any mandatory conditions required by the Act.
- 6.12 Where responsible authorities and other persons make written representations, maintaining that it is necessary to refuse an application that falls within Bexleyheath or Welling Town Centre they may refer to the evidence considered by the Council in the adoption of the 'saturation policy'.
- 6.13 Applicants in respect of premises situated in Bexleyheath and Welling Town Centres will need to address the implications of the 'saturation policy' in their operating schedules in order to rebut the presumption to refuse the application.

Limitation of 'Saturation Policy' - Bexleyheath and Welling Town Centres

- 6.14 The Council will not use the 'saturation policy':
- As grounds for revoking an existing licence when relevant representations are received about problems with those premises. This is because a review must relate specifically to individual premises, and by its nature "cumulative impact" relates to the effect of a concentration of many premises.
 - To refuse applications to vary an existing licence, except where the modifications are directly relevant to the 'saturation policy' and are necessary for the promotion of the licensing objectives. The 'saturation policy' would however be considered, where a variation application is for a significant increase in the capacity limits of a premises and relevant representations are made.
- 6.15 Every application will be considered on its own merits and, given this, the 'saturation policy' does not include provisions for terminal hours in respect of premises in Bexleyheath and Welling Town Centres, nor does it impose quotas on the number of licensed premises permitted or the capacity of those premises.

6.16 The cumulative impact policy is not absolute, and it is for the applicant to show what exceptional circumstances should be considered. The Council recognises that the impact can be expected to be different for premises with different styles and characteristics. For example, whilst a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not. Factors that might contribute to an application being considered an exception to a cumulative impact policy include the type of licensable activities being sought, the hours of operation, or the management standards applied or to be applied to the operation inside and outside of the premises.

Other Mechanism for Controlling Cumulative Impact

6.17 The Council recognises that there are other mechanisms both within and outside the licensing regime available for addressing the cumulative effect of licensed premises, which may include:

- Planning controls;
- Positive measures to provide a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council;
- The provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- The Council's power to designate parts of the Borough as places where restrictions on public drinking apply;
- Police enforcement of the general law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices;
- Prosecution for the offence of selling alcohol to people who are drunk (or allowing such a sale);
- Police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premise or temporary event on the grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance;
- The power of police, other responsible authorities, local residents and local businesses to seek a review of the licence or certificate in question;
- Raising a contribution to policing the late night economy through the Late Night Levy;
- Early Morning Alcohol Restriction Orders; and
- Other local initiatives that similarly address these problems.

7. (a) Licensing Hours

7.1 With regard to licensing hours, and where relevant representations have been received in response to an application, consideration will be given to the individual merits of each application. The Council recognises that flexible licensing and closing hours are important to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport that lead to disorder and disturbance.

7.2 The Council aims to ensure that licensing hours do not inhibit the development of thriving and safe evening and night-time local economies. Providing consumers with greater choice and flexibility will be an important consideration. This is important for investment and employment locally and will attract domestic and international tourists. The ability to resource local services associated with the night-time economy will also be taken into account as part of this approach.

- 7.3 The Council's aim through the promotion of the licensing objectives is to reduce the potential for concentrations, and achieve a slower dispersal, of people from licensed premises, particularly during the night-time hours (23.00hrs to 07.00hrs the following day). However stricter controls with regard to noise control will be expected in areas that have denser residential accommodation, but this will not limit opening hours without regard for the individual merits of any application.
- 7.4 With regard to shops, stores and supermarkets, the norm will be for such premises to be free to sell alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours. For example, a limitation may be appropriate following representations from a responsible authority in the case of isolated shops that may be a focus of disorder or disturbance.

