



HILLINGDON  
LONDON



# Licensing Committee

**Date:** THURSDAY, 1 JULY 2010

**Time:** 10.00 AM

**Venue:** COMMITTEE ROOM 4 A -  
CIVIC CENTRE, HIGH  
STREET, UXBRIDGE UB8  
1UW

**Meeting  
Details:** Members of the Public and  
Press are welcome to attend  
this meeting

## Councillors on the Committee:

Andrew Retter (Chairman)  
Josephine Barrett (Vice-Chairman)  
Lynne Allen (Labour Lead)  
David Allam  
Bruce Baker  
Mike Bull  
Janet Gardner  
Judy Kelly  
Peter Kemp  
Carol Melvin

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**Published:** Wednesday, 23 June 2010

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This Agenda is available online at:

<http://modgov.hillingdon.gov.uk/ieListDocuments.aspx?CId=257&MIId=654&Ver=4>

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# Agenda

- 1 Apologies for Absence
- 2 Declarations of Interest in matters coming before this meeting
- 3 To Confirm That All Items Marked Part I will be considered in Public and all Items Marked Part II will be considered in Private
- 4 To agree the minutes of 22 April 2010

## **Part 1 (Public)**

- 5 The Licensing Act 2003 Mandatory Conditions
- 6 Review of the Council's Statement of Licensing Policy
- 7 Members Update on Sex Encounter Venues
- 8 Licensing Committee Information
- 9 Any Items deferred from Part I
- 10 Any Items deferred from Part II

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**Minutes**

**LICENSING COMMITTEE**

**22 April 2010**

**Meeting held at Committee Room 3 - Civic Centre,  
High Street, Uxbridge UB8 1UW**



	<p><b>Committee Members Present:</b> Councillors Josephine Barrett (Chairman), Mike Bull, Dave Allam, Carol Melvin, Judy Kelly, Elizabeth Kemp and Peter Kemp</p> <p><b>LBH Officers Present:</b> Natasha Dogra, Norman Stanley, Beejal Soni and Stephanie Waterford</p>	
1.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>Apologies had been received from Cllr Lynne Allen and Cllr Janet Gardener.</p>	<b>Action by</b>
2.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>None.</p>	<b>Action by</b>
3.	<p><b>TO AGREE THE MINUTES OF 19 JANUARY 2010</b> (<i>Agenda Item 3</i>)</p> <p>The Committee agreed the minutes of 19 January 2010 as an accurate account of the Licensing Committee meeting.</p>	<b>Action by</b>
4.	<p><b>DCMS PROPOSAL TO EXEMPT LIVE MUSIC EVENTS FROM LICENSING ACT 2003.</b> (<i>Agenda Item 4</i>)</p> <p>On the 31<sup>st</sup> of December 2009 the Department of Culture, Media and Sport published via their web site a consultation on their proposal to exempt small live music events from the Licensing Act 2003.</p> <p>As the Licensing Service Manager did not receive the email alert information until the week commencing the 11<sup>th</sup> of January 2010, it was not possible to have the matter put onto the agenda for the full Licensing Committee meeting which was scheduled for the 19<sup>th</sup> of January 2010, consequently a <i>special</i> meeting of the Licensing Committee was convened on Monday the 8<sup>th</sup> of February to discuss the proposal and to formulate a response to the DCMS in respect of the consultation document, as responses to the consultation had to be submitted to the DCMS by the 26<sup>th</sup> of March 2010.</p> <p>At the <i>special</i> meeting of the Licensing Committee on the 8<sup>th</sup> of February the DCMS consultation was then subject to full debate by the members of the Licensing Committee and they were unanimous in their opposition to the proposals.</p>	<b>Action by</b>

	<p>The Licensing Committee then directed the Licensing Service Manager to write, on their behalf, to the DCMS expressing their views.</p> <p>Following the meeting the Licensing Service Manager drafted a response letter to the DCMS, which was then sent to all members of the Licensing Committee for consideration.</p> <p>As no adverse comments were received from members of the Licensing Committee members the Licensing Service Manager despatched the letter on the 1<sup>st</sup> of March 2010.</p> <p><b>To Note:</b> <b>The Committee noted the update.</b></p>	
5.	<p><b>UPDATE ON INVITING REPRESENTATIVES FROM RESPONSIBLE AUTHORITIES TO ATTEND LICENSING HEARINGS.</b> (<i>Agenda Item 5</i>)</p> <p>The “action” instructions detailed in the minutes of the Licensing Committee meeting held on Thursday the 1<sup>st</sup> of October 2009 required the Licensing Service Manager (Norman Stanley) to raise a specific question at the next meeting of the London Licensing Managers Forum, which was scheduled for the 23<sup>rd</sup> of February 2010.</p> <p>The Licensing Committee’s question was: - “whether or not fellow local authorities invited representatives from responsible authorities to attend hearings even if they have not made representations”. The question was listed on the LLMF agenda and it sparked a very lively debate.</p> <p>On conclusion of the debate and following a show of hands, it was noted that the majority of London Authorities do not invite representatives from responsible authorities if they have not made a representation, however a small number of authorities do.</p> <p>Following the discussion, Pat Crowley, the Chair of the LLMF, advised the delegates, that as far as he was aware there is no legal reason as to why such representatives from responsible authorities should not be invited, however he recommended they should only take part in the hearing when invited to respond to specific questions posed to them by members of the licensing sub committee.</p> <p><b>To Note:</b> <b>The Committee noted the update.</b></p>	Action by
6.	<p><b>UPDATE - DCMS CONSULTATION ON PROPOSED AMENDMENTS TO THE LICENSING ACT 2003 (PERSONAL LICENCES - RELEVANT OFFENCES)</b> (<i>Agenda Item 6</i>)</p> <p>On 15<sup>th</sup> December 2009 the DCMS published a consultation on their web site in respect of a proposal to amend the Licensing Act 2003 to update the list of relevant offences that are treated as relevant offences</p>	Action by

	<p>for the purposes of obtaining and holding a personal licence under Part 6 of the Act. The closing date for the consultation was 15<sup>th</sup> March 2010.</p> <p>At the meeting of the full Licensing Committee on 14<sup>th</sup> January 2010, the Committee's views on the consultation questions were sought so that a response could be drafted by the Licensing Service. The Committee were supportive of the new inclusions and welcomed the changes. Full feedback on the consultation is expected imminently from DCMS.</p> <p><b>To Note: The Committee noted the report.</b></p>	
7.	<p><b>UPDATE- MANDATORY CONDITIONS: LICENSING ACT 2003</b> (Agenda Item 7)</p> <p>On 15<sup>th</sup> March 2010, S1 2010 860 was laid before Parliament and approved. The order would bring into force five new mandatory conditions which would apply to all premises which sell/supply alcohol for consumption on the premises (summary attached). In short, premises which would be affected were:</p> <ul style="list-style-type: none"> <li>○ Pubs</li> <li>○ Hotels and Banqueting premises</li> <li>○ Restaurants</li> <li>○ Members Clubs</li> <li>○ Nightclubs</li> </ul> <p>Off licences and take-aways will not be affected by the new conditions. The conditions are proposed to be implemented in phases. The first three conditions will take effect on 6<sup>th</sup> April 2010 and the final two conditions will be implemented on 1<sup>st</sup> October 2010. Currently, there are approximately 300 premises for which the new conditions will apply. The Licensing Service proposes to issue a new Annex 1 page for each affected premises licence/club certificate and send it out to licence holders with a covering letter explaining the changes. A new 'Section 182 Guidance' document is expected to be released shortly by DCMS to reflect the changes.</p> <p><b>Agreed: The Committee noted the new legislative changes and approved the Licensing Service's proposal to notify licence holders of the new conditions.</b></p>	<b>Action by</b>
8.	<p><b>REVIEW OF THE COUNCIL'S STATEMENT OF LICENSING POLICY</b> (Agenda Item 8)</p> <p>The Licensing Act 2003 required the Council, as the Licensing Authority, to review its statement of licensing policy every 3 years. This was the second full review of the policy since the implementation of the Act in 2005. The Council would need to approve and adopt the revised policy which would be effective from 2011 to 2014.</p> <p>In January 2010, the working party was convened and the review</p>	<b>Action by</b>

	<p>process was started.</p> <p><b>Agreed:</b>  <b>The Licensing Committee agreed the draft Statement of Licensing Policy for full consultation.</b></p>	
9.	<p><b>STREET TRADING POLICY - URGENCY PROCEDURES</b> (<i>Agenda Item 9</i>)</p> <p>On 19 January 2010 the Licensing Committee approved Rules of Procedure to enable its Sub Committees to determine applications for Street Trading Licences.</p> <p>The Act regulated various aspects of the trading activity including enforcement action that may be taken, rules relating to the trading stalls, registration requirements for new application and renewals, mandatory grounds for the rejection of an application and appeal rights of traders. The Act further made allowances for the issue of temporary and permanent licences. Temporary Licences are valid for a maximum period of 6 months whilst permanent Licences were valid for more than 6 months but less than 3 years.</p> <p>Cabinet and the Street Scene Enforcement Team had recognised that there were certain situations which arise during any trading period which may require licences to be issued urgently. These situations may include but were not limited to:</p> <ol style="list-style-type: none"> <li>1. Applications for charitable street trading;</li> <li>2. Applications for street trading linked to community events, for example, fairs</li> <li>3. Applications linked to Shop Front or Tables and Chairs Licences which seek to amend / vary the named Licence Holder;</li> <li>4. Applications for pitch licences which seek to amend / vary the assistants licensed to the pitch;</li> <li>5. Any other unopposed application which the relevant Council Officer considers to be urgent.</li> </ol> <p>Any existing trader who failed to submit the a Street Trading application within advised timescales may not use of urgency procedures to determine the application unless the Council Officer was satisfied that the lateness was due to exceptional circumstances.</p> <p>Members were requested to consider and approve the attached draft rules of procedure that will apply to all urgent Street Trading Licences.</p> <p>The relevant points of procedure to note were:</p> <ol style="list-style-type: none"> <li>1. Hearings would take place within 72 hours of Democratic Services receiving a report related to an unopposed application for a street trading licence or variation of a street trading licence from the relevant Council Officer.</li> <li>2. The Council Officer would detail in the body of the report the reasons for urgency.</li> <li>3. The quorum for urgent hearings related to Street Trading</li> </ol>	<b>Action by</b>



