

<b>REVISED STATEMENT OF LICENSING POLICY – JANUARY 2011</b>	
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## **Introduction**

Under the Licensing Act 2003 (The Act) the London Borough of Hillingdon is the Licensing Authority for all of the licensable activities specified under the Act within the borough. The Council as the Licensing Authority has the responsibility for administering and determining applications for, and representations against, Premises Licences, Club Premises Certificates, Temporary Permitted Activities and Personal Licences.

The activities included in the scope of the Act are:-

- The sale of alcohol by retail
- The supply of alcohol by or on behalf of a club, or a member of a club;
- The provision of regulated entertainment
- The provision of entertainment facilities
- The provision of late night refreshment (between 23.00 hours and 05.00 hours)

In carrying out these responsibilities the Council as the Licensing Authority will have regard to its Statement of Licensing Policy, the Guidance issued under section 182 of the Licensing Act 2003, the four Licensing Objectives and any other relevant information.

The four Licensing Objectives are:-

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Each objective is of equal importance

This Policy covers the period from 7<sup>th</sup> January 2011 to 6<sup>th</sup> January 2014 and will be kept under review and following consultation, revised and amended.

## **1 Consultation**

1.1 In reviewing the Council's first Statement of Licensing Policy, the council sought observations and comments from the following persons, organisations and groups and their comments have been incorporated into this policy where relevant:-

- The Chief Executive of the London Borough of Hillingdon
- All Corporate Directors of the London Borough of Hillingdon
- All elected Members of the London Borough of Hillingdon
- Chief Officer of Police for the London Borough of Hillingdon
- Chief Officer of British Transport Police
- Chief Officer of Police for Heathrow Airport
- Area Child Protection Committee
- Bodies representing businesses and residents in the London Borough of Hillingdon
- Bodies representing currently licensed premises in the London Borough of Hillingdon
- Community Safety Team

- Groups representing Liquor Licence holders in the London Borough of Hillingdon
- Harefield Hospital
- Healthy Hillingdon
- Hillingdon Community and Police Consultative Group
- Hillingdon Drug and Alcohol Services
- Hillingdon Federation of Community Associations
- Hillingdon Hospital
- Hillingdon Sports Council
- Hillingdon Youth Offending Service
- Hotels in the London Borough of Hillingdon
- Licensing Solicitors representing premises licence holders in the London Borough of Hillingdon
- Local Strategic Partnership
- London Borough of Ealing
- London Borough of Harrow
- London Borough of Hounslow
- London Buses
- London Fire and Emergency Planning Authority
- London Underground Ltd
- Magistrates Court
- Mount Vernon Hospital
- Primary Care Trust
- Registered Clubs in the London Borough of Hillingdon
- Residents Associations
- Tenants Associations
- The Hillingdon Action Group on Addiction Management
- Uxbridge Initiative
- British Beer and Pub Association

## **2 Licensing Committee**

2.1 A Licensing Committee consisting of at least ten, but not more than fifteen Councillors has been appointed. The Licensing Committee will be kept informed by way of reports from officers on a wide range of matters that impact on their role.

2.2 Government guidance states that uncontested applications should be granted and that such applications should be dealt with by specific officers who have been so delegated by the Licensing Committee.

The scheme of delegation to officers is shown in **Appendix A**.

2.3 Whenever representations from Responsible Authorities, **Elected Members** or Interested Parties have been received in respect of an application, that particular application will be referred to a Licensing Sub-Committee for determination.

The scheme of delegation to a Licensing Sub-Committee is shown in **Appendix A**.

2.4 Although the Licensing Authority welcomes views from all members of the community, Government guidance states that the Council as the Licensing Authority should be aware that the views of vocal minorities should not be allowed to predominate over the general interests of the community that the Licensing Committee represents.

2.5 The Licensing Committee will receive periodic reports detailing the licences issued by Officers under delegated authority.

### **3 Integration of Strategies and avoidance of duplication**

3.1 The licensing function is and should remain distinct from the Town Planning process. It will be for the planning process to determine land-use decisions and the market place to determine need for particular types of premises/activities. Licensing decisions will be made with regard to the furtherance of the Licensing Objectives with regard to the particular use sought. However, it is strongly recommended that applicants ensure that:-

- The proposed licensable activities do not contravene planning legislation, and
- The hours sought are within the limits authorised by any planning permission.

3.2 The Licensing Committee ~~should receive~~ **will be prepared to accept** reports ~~from time to time~~ from other relevant departments of the Council regarding the state of the borough. These reports may include contributions from those responsible for the promotion of tourism, cultural development, planning, transport, reduction of crime and anti-social behaviour, community safety, social, health and community development etc. This should enable the various agencies or departments with their own strategies, aims and objectives to keep the Licensing Committee aware of the wider picture in pursuance of the licensing objectives.

3.3 ~~A formal Protocol has been agreed between the Metropolitan Police Service and the Council's Licensing Authority with regard to their enforcement work in respect of licensed premises and personal licence holders. Some of the enforcement may be carried out jointly with the Licensing Authority's Licensing Officers. Enforcement activity will be consistent, transparent and proportional to the nature of the licensed premises.~~

### **4 Promotion of Equality**

The Council as the Licensing Authority seeks the elimination of all forms of discrimination in respect of sex, religion, race, disability and sexual orientation in accordance with its established equal opportunities policy (as amended from time to time).