(b) Outdoor Events

- 7.5 The general terminal hour for all licensable activities shall be 23:00 at outdoor events.
- 7.6 Organisers/applicants shall demonstrate that they have the required permissions in place to use the land (whether private land or on Council owned land).
- 7.7 Organisers/applicants shall demonstrate that they have arrangements in place to ensure the site is properly checked and certified (for example, if water supplies or electrics need to be safety checked).
- 7.8 Organisers/applicants using Council owned land will demonstrate that they have notified and where necessary sought authorisation/advice from the relevant Council departments (for example, the Parks and Open Spaces, Highways etc.).
- 7.9 Organisers/applicants shall demonstrate that they have notified the fire authority of the event date and venue with details of the event and undertaken a fire safety risk assessment for the event. A guide to fire risk assessment for open air events and venues is available from the GOV.UK website at this link: <https://www.gov.uk/government/publications/fire-safety-risk-assessment-open-air-events-and-venues>

8. Inspection, Enforcement and Review of Licences

- 8.1 The Council considers it essential that licensed premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act.
- 8.2 The Council acknowledges that the Act does not require inspections to take place as a matter of routine and that inspections should only be undertaken if they are judged necessary. To this effect the Council has established protocols with the local police and the other enforcing authorities as appropriate on enforcement issues. These protocols provide for the targeting of agreed problem and high risk premises which require greater attention, while providing a lighter touch for low risk premises which are well run. A sample of premises may also be inspected/surveyed from time to time to ensure that the premises are operating in accordance with relevant licensing requirements. This should ensure that resources are more effectively concentrated on problem premises.

- 8.3 The Council will develop effective strategies with the police, and the other enforcement agencies as appropriate, for the management of the night-time economy. Central to this will be the enforcement of the law relating to the sales of alcohol to drunk and underage people and drunkenness or disorder on, or in the immediate vicinity of, licensed premises. Targeted enforcement of this kind, in line with the recommendations in the 'Hampton' report should have a positive impact on the immediate vicinity of the licensed premises concerned.
- 8.4 The enforcement of conditions applied to licences, and in respect of unlicensed activity, will primarily be the responsibility of the Council and Police. An Enforcement Protocol is in place so as to ensure consistency, proportionality, openness and objectivity.
- 8.5 Other persons or a responsible authority may apply to the Council for a review of a licence on grounds that are relevant to the licensing objectives. A representation would only be relevant if it relates to at least one of the licensing objectives. The Council may determine on its merits whether any representation made by another person is frivolous, vexatious or repetitive, and if it is so determined may reject the representation. The Council will, unless there are compelling circumstances, determine representations made by another person on similar grounds to those made less than twelve months ago as repetitious. Another person aggrieved by the Council's decision to reject their representation may challenge such decision by way of judicial review.
- 8.6 Subject to an application for review complying with related rules and procedures the Council will hold a hearing to consider it and hear any relevant representations. At the conclusion of the review the Council will take such steps it considers necessary for the promotion of the licensing objectives, which may include any of the following steps: -
- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence.
- 8.7 In respect of an application for a summary review the Council may take any of the following interim steps without the licence holder having an opportunity to make representations.
- modification of the conditions of the premises licence;
 - exclusion of the sale of alcohol by retail from the scope of the licence;
 - the removal of the designated premises supervisor from the licence;
 - the suspension of the licence.

8.8 The Council considers that there is certain criminal activity that may arise in connection with licensed premises, which should be treated particularly seriously. These are the use of licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal fire arms;
- for the evasion of copyright in respect of pirated or unlicensed films and music;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children or any other form of child sexual exploitation;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

8.9 Where reviews arise and the Council determines that the crime prevention objective is being undermined through the premises being used to further crimes, revocation of the licence, even in the first instance, may be seriously considered appropriate.

8.10 Where reviews arise because alcohol has been sold to children, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due care, the Council may consider revoking the licence if it considers this appropriate.

8.11 The Council is aware that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or other persons would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

9. Early Morning Restriction Orders (EMROs).

9.1 In October 2012 Government gave the Council the power to make, vary or revoke an Early Morning Restriction Order (EMRO). This power enables the Council to prohibit the sale of alcohol for a specified time period between the hours of midnight and 06:00 hours in the whole or part of its area, where it is satisfied that this would be appropriate for the promotion of the licensing objectives. An EMRO does not have to apply on every day of the week; it can apply for different time periods on different days of the week. Furthermore, an EMRO can apply for a limited or unlimited period.