	<p>Applications shall be 2 members of the Licensing Committee; one of whom would be a chairman of the Licensing Sub-Committee;</p> <ol style="list-style-type: none"> <li>4. Hearings would be conducted in the same manner and as per the principles and evidentiary rules currently in place for Licensing Act 2003 hearings;</li> <li>5. Correspondence advising traders of the outcome of the hearing would be despatched within 5 working days of the hearing;</li> <li>6. As was permitted by the Licensing Act 2003, Ward Councillors may address the Sub-Committee in their capacity as Ward Councillors or on behalf of an objector/group of objectors on condition that relevant notice is provided to Democratic Services.</li> </ol> <p>The Public Bodies (Admission to Meetings) Act 1960 requires that the urgent meeting of the Licensing Sub-Committee must be conducted in a manner that will permit members of the public to attend the scheduled meetings. A Sub-Committee meeting would therefore be convened.</p> <p>It would not be possible to determine such urgent applications on papers alone. A public consultation was required prior to introducing an alternative decision making process for urgent applications.</p> <p>Agreed:  <b>The Committee agreed the draft Rules of Procedure for Licensing Sub-Committee Hearings on Street Trading Applications.</b></p>	
10.	<p><b>TOTAL NUMBER OF PREMISES AND PERSONAL LICENSES GRANTED UNDER OFFICER DELEGATION POWERS AND BY LICENSING SUB-COMMITTEES AND COMMITTEES UP TO 31 MARCH 2010</b> (<i>Agenda Item 10</i>)</p> <p><b>To Note:</b>  <b>The Committee noted the total number of premises and personal licenses granted under Officer Delegation Powers and by Licensing Sub-Committees.</b></p>	<b>Action by</b>
<p>The meeting, which commenced at 10.00 am, closed at 10.35 am.</p>		

These are the minutes of the above meeting. For more information on any of the resolutions please contact Natasha Dogra on 01895 277 488. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

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## The Licensing Act 2003 Mandatory Conditions

<b>Committee</b>	Licensing Committee
<b>Officer Contact</b>	Linda Etherington
<b>Papers with report</b>	<ul style="list-style-type: none"><li>○ Film Authorisation Procedures</li></ul>
<b>Ward(s) affected</b>	All

### SUMMARY

To inform the committee in respect of classification of films under the Licensing Act 2003;

### RECOMMENDATION

**That the committee approve the Licensing Service's Film Authorisation Procedures.**

### INFORMATION

The following mandatory condition is imposed on all premises licences which include the Exhibition of films:-

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

It is possible that the Licensing Authority could be requested to re-classify a film which has been classified by the BBFC or to classify a film which has not been considered by the BBFC. Requests could be made by a member of the public or an organisation wishing to show an unclassified film.

The Licensing Service has therefore drawn up a procedure to be followed if this situation arises.

### FINANCIAL IMPLICATIONS

None

### LEGAL IMPLICATIONS

None

### BACKGROUND PAPERS

- Film Procedures (July 2010)

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## FILM AUTHORISATION PROCEDURES

Licensing Service  
Planning, Environment & Community Services  
T.01895 277433 F.01895 250011  
[licensing@hillington.gov.uk](mailto:licensing@hillington.gov.uk) [www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)  
London Borough of Hillingdon,  
3S/09, Civic Centre, High Street, Uxbridge, UB8 1UW



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## 1. INTRODUCTION

- 1.1. The council, as the Licensing Authority, is responsible for authorising the public exhibition of films under Section 20 of the Licensing Act 2003. Section 20 of the Act provides that where a Premises Licence or Club Premises Certificate authorises the *Exhibition of Films*, the licence must include the following condition:-
- *The admission of children shall be restricted according to the classification given by the British Board of Film Classification (or by the Licensing Authority) for