This policy has been subject to an Equalities Impact Assessment and it does not have an adverse effect on equality issues.

## **5 General principles of policy and the role of licensing**

5.1 The role of licensing is the control of the licensable activities at the licensed premises, qualifying clubs, temporary events and the conduct of the personnel involved with the licensable activities as required under the Act. Terms and conditions attached to the Premises Licences and Club Premises Certificates granted by the Licensing Authority will relate to matters over which the premises licence holder or Club Management Committees have direct control. The focus will be on the licensed premises and the activities in the vicinity of those premises. Those activities on licensed premises that have a direct impact on members of the public living, working or engaged in normal activities in the area fall within the scope of the licensing regime. Anti-social behaviour of patrons, disturbance or nuisance which can be proved to be emanating from a particular premises will be a consideration for the Licensing Authority in its enforcement and decision making role.

5.2 The prevention of anti-social behaviour away from the vicinity of a particular licensed premises is outside the licensing regime and must be dealt with by other means.

Such as:

- Positive measures to create a safe and clean environment in partnership with local businesses, transport operators and other departments of the local authority
- Powers of local authorities to designate parts of their own boroughs as Controlled Drinking Zones where alcohol may not be consumed publicly when it causes nuisance or distress

Note: The whole of the London Borough of Hillingdon is designated as a Controlled Drinking Zone

- The confiscation of alcohol from adults and children where appropriate
- Enforcement of underage sales of alcohol by Trading Standards
- Police enforcement of the normal law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- Positive ways to deal with the consequences of alcohol abuse through the Council's policies on community safety, domestic violence and health education.

## **6 Licensing Objectives**

6.1 The Act states four Licensing Objectives for Licensing Authorities to promote

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

## 6.2 The Prevention of Crime and Disorder

6.2.1 It is recognised that licensed premises offering alcohol or entertainment can be the source of disturbance and sometimes crime and disorder. Where a number of premises may be in close proximity it may be difficult to attribute the disorder to patrons of particular premises. There is a duty on Premises Licence Holders or Club Management Committees to act responsibly to ensure their own customers do not contribute to crime and disorder whilst in their premises and in the vicinity of their premises.

6.2.2 Applicants should state in their Operating Schedule (which forms an integral part of the licence application process) how they intend to address the licensing objective of the *Prevention of Crime and Disorder* and applicants are advised to give serious consideration to the measures set out in Part 1, Annex D of the Guidance issued under Section 182 of the Licensing Act 2003. The Metropolitan Police Service and the Council's Licensing Officers ~~will be~~ **are** able to offer advice and guidance in regard to such matters.

However the responsibility for completing the Operating Schedule correctly rests with the applicant. Applicants are advised to seek professional guidance in respect of this issue.

**See Appendix B**

6.2.3 The Council is fully committed to a safe and successful Olympic and Paralympic games in London in 2012. The Council recognises that the resources of the police and emergency services will be planned out and prioritised for the security of major events before, during and after the games from May 1 2012 until October 31 2012. Due consideration will be given by the Council to representations from the Police in relation to licence applications for activity during the games time on the grounds of public safety and security when police and other emergency services resources are insufficient to deal with the risks presented. Where, as a result of representations from a responsible authority, it is identified that a licence or proposed event presents a risk that the licensing objectives will be compromised, it is [the Council's policy] likely that such applications will not be granted.

6.2.4 If representations are received from a Responsible Authority, **Elected Members or interested parties** the application will be determined by a Licensing Sub-Committee (see item 2.3).

6.2.5 Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee have the power to impose specific conditions when considered necessary in respect of the Crime and Disorder objective.

6.2.6 The Council's Licensing Officers will work closely with the Metropolitan Police Service to ensure licence conditions are met and that licensed premises are being operated according to the requirements of the Act.

6.2.7 Following the grant of a premises licence, the Metropolitan Police Service, **Elected Members** and/or interested parties such as local residents and businesses can apply to the Licensing Authority for a review of the licence (see item 12) if they consider that the Prevention of Crime and Disorder objective has not been met.

6.2.8 The Licensing Authority's Licensing Officers will conduct ~~periodic~~ **risk rated** inspections of licensed premises to ensure that the ~~standards~~ **licence conditions** relating to crime and disorder are being ~~maintained and that licence conditions are being~~ complied with.

6.2.9 ~~Inspections will be risk based. Consequently,~~ High risk or poorly managed premises will be subject to a higher frequency of inspections than low risk and well managed premises. Some of these inspections will be unannounced and conducted whilst the premises are in use for the purpose of the licence.

6.2.10 ~~A liaison protocol has been agreed between the Licensing Authority and the Metropolitan Police Service with regard to their involvement and responsibilities in respect of crime and disorder in licensed premises.~~ **The liaison protocol that has been agreed between the Licensing Service and the Metropolitan Police Service with regard to their involvement and responsibilities in respect of crime and disorder associated with licensed premises, will be subject to an annual review between the Metropolitan Police's Licensing Officer and the Licensing Service's Manager.**

6.2.11 In the interest of public order and the prevention of terrorism, the Licensing Authority would expect that for significant 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 {see examples set out in Appendix B} the Licensing Authority recommends that applicants address the Risk Assessment and debrief processes in their operating schedule.

The Licensing Authority recommends the Metropolitan Police Promotion / Event Risk Assessment Form 696 and the After Promotion / Event Debrief Risk Assessment Form 696A as useful and effective tools for this purpose. Where the Risk Assessment forms are used to assess the likely risks for any promotion or event, the Licensing Authority would normally expect that they will be completed following consultation with the Metropolitan Police Service. This procedure should also be considered by the applicant when completing their Operating Schedule.

6.2.11 Personal Licence applicants will have to meet specific standards with regard to their suitability. There are a number of obligations on Personal Licence Holders including those who are named as Designated Premises Supervisors, the breach of which could mean appearing before the Magistrates Court.

## **6.3 Public Safety**

6.3.1 Applicants should state in their Operating Schedule (which forms an integral part of the licence application process) how they intend to address the licensing objective of *Public Safety* and applicants are advised to give serious consideration to the measures set out in Parts 2 and 3 of Annex D of the Guidance issued under Section 182 of the Licensing Act 2003. The London Fire and Emergency Planning Authority and the Council's Licensing Officers ~~will be~~ **are** able to offer advice and guidance in regard to such matters. However the responsibility for completing the Operating Schedule correctly rests with the applicant. Applicants are advised to seek professional guidance in respect of this issue.

**See Appendix C**

6.3.2 If representations are received from a Responsible Authority, **Elected Members or interested parties** the application will be determined by a Licensing Sub-Committee (see item 2.3).

6.3.3 Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee have the power to impose specific conditions when considered necessary in respect of the Public Safety objective.

6.3.4 The Council's Licensing Officers will work closely with the London Fire and Emergency Planning Authority to ensure licence conditions are met and that licensed premises are being operated according to the requirements of the Act.

6.3.5 Following the grant of a premises licence, the London Fire and Emergency Planning Authority, **Elected Members** and/or the Enforcing Authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 and/or interested parties such as local residents and businesses can apply to the Licensing Authority for a review of the licence (see item 12) if they consider that the Public Safety objective has not been met.

6.3.6 The Licensing Authority's Licensing Officers will conduct ~~periodic~~ **risk rated** inspections of licensed premises to ensure that the approved safety standards are being maintained and that licence conditions are being complied with.

6.3.7 ~~Inspections will be risk based~~ High risk or poorly managed premises will therefore be subject to a higher frequency of inspections than low risk and well managed premises. Some of these inspections will be unannounced and conducted whilst the premises are in use for the purpose of the licence.

6.3.8 ~~A liaison protocol has been agreed between the Licensing Authority and the London Fire and Emergency Planning Authority with regard to their involvement and responsibilities in respect of fire safety in licensed premises.~~ **The liaison protocol that has been agreed between the London Councils and the London Fire and Emergency Planning Authority with regard to their involvement and responsibilities in respect of public safety associated with licensed premises, will be subject to a local annual review between the LFEPA's representative for Hillingdon and the Licensing Service's Manager.**

## 6.4 The Prevention of Public Nuisance

6.4.1 The types of business and the range of premises covered under the licensing legislation could potentially lead to nuisance being caused to neighbours. This is particularly relevant for late night businesses when ambient noise levels are relatively low and noise from equipment such as extractors, music or patrons could be more readily detected than in the daytime. Public nuisance such as noise disturbance, light pollution and noxious smells can be prevented or mitigated by effective management. **Appendix D** provides a list of examples of activities which could give rise to public nuisance and measures which can be taken to prevent such nuisance occurring. The Licensing Authority working jointly with the Police also has powers to close down instantly for up to 24 hours any licensed premises or a temporary event if excessive noise is emanating from that particular premises or event.

6.4.2 Applicants should state in their Operating Schedule (which forms an integral part of the licence application process) how they intend to address the licensing objective of the *Prevention of Public Nuisance* and applicants are advised to give serious consideration to the measures set out in Part 4, Annex D of the Guidance issued under Section 182 of the Licensing Act 2003. The Council's Environmental



Protection Unit and the Council's Licensing Officers ~~will be~~ **are** able to offer advice and guidance in regard to such matters. However the responsibility for completing the Operating Schedule correctly rests with the applicant. Applicants are advised to seek professional guidance in respect of this issue.

**See Appendix D**

6.4.3 Applicants should give particular consideration to measures to reduce the occurrence of public nuisance associated with accommodating smokers outside the premises, following the introduction of smoke free areas in enclosed or substantially enclosed places.

6.4.4 If representations are received from a Responsible Authority, **Elected Members or interested parties**, the application will be determined by a Licensing Sub-Committee (see item 2.3).

6.4.5 Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee have the power to impose specific conditions when considered necessary in respect of the Prevention of Public Nuisance objective.

6.4.6 Following the grant of a premises licence, the Council's Environmental Protection Unit, **Elected Members** and/or interested parties such as local residents and businesses can apply to the Licensing Authority for review of the licence (see item 12) if they consider that the Prevention of Public Nuisance objective has not been met.

6.4.7 The Licensing Authority's Licensing Officers will conduct ~~periodic~~ **risk rated** inspections of licensed premises to ensure that the ~~standards~~ **conditions** relating to the prevention of public nuisance are ~~being maintained and that licence conditions are~~ being complied with.

**6.4.8 High risk or poorly managed premises will therefore be subject to a higher frequency of inspections than low risk and well managed premises. Some of these inspections will be unannounced and conducted whilst the premises are in use for the purpose of the licence.**

**6.4.9 The Council's Licensing Officers will work closely with the Council's Noise Team, requesting monitoring visits of specific premises and receiving feedback regarding the witnessing of statutory noise and public nuisance or the breach of licence conditions.**

## **6.5 The Protection of Children from Harm**

6.5.1 The range of 'licensed premises' is very broad. It includes pubs, cinemas, theatres, restaurants, off licences etc. Under the Licensing Act 2003, unaccompanied children under the age of 16 are not allowed on premises such as public houses which are used exclusively or primarily for the supply of alcohol for consumption on the premises.

This restriction does not apply to premises such as restaurants and bowling alleys etc where the supply of alcohol is not the principal use of the premises. However, unaccompanied children under the age of 16 are not permitted in such premises between the hours of midnight and 5 a.m. Admission of children will always be at the discretion of those managing the premises.

6.5.2 Applicants should state in their Operating Schedule, (which forms an integral part of the licence application process), how they intend to address the licensing objective of the *Protection of Children from Harm* and applicants are advised to give serious consideration to the measures set out in Part 5, Annex D of the Guidance issued under section 182 of the Licensing Act 2003 **and with particular regard to Box N on the Operating Schedule concerning adult entertainment.** . The Council's ~~Child Protection Team in Social Services~~ **Safeguarding Children and Quality Assurance Team on behalf of the local Safeguarding Children Board (LSCB)** and the Council's Licensing Officers are able to offer advice and guidance in regard to such matters. However the responsibility for completing the Operating Schedule correctly rests with the applicant. Applicants are advised to seek professional guidance in respect of this issue.

**See Appendix E**

6.5.3 If representations are received from a Responsible Authority, **Elected Members or interested parties** the application will be determined by a Licensing Sub-Committee (see item 2.3).

6.5.4 Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee have the power to impose specific conditions when considered necessary in respect of the Protection of Children from Harm objective.

6.5.5 Following the grant of a premises licence, the Council's ~~Child Protection Team in Social Services~~ **Safeguarding Children and Quality Assurance Team, Elected Members** can and/or interested parties such as local residents and businesses can apply to the Licensing Authority for a review of the licence (see item 12) if they consider that the Protection of Children from Harm objective has not been met.

6.5.6 The Licensing Authority's Licensing Officers will conduct ~~periodic~~ **risk rated** inspections of licensed premises to ensure that the ~~standards~~ **conditions** relating to the protection of children from harm are being ~~maintained and that licence conditions are being~~ complied with.

**6.5.7 High risk or poorly managed premises will therefore be subject to a higher frequency of inspections than low risk and well managed premises. Some of these inspections will be unannounced and conducted whilst the premises are in use for the purpose of the licence.**

6.5.8 The Licensing Authority will usually expect that each operator dealing in the sale and supply of alcohol requires that personal identification is mandatory in every case where there is any doubt as to whether the customer is aged 18 or over: 'No ID- No sale'. Best practice would be to adopt the 'Challenge 21' policy. Recommended forms of personal identification include a passport, a photo driving licence, or a PASS (Proof of Age Standards Scheme) accredited proof of age identity card. Trading Standards Officers and Police Officers will carry out test purchases of alcohol using young volunteers. Where sales are made, enforcement action will be taken against all responsible persons.

## **Children's access to cinemas**

6.5.9 The Licensing Authority accepts that the British Board of Film Classification (BBFC) is the recognised authority in categorising films. It therefore accepts the BBFC classifications with respect of children's films. The Licensing Authority will expect applicants to include in their operating schedules arrangements for restricting

children from viewing age-restricted films classified according to BBFC recommendations.

## **Children and Public Regulated Entertainment**

6.5.10 There are many kinds of regulated entertainment which are specifically arranged for children, such as plays, concerts, film shows, some of which may be school based. When it is proposed to present an entertainment specifically for children, then additional safety measures may need to be considered. The Council's Licensing Officers **and the Safeguarding Children and Quality Assurance Team** **will be able to offer advice and guidance in respect of such presentations and organisers of such events are encouraged to seek such advice.**

## **Other key issues**

### **7 Cumulative effect**

7.1 Whilst the London Borough of Hillingdon does not have a concentration of licensed premises as found in central London boroughs, it nevertheless has a relatively large number of pubs and restaurants in Town Centre areas. Most of these Town Centre areas are also home to many residents. However, the Council, as the Licensing Authority, does not propose, at this stage, to set quotas for particular types of licences. Applications will be considered on their individual merit thus ensuring that the characteristics of the many different types of licensable activity are fully considered. If crime and disorder or general disturbance/nuisance do prove to be linked to the concentration of customers of licensed premises in any particular areas, then the Licensing Authority will introduce controls over the issue of new licences through a 'Special Policy' (to limit the number of licensed premises).

It would first be necessary to establish that, because of the number and density of licensed premises selling alcohol in a particular area, there are exceptional problems of nuisance, disturbance and or disorder outside or away from those licensed premises as a result of their combined effect. Where particular premises are identified as being responsible for the problems it may be possible to take specific measures against those individual Premises Licence Holders or Club Management Committees following relevant representations. Where there is public disorder from a minority of people who display anti-social behaviour away from licensed premises, there are other measures available to the Police Authority to address such issues.

7.2 Before deciding whether to adopt a Special Policy (to limit the number of licensed premises), the Council as the Licensing Authority must be sure that the imposition of individual conditions to particular premises would not solve the problem. The Council as the Licensing Authority has a duty under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder. It must be sure it has met its obligations under the Crime and Disorder Act 1998 and in terms of its promotion of the licensing objectives under the Licensing Act 2003.

7.3 If objector representations are made as to the cumulative effect of a new application and hence the need for a Special Policy (to limit the number of licensed premises), the onus will be on the objector to provide the evidence that the additional premises would produce the impact claimed.

7.4 If a Special Policy (to limit the number of licensed premises) is introduced it will be reviewed regularly to assess whether or not it is still needed.

7.5 The Metropolitan Police Service report that the ~~new~~ licensing regime appears to be working well in the London Borough of Hillingdon and it is not therefore necessary to introduce a Special Policy at present.

## **8 Licensing Hours**

8.1 The **previous** Government strongly believed that, prior to the introduction of the Licensing Act 2003, fixed and artificially early closing times (established under the Licensing Act 1964) were one of the key causes of rapid binge drinking prior to closing times; and one of the causes of disorder and disturbance when large number of customers were required to leave the premises simultaneously.

8.2 The aim through promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times. Arbitrary restrictions that would undermine the principle of flexibility will therefore be avoided.

8.3 The four licensing objectives will be paramount at all times and the council will always consider the individual merits of each case.

8.4 In accordance with guidance there is no fixed restriction on terminal hours for any particular areas of the borough. Such a restriction could cause the migration of patrons from one area to another and create the circumstances that the ~~new~~ legislation is attempting to avoid. Each application will be dealt with on its merits. It is for the applicants to detail in their Operating Schedule exactly what times they intend to open and close the premises and what measures they will take to ensure that they do not cause nuisance or disturbance to their neighbours in the vicinity. The later the terminal hour applied for, the greater will be the need to address the issues of disturbance and nuisance.

8.5 Shops, stores and supermarkets licensed to sell alcohol will normally be allowed to do so for the full duration of their trading hours. Restrictions may be applied for example where representations are made indicating the particular premises or patrons of the premises are linked to disorder and or disturbance.

## **9 Applications**

9.1 The application form and accompanying Operating Schedule should be completed clearly and concisely to reflect the exact nature of the business and how the four licensing objectives will be addressed. All sections of the application form must be completed, in particular Box N. Guidance as to what type of information should be included in the operating schedule is given in the appendices to this Policy.

9.2 Applications which are incomplete **or illegible** will be returned to the applicant with an explanation for the return. Reasons may include incomplete or missing forms, the absence of the fee, absence of required plans or insufficient information detailed on the plans, **as required under Statutory Instrument 42 and the operating schedule**. For personal licences also the absence of certificates or photographs.

9.3 Applicants are advised to seek advice from the **Council's Licensing Authority Officers** and the Responsible Authorities concerning the licensing requirements for

premises and/or licensable activities being applied for prior to completing their operating schedule. Large or unusual events need particular consideration and applicants are advised to **consult the Council's Licensing Officers for guidance and to submit applications as far in advance as possible. When required,** the Council's Licensing ~~Service~~ **Officers** will provide all applicants with advice and guidance in respect of completing their application forms and, in particular, how they should address each one of the four ~~prime~~ licensing objectives in their operating schedules.

**9.4 Notwithstanding 9.3 above, it is the applicant's responsibility to complete the application to a satisfactory standard and they should seek professional legal advice if necessary.**

## **10 Rights of applicants and those making representations against applications.**

10.1 This policy will not seek to exclude any rights enshrined in the Act or any other legislation for applicants or those making representations against applications. Each application and representation will be treated on its merits taking into account the legislation, the Guidance issued under section 182 of the Licensing Act 2003 and this policy.

10.2 Representations can be made to the Council, as Licensing Authority, by a 'Responsible Authority' or by 'Interested Parties' which include bodies or individuals who live in the vicinity of such a premises, and residents association, trade associations and other businesses operating in the vicinity. Representations can be made concerning:-

- Applications for premises licences
- Variations of such licences
- Personal licence applications on criminal grounds (only by the Police)

10.3 The Licensing Act 2003 ~~does not~~ also permits ~~Ward Councillors~~ **Elected Members** to make ~~general~~ representations on **their own behalf as well as on** behalf of their constituents. ~~However, persons~~ **Members of the public** who are making representations may **also** request that their Ward Councillor speaks on their behalf at public hearings to determine Premises Licence and/or Club Premises Certificate applications.

## **11 Conditions of licence**

11.1 Any conditions attached to licences following relevant representations will focus on matters within the control of the Premises Licence Holder or Club Management Committees. They will be used to ensure the premises are safe and do not create a nuisance. They will address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity. They will not be used as a means of attempting to attach responsibility to Premises Licence Holders or Club Management Committees for matters outside their reasonable control, such as anti-social behaviour once away from the premises or licensable activity.

11.2 Conditions on premises licences and club certificates are determined by:

- The measures put forward on the Operating Schedule
- Mandatory conditions within the Act
- Measures decided at a hearing by the Licensing Sub Committee

### 11.3 **Mandatory conditions** determined by the Act are:-

#### Alcohol

- No sale/supply of alcohol shall be made when there is no Designated Premises Supervisor in respect of the premises licence
- No sale/supply of alcohol shall be made when the Designated Premises Supervisor does not hold a Personal Licence or when his/her Personal Licence is suspended
- Every sale/supply of alcohol under the premises licence shall be made, or authorised, by a person who holds a Personal Licence

#### Films

- The admission of children shall be restricted according to the classification given by the British Board of Film Classification for the film being shown.

#### Door Supervisors

- All Door Supervisors employed at the premises shall be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001 or be entitled to carry out that activity by virtue of section 4 of that Act.

### 11.4 The following **mandatory conditions** were introduced in 2010:-

1.1 The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

1.2 In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–

- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;

(e) 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.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.1 The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

4.2 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 a holographic mark.

5. The responsible person shall ensure that–

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

## **12 Reviews**

12.1 At any stage following the grant of a premises licence or a club premises certificate, an application for a review can be submitted to the Licensing Authority by a Responsible Authority, **any Elected Member** or an Interested Party in connection with any of the four licensing objectives:-

Prevention of Crime and Disorder – see Appendix B

Public Safety – See Appendix C

Prevention of Public Nuisance – See Appendix D

Protection of Children from Harm – See Appendix E

However, the Council as Licensing Authority, will reject an application for review where it considers that the complaint is:

- Not relevant to any of the Licensing Objectives
- Vexatious, frivolous or repetitious

12.2 It is recommended that applications for review of premises licences are not made until at least three months after the grant of a licence in order to allow time for evidence to be gathered on the grounds for review.

### **13 Live music, dance and theatre**

13.1 The Council, as the Licensing Authority will encourage the promotion of live music, dance and theatre for the wider cultural benefit of the community, particularly in pursuance of any cultural strategy. It will carefully balance the potential for limited disturbance in particular areas with the wider benefits to the community, particularly children. Any conditions attached to such a licence or certificate following relevant representations will reflect this balance and the licensing objectives. The conditions should not be a deterrent to holding the activity because of the cost of implementation.

### **14 Further information:-**

Further information, application packs and guidance notes on:-

- Premises Licences (new and variation)
- Reviews of Premises Licences
- Making representations and committee procedures
- Personal Licences
- Temporary Event Notes

can be obtained from:-

The Licensing Service,  
Civic Centre (3S/09)  
Uxbridge  
UB8 1UW

Tel: 01895 277433  
Fax: 01895 250011

Email: [licensing@hillingdon.gov.uk](mailto:licensing@hillingdon.gov.uk)

Or the Council's website: [www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)



## Appendix A

### TABLE OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	SUB-COMMITTEE	OFFICERS
Application for the grant or renewal of a personal licence	If a Police objection	If no objection made
Application for personal licence, with unspent convictions	If a Police objection	If no objection made
Application for premises licence/club premises certificate	If a representation made	If no representation made
Application for provisional statement	If a representation made	If no representation made
Application to vary premises licence/club premises certificate	If a representation made	If no representation 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 representation/objection is irrelevant, frivolous, vexatious, etc.		All cases
Decision to object when local authority is a consultee and not the lead authority	All cases	
Revocation of Personal Licence where convictions come to light after grant or renewal	All cases	
Determination of a police representation to a temporary event notices	All cases	

## APPENDIX B – PREVENTION OF CRIME AND DISORDER

It should be noted that it is unlawful under the 2003 Act to:

- Knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk **or under the statutory minimum age**
- Knowingly to allow disorderly conduct on licensed premises
- For the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported.
- To allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

### **Examples of measures to prevent crime and disorder which could be included **where applicable** in Operating Schedules**

- Provision of Door Supervisors registered with the Security Industry Agency
- Door Supervisors to wear distinctive reflective jackets or arm bands at all times.
- No entry or re-entry after a certain time
- Searches using metal detectors if necessary
- Staff alarms fitted to doors
- A system of queuing inside or outside the premises
- Any condition which the Licensing Committee would consider to prevent crime and disorder
- Bottle bans
- Plastic containers and toughened glass
- ~~• CCTV to be installed (police can assist with placement and numbers of cameras), where possible a digital system should be used and recordings should be kept in a secure management position, upon the premises, for a minimum period of thirty days.~~
- **A digital CCTV recording system should be considered and recordings should be kept in a secure management position, upon the premises, for a minimum period of thirty days. Advice and guidance can be obtained from the Metropolitan Police in regard to the numbers and location of the cameras. Technical advice on the specification of the equipment can be obtained from the London Borough of Hillingdon's CCTV manager.**
- Open containers not to be taken from the premises
- Restrictions on Drinking Areas
- Capacity Limits

- Proof of Age Cards
- Crime Prevention Notices
- ~~Drinks Promotions~~
- Direct phone links to taxi companies
- Premises should be designed to ensure that all areas can be monitored visually
- **Ensure entrances and exits are well lit**

Note: Premises Licence Holders and representatives from Clubs are encouraged to participate in Pub Watch, Club Watch, Business Watch such as UBAC (Uxbridge Business Against Crime) and Radio Link schemes

### **Nightclubs and other similar venues**

Nightclubs and other similar venues should, when completing their operating schedule, consider including reference to the use of risk assessments for the different types of music and DJ's/MC's or similar that they propose to use.

In addition, if it is proposed, on occasions, to stage significant events or promotions, then applicants should also consider when completing their operating schedule, submitting a separate risk assessment for each individual event or promotion followed by the submission of a subsequent 'de-brief' report.

Detailed below are examples of conditions that applicants may wish to consider offering in their operating schedule:-

1. The premises licence holder shall undertake a risk assessment of any promotion or event (as defined below) using the MPS Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy\* to the Metropolitan Police Service using the email as detailed below and the Licensing Authority not less than 14 days before the event is due to take place.
2. Where an 'event' has taken place, the premises licence holder shall complete **follow up feedback using form 696a** ~~an MPS After Promotion/Event Debrief Risk Assessment (Form 696A)~~ and submit this to the Metropolitan Police ~~using the~~ **by** email as detailed below ~~and the Licensing Authority,~~ within 3 days of the conclusion of the event.

[Licensing-xh@met.pnn.police.uk](mailto:Licensing-xh@met.pnn.police.uk)

[ClubsFocusDesk-CO14@met.police.uk](mailto:ClubsFocusDesk-CO14@met.police.uk)

\*submission of electronic documents by e-mail is preferred.

### **Definition of an 'Event'**

~~An event will be deemed to be: any occasion in any location licensed under the provisions of the Licensing Act 2003, where there will be a live performer/s~~

~~— meaning musicians, DJs, MCs or other artists; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.~~

The recommended guidance to music event organisers, management of licensed premises or event promoter on when to complete Form 696 is where you hold an event that is –

- promoted / advertised to the public at any time before the event, and
- predominantly features DJs or MCs performing to a recorded backing track, and
- runs anytime between the hours of 22.00 hours and 04.00 hours, and
- is in a nightclub or a large public house.

Note:

Further advice is available from:

~~Crime Prevention Office, West Drayton Police Station 020 8246 1769~~

~~Crime Prevention Office, Ruislip Police Station 020 8246 1822~~

The Licensing Officer, Northwood Police Station 020 8246 1933

[Licensing@hillington.gov.uk](mailto:Licensing@hillington.gov.uk)

## APPENDIX C – PUBLIC SAFETY

Publications which applicants should consider when preparing their operating schedules:-

- ~~British Standard 5588 Part 6 – Code of Practice for places of assembly~~
- ~~British Standard 5588 Part 8 – Means of escape for Disabled People~~
- **British Standard 9999 - Code of Practice for Fire Safety**
- **Regulatory Reform (Fire Safety) Order 2005 – clause 14(2) (a)-(h)**
- British Standard 7671 - Requirements for Electrical Installations (I.E.E. Wiring Regulations)
- British Standard 5266 - Code of Practice for emergency lighting systems
- British Standard 5839 - Fire detection and alarm systems for buildings
- ~~British Standard 5588 Part 9 – Code of Practice for ventilation and air conditioning ductwork~~
- Model National Standard Conditions for Places of Entertainment – Published by LDSA Publications, PO Box 266, Bromley, Kent, BR2 9ZN
- Technical Standards for Places of Entertainment - Published by LDSA Publications, PO Box 266, Bromley, Kent, BR2 9ZN
- The Event Safety Guide - A guide to health, safety and welfare at music and similar events, HSG195 (ISBN 0-7176-2453-6)
- Managing Crowds Safely, HSG154 (ISBN 0-7176-1834-X)
- 5 Steps to Risk Assessment, Case Studies (HSE 1998) (ISBN 0-7176-1580-4)
- The Guide to Safety at Sports Grounds published by HMSO, The Green Guide (ISBN 0-11-341072-7)
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances, [www.streetartnetwork.org/pages/publications](http://www.streetartnetwork.org/pages/publications)
- Home Office and London Drug Policy Forum guidance ‘Safer Clubbing
- ~~British Standard 5588 Part 11 – Code of Practice for shops~~

## **APPENDIX D – PREVENTION OF PUBLIC NUISANCE**

### **Examples of public nuisance**

- Anti-social behaviour including other disturbances caused by persons leaving the premises
- Noise, including amplified music, emanating from the premises including extended areas such as beer gardens
- Noise from vehicles delivering and collecting customers
- Nuisance caused by persons, whether consuming alcohol or not, either waiting or entering, or leaving, or spilling outside the premises
- Litter and refuse storage including fly posters and illegal placards
- Fireworks
- Disturbance and obstruction caused by queuing, either by pedestrian or vehicular traffic
- The inappropriate siting of external lighting, including security lighting which could cause light pollution to neighbouring properties
- Nuisance from persons smoking outside
- Nuisance caused by cigarette smoke
- Cigarette litter

### **Examples of measures to prevent public nuisance which could be included in Operating Schedules**

- Effective management control of noise levels
- Keep music at a reasonable level
- Noise limiters
- The provision of mechanical ventilation and air conditioning systems so as to prevent windows and doors being opened.
- Double glazing
- The provision of lobbies to the main entrance/exit doors so as to prevent the escape of noise causing nuisance to local residents when the doors are opened
- Alarms (staff warning devices) on doors other than the main entrance/exit so as to alert management if the doors are opened
- Notices to request patrons to leave quietly
- Placing used bottles in waste containers at responsible times
- Diverting queues away from neighbouring premises and using Door Supervisors to control queues
- Provision of suitably located smoking areas and cigarette bins
- Any condition which the Licensing Committee would consider to prevent public nuisance

~~Examples of when it may be necessary to initiate the Review process in respect of public nuisance:-~~

- ~~• When the prevention of public nuisance objective is not being met. (See examples of public nuisance above)~~
- ~~• A failure by the premises licence holder to respond to relevant concerns identified by the Environmental Protection Unit~~
- ~~• When the Police have closed down the premises for a period of up to 24 hours on the grounds of noise nuisance~~
- ~~• When the Council has closed down the premises under the Anti-Social Behaviour Act 2003 on the grounds of noise nuisance~~
- ~~• When an abatement notice under Part 3 of the Environmental Protection Act 1990 has been served by the Council~~

~~Publications which should be considered when preparing operating schedules:-~~

- ~~a) British Standard 4142 1997 - Method for rating industrial noise affecting mixed residential and industrial areas~~
- ~~b) Good Practice Guide on the Control of Noise from Pubs and Clubs (Institute of Acoustics)~~
- ~~c) Control of 'Noise' published by the British Beer and Pubs Association~~

## APPENDIX E – PROTECTION OF CHILDREN FROM HARM

Examples of measures to protect children from harm which could be included in Operating Schedules

- Limitations on the hours when children may be present
- Age limitations (below 18)
- Limitations or exclusions when certain activities are taking place
- Requirements for accompanying adult
- Full exclusion of people under 18 from the premises when any licensable activities are taking place

~~Examples of when it may be necessary to initiate the Review process:~~

- ~~• where there have been instances of serving alcohol to minors, or a reputation for underage drinking~~
- ~~• where sales are made during test purchase operations led by Officers of the Council's Trading Standards Service and the Police.~~
- ~~• with a known association with drug taking or dealing~~
- ~~• where there is a strong element of gambling on the premises  
Note: This will not apply to a small number of AWP (Amusement with Prizes) machines~~
- ~~• where entertainment of an adult or sexual nature is commonly provided without appropriate safeguards for the protection of children~~



## APPENDIX F

### RESPONSIBLE AUTHORITIES FOR GRANT, VARIATION OR REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE WITHIN THE LONDON BOROUGH OF HILLINGDON

The applicant must send the *original* application to the Licensing Service and a complete copy of the application including the form, operating schedule and plan in the prescribed form to each responsible authority as follows:-

<p>The Licensing Service London Borough of Hillingdon Civic Centre 3S/09 High Street Uxbridge UB8 1UW <i>Licensing Authority</i></p>	<p>Chief Officer of Police <b>Licensing Officer</b> c/o Northwood Police Station Murray Road Northwood HA6 2YW <i>Hillingdon Police Enforcement</i> <i>*for all areas except Heathrow</i></p>
<p>Chief Officer of Police Licensing Officer c/o ACIT Heathrow Police Station East Ramp Hounslow TW6 2DJ <i>Heathrow Police Enforcement</i> <i>*for Heathrow area only</i></p>	<p><b>Fire Safety Regulation: North West Area 1</b> <b>London Fire Brigade</b> <b>169 Union Street</b> <b>London</b> <b>SE1 0LL</b> <i>Hillingdon Fire Authority</i></p>
<p><b>Service Manager – Safeguarding Children and Quality Assurance 4S/07</b> <b>Education and Childrens Services</b> London Borough of Hillingdon Civic Centre, Uxbridge UB8 1UW <i>A body involved in the Protection of Children from Harm</i></p>	<p><b>Food, Health and Safety Team</b> London Borough of Hillingdon Civic Centre, Uxbridge UB8 1UW  <b><i>Enforcing Authority for the Health and Safety at Work Act 1974 and the Health Act 2006</i></b></p>
<p>Trading Standards Service London Borough of Hillingdon, Civic Centre, Uxbridge, UB8 1UW <i>Enforcing Authority under the Weights and Measures Act 1985</i></p>	<p>Environmental Protection Unit London Borough of Hillingdon, Civic Centre, Uxbridge UB8 1UW <i>Enforcing Authority for matters relating to Environmental Pollution and Public Nuisance</i></p>
<p><b>Head of Planning and Enforcement</b> London Borough of Hillingdon, Civic Centre, Uxbridge UB8 1UW <i>The Local Planning Authority</i></p>	<p>* Health and Safety Executive Rose Court, 2 Southwark Bridge London SE1 9HS <i>Enforcing Authority for The Health and Safety at Work Act 1974</i></p>
<p>* <b>British Waterways, Willow Grange</b> Church Road Watford, Hertfordshire WD17 4QA <i>Navigation Authority for navigable waterways in the London Borough of Hillingdon</i></p>	

\* where appropriate