9.2 An EMRO will not apply:

- to any premises on New Year's Eve (defined as midnight to 06:00 hours on 1 January every year)
- to the supply of alcohol to residents by accommodation providers between midnight and 06:00 hours, provided the alcohol is sold through mini-bars/room service.
- a relaxation of licensing hours by virtue of an order made under section 172 of the Licensing Act 2003.

- 9.3 EMROs are designed to address recurring problems such as high levels of alcohol related crime in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behavior which is not directly attributable to specific premises.
- 9.4 The application of an EMRO is a powerful tool and therefore the Council will consider whether other measures can address the problems identified as the basis for introducing an EMRO. These measures might include: -
- Introducing a cumulative impact policy
 - Reviewing licences of specific problem premises
 - Encouraging the creation of business-led best practice schemes in the area
- 9.5 Where problems persist, the Council should be satisfied that it has sufficient evidence to demonstrate that making the EMRO would be appropriate for the promotion of the licensing objectives. It should consider evidence from partners, including responsible authorities and local community safety partnerships, alongside its own evidence, to determine whether an EMRO would be appropriate. Any decision to make an EMRO will be made by full Council on the recommendation of the Licensing Committee.

10. Integration of the Licensing Policy with other related Council Strategies

The Council will seek to secure the proper integration of licensing with other key relevant strategies as follows: -

Community Safety

- 10.1 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. As stated in paragraph 4.2 above, applicants for premises licences should consider carefully the impact of their application and seek advice on measures that they can implement which will contribute towards community safety issues in the way that they propose to use and manage the premises.
- 10.2 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 1997 to do all it reasonably can to prevent crime and disorder in the Borough. If relevant representations are made, the Council will consider attaching conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises.
- 10.3 Applicants should be aware that other policies and powers exist within the Council to promote community safety, such as The Community Safety Strategy and Action Plan; and should endeavour to ensure that their proposals are consistent with these policies and other local crime prevention strategies.
- 10.4 Where alcohol related disorder is identified as a major problem the Council may use its power to designate it as an area where restrictions on public drinking apply.

The Council will also report incidents of disorder to liaison meetings with local transport operators with a view to promoting policies that encourage the safe dispersal of people from town centres or other locations where there is a concentration of licensed entertainment premises.

Planning and Building Control

- 10.5 Approval under the Act does not over-ride town planning or building control requirements. These are a separate function of the Council. The Council's planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for Premises Licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. It is normally expected that planning consent will have been obtained prior to an application for a premises licence, and that a licence application will be consistent with that permission. However, applications for licences may be made before any relevant planning permission has been sought or granted by the licensing authority; in these cases, however the applicant is expected to provide an explanation.
- 10.6 Licensing applications should not be a re-run of planning applications and should not cut across decisions taken by the Council's Planning Control Committee or following appeals against decisions taken by that Committee. Similarly, the granting by the Licensing Committee of any variation of a licence which involves a material alteration to a building will not relieve the applicant of the need to apply for planning permission or building control consent where appropriate. (It should be borne in mind that an alteration is "material" for the purposes of the Building Regulations if it has the potential to affect structural stability, fire safety or access).
- 10.7 Applicants should also have regard for the need in some circumstances to apply for planning permission for changes of use to provide licensed premises. Permission may also be required for new shop fronts. Further advice on this should be sought from the local planning authority (contact details provided in Annex 1). The Council's Unitary Development Plan contains policies to guide the determination of change of use applications so as to protect the viability and vitality of town centres and shopping areas and the amenity of local residents. Applicants should seek advice on how these policies apply to their proposals.
- 10.8 In granting planning permission, the Council may attach conditions relating to hours and days of opening of licensed premises where this is necessary in order to protect residential amenity and for other planning reasons. The Licensing Committee and its Sub-Committees may be advised of any conditions attached to planning permission granted for premises seeking to carry out licensable activities. There are also circumstances when as a condition of planning permission, a terminal hour has been set for the use of the premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.
- 10.9 The Licensing Committee may provide reports to the Planning Control Committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This will enable the Planning Committee to have regard to such matters when making its decisions and avoid any unnecessary overlap.

10.10 The Council plans to review and if necessary, update its planning policies in the light of the Act and may issue interim policy guidance in due course.

Regeneration and Economic Development

10.11 The Council is committed to a holistic, borough-wide approach to regeneration and economic development. Through its policies it seeks to sustain a strong local economy and good quality local jobs to improve services and the quality of life of all Borough residents. The Borough's town centres are at the heart of the community. They provide shops and services for residents and local businesses. They are centres of civic activity and local employment. The continued health and vitality of the Borough's town centres are a key part of the Borough's local regeneration strategy. In exercising its licensing functions, the Council will attach importance to maintaining and enhancing the health and vitality of its town centres to retain and capture local spending that would otherwise be in centres outside Bexley with a loss to the local economy.

10.12 Promotion of the licensing objectives will contribute to the Council's aspirations in relation to its town centres and Premises Licence Holders will be actively encouraged to participate in and contribute to town centre management initiatives such as Pub Safe.

Transport

10.13 Planning Policy Guidance (PPG13) emphasises the importance of locating uses that generate significant travel demand, including leisure, in areas with good public transport accessibility. The Council's Unitary Development Plan Policy guides high-density trip attracting development to locations that are accessible by public transport.

10.14 The Licensing Committee may receive reports on the level of public transport in an area and may have regard to these when considering applications for Premises Licences, where relevant representations have been made, in terms of the impact on promotion of the licensing objectives.

10.15 The Licensing Committee may report to Transport for London and the Public Transport Advisory Group on the pattern of licensable activity in Bexley so that the need to disperse people from town centres swiftly and safely to avoid concentrations of people that may produce disorder and disturbance is taken into account.

10.16 In dealings with transport providers the Council will seek to ensure that the impact of extended hours for licensed premises to operate will be taken into account and efforts made to ensure that transport provision is sufficient to cope with the travel requirements of people leaving licensed premises, particularly in town centres in the early hours of the morning.

10.17 Applicants should have regard to the availability of public transport when preparing an operating schedule.

Tourism and Employment

- 10.18 The Licensing Committee will receive, when appropriate, reports on the needs of the local tourist economy and the cultural strategy for the area to ensure that these are reflected in their consideration; and be appraised of the employment situation in the area and the need for new investment.
- 10.19 Where, as a result of representations from a responsible authority, it is identified that a licence or proposed event presents a risk at any local or nationally significant event, applicants will be expected to identify what extra measures will be incorporated into their operating schedule that will ensure the promotion of the licensing objectives, otherwise applications may either not be granted or be granted subject to additional conditions for this period.

Culture

- 10.20 As part of implementing the Council's cultural strategies, proper account will be taken of the need to encourage and promote a broad range of entertainment particularly live music, dancing and theatre including the performance of a wide range of traditional historic plays for the wider cultural benefit of communities generally. The potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children. In determining what conditions should be attached to licences as a matter of necessity for the promotion of the licensing objectives, the Council will be aware of the need to avoid measures which deter live music, dancing and theatre by imposing indirect costs of a disproportionate nature. Performances of live music and dancing are central to the development of cultural diversity and vibrant and exciting communities where artistic freedom of expression is a fundamental right and valued. Traditional music and dancing are part of the cultural heritage of England and Wales. Music and dancing also help to unite communities and particularly in ethnically diverse communities. New and emerging musical and dance forms can assist the development of a fully integrated society. The Council subscribes to the view expressed in Guidance issued by the Secretary of State that the absence of cultural provision in any area can itself lead to the young people being diverted into anti-social activities that damage communities and the young people involved themselves.
- 10.21 The Council may, in due course, seek to extend the number of public spaces within the community which have the benefit of a Premises Licence in its own name. This could include, for example open spaces, town centre squares, community halls, Council-owned art centres and similar public spaces. With regard to those places performers and entertainers will not need to obtain a licence or give a temporary notice themselves to enable them to give a performance but would instead require the permission of the Council as the Premises Licence Holder.
- 10.22 The Licensing Committee will monitor the impact of licensing on regulated entertainment, and particularly live music and dancing, to ensure that only necessary, proportionate and reasonable licensing conditions impose any restrictions on such events. Where there is any indication that licensing requirements are deterring such events, this Policy will be re-visited with a view to investigating how the situation might be reversed.

11. Other Key Considerations

Promotion of Equality

- 11.1 It is fully recognised that the Equality Act 2010 places legal obligations on the Council to have due regard to the need to eliminate unlawful discrimination, and promote equality of opportunity, social inclusion and good relations between persons, including between those with protected characteristics (for example race, ethnicity, sexual orientation, gender, religion/belief, age, disability, and marital status).

Human Rights

- 11.2 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for the Council to act in any way that is incompatible with a Convention right. In carrying out its licensing function the Council will have particular regard to the following provisions of the European Convention of Human Rights:

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

Sustainability

- 11.3 The Council recommends that premises are constructed and operated with regard to the principles of sustainability, in particular the use of energy and of the materials used in construction.

12. Administration and Standards of Service Delivery

- 12.1 The full Council will be responsible for adoption of the Policy and approval of any subsequent revisions to the Policy.
- 12.2 The Act provides that other licensing decisions and functions may be carried out by a Licensing Committee or delegated to a Sub-Committee, or in appropriate cases, to Officers.
- 12.3 The scheme of delegations of licensing functions agreed by the Licensing Committee and consistent with Guidance issued by the Secretary of State is set out at Appendix B to the Policy. The scheme is based on an underlying principle of delegation in the interests of speed, efficiency and cost effectiveness.
- 12.4 Officers will normally deal with applications for a Premises Licence where there are no representations in order to speed matters through the system. Any matters delegated in this way will be reported to the Licensing Committee at the next meeting for comment. However, there will be no opportunity to reverse Officers' decisions.

13. Further Information and Useful Contacts

- 13.1 The Council is able to supply a copy of this Policy, a standard format for an operating schedule, various other standard application forms and associated local guidance on request. Copies are also available on the Council's website. Copies can be made available by request with reasonable notice in large type or on audiotape. The Council's translation service may also be able to assist in providing information about the policy in languages other than English.
- 13.2 The Council is required to maintain a register of applications submitted and licences issued in accordance with the requirements of the Act. Details of all licences issued and current applications can be viewed via Public Access. The Licensing Register can be inspected in person by visiting the Licensing Partnership, PO Box 182, Sevenoaks, Kent, TN13 1GP
- 13.3 The contact details set out in Annex 1 to the Policy may alter during the life of the Policy, and statutory instrument may add additional "responsible authorities" in due course. The Council's Licensing Partnership will publish a new version of the Annex whenever there are any variations. Applicants should contact the Licensing Partnership for up to date information.

ANNEX 1

Useful Contacts

1. The Licensing Partnership

Licensing Partnership
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks
Kent TN13 1HG

Tel: 01732 227004

E-mail: licensing@sevenoaks.gov.uk

Office Hours: 9am to 5pm Monday – Friday

Contact details of responsible authorities to which notice of applications for Premises Licences must be sent are set out below. These responsible authorities are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence.

2. Responsible Authorities

Chief Officer of Police

Bexley Borough Commander, Bexley Civic Offices, 2 Watling Street, Bexleyheath, Kent, DA6 7AT

Email: bexley.licensing@met.police.uk

Fire Authority

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

Email: firesafetyregulationse@london-fire.gov.uk

Enforcing Authority within the meaning given by Section 18 of the Health & Safety at Work Act etc. Act 1974

Food and Health & Safety Team, London Borough of Bexley, Civic Offices, 2 Watling Street, Bexleyheath, Kent, DA6 7AT

Email: health.safety@bexley.gov.uk

Local Planning Authority

Head of Development Control, London Borough of Bexley, Civic Offices, 2 Watling Street, Bexleyheath, Kent, DA6 7AT

Email: developmentcontrol@bexley.gov.uk

Council Department with statutory functions relating to minimising or preventing the risk of pollution of the environment or of harm to human health

Housing Services Manager (Home & Environment), London Borough of Bexley, Civic Offices, 2 Watling Street, Bexleyheath, Kent, DA6 7AT

Email: ehlicensing@bexley.gov.uk

Licensing Authority - The Council's Trading Standards Team shall be representing the Licensing Authority

Trading Standards Team, London Borough of Bexley, Civic Offices, 2 Watling Street, Bexleyheath, Kent, DA6 7AT

Email: geraldine.eley@bexley.gov.uk

The body the Council recognises as the Responsible Authority in connection with the protection of children from harm

Trading Standards Service, London Borough of Bexley, Civic Offices, 2 Watling Street, Bexleyheath, Kent, DA6 7AT

Email: ts.duty@bexley.gov.uk

Local Weights and Measures Authority (Within the meaning of section 69 of the Weights and Measures Act 1985 (a))

Trading Standards Service, London Borough of Bexley, Civic Offices, 2 Watling Street, Bexleyheath, Kent, DA6 7AT

Email: ts.duty@bexley.gov.uk

Health Authority

Head of Public Health, London Borough of Bexley, Bexley Business Support Unit, Civic Offices, 2 Watling Street, Bexleyheath, Kent, DA6 7AT

Email: Joanne.Ferry@bexley.gov.uk

Home Office

Home Office Immigration Enforcement, Alcohol Licensing Team, Lunar House, 40 Wellesley Road, Croydon, Surrey, CR9 2BY.

Email: alcohol@homeoffice.gsi.gov.uk

Other contact points:

For advice on:

Bexley Safeguarding Children Board

Follow link for guidance on how, in the London Borough of Bexley, worries or concerns regarding the safety or wellbeing of a child or young person should initially be reported.

http://www.bexleyscb.org.uk/page.php?section=section_0&id=276

Protecting children from harm

London Safeguarding Children Board

Follow link to 'London Child Protection Procedures & Practice Guidance (Part B3 Section 12 - Safeguarding Children Policy for Licensed Premises)'

http://www.londoncp.co.uk/chapters/sq_licensed.html

Protecting children from harm

Security Industry Authority,

PO Box 9,

Newcastle Upon Tyne

NE82 6YX

Tel: 08702 430 100

Fax: 08702 430 125

Email: info@the-sia.org.uk www.the-sia.org.uk

Registered door supervisors

The Portman Group

7-10 Chandos Street

Cavendish Square

London W1G 9DQ

Tel: 020 7907 3700

Fax: 020 7907 3710

Email: info@portmangroup.org.uk

www.portmangroup.org.uk

Code of practice on the naming,
packaging and promotion of
alcoholic drinks

The Home Office

Direct Communications Unit

2 Marsham Street

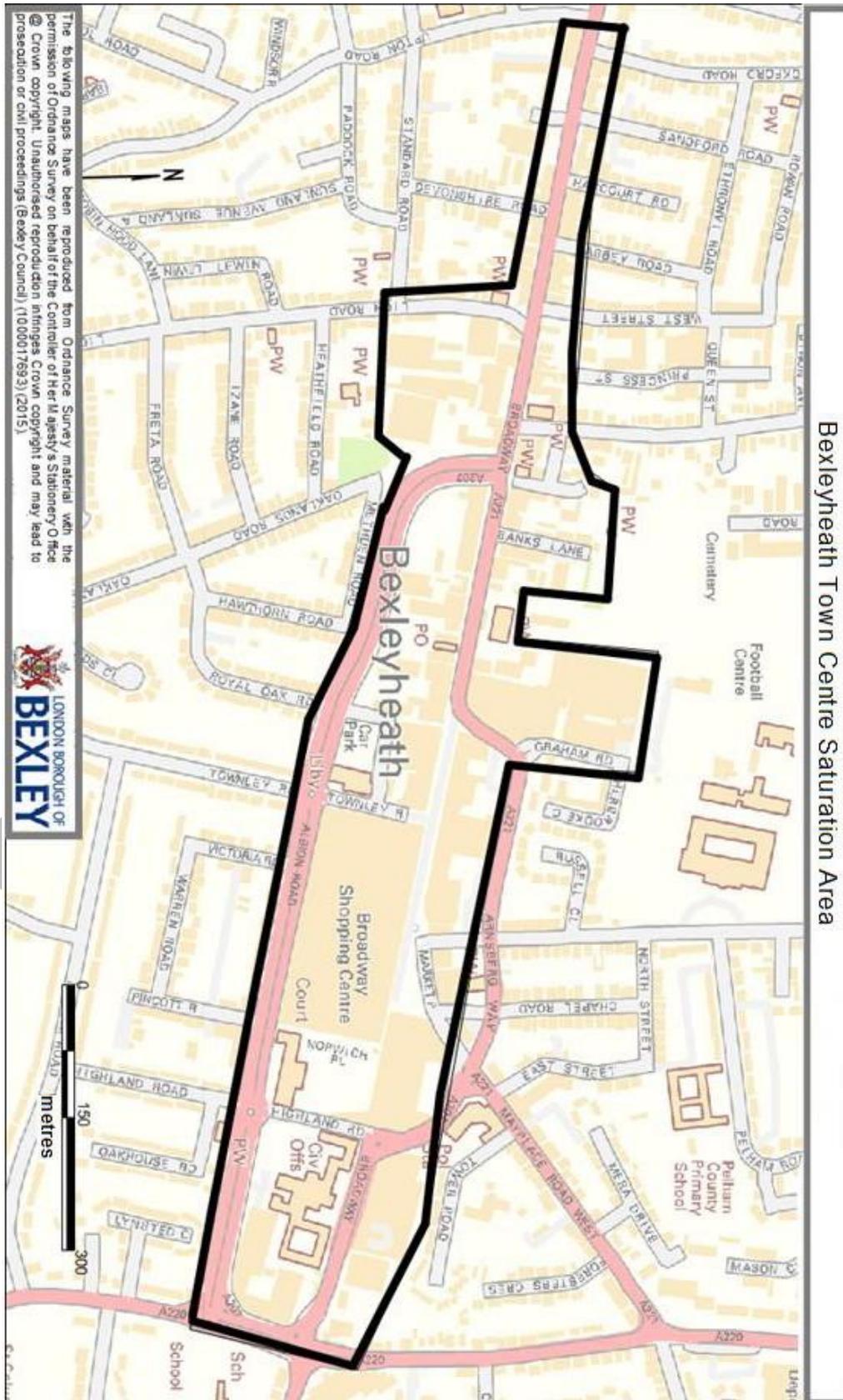
London SW1P 4DF

Tel: 020 7035 4848

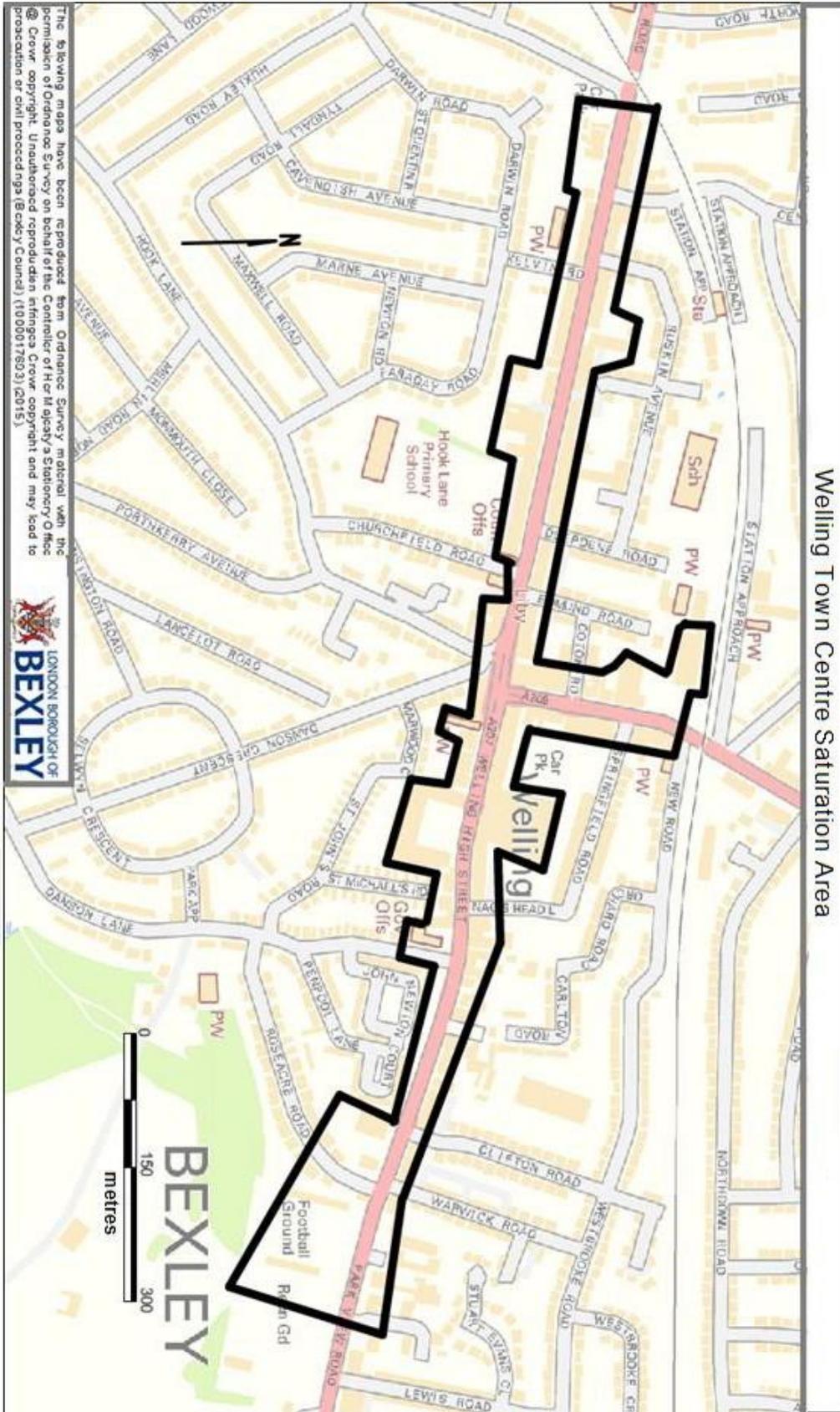
Email: public.enquiries@homeoffice.gsi.gov.uk

Licensing Act 2003

Bexleyheath Town Centre Saturation Area



Welling Town Centre Saturation Area



SCHEME OF DELEGATIONS OF LICENSING FUNCTIONS

<u>MATTER TO BE DEALT WITH</u>	<u>LICENSING SUB-COMMITTEE</u>	<u>OFFICERS</u>
Application for personal licence	If a police objection is made	If no objection is made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation is made	If no relevant representation is made
Application for provisional statement	If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club premises certificate	If a relevant representation is made	If no relevant representation is made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Application for Interim Authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.		All cases
Decision to object when local authority is a consulted and not the relevant authority considering the application	All cases	
Determination of a police or environmental health objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition		All cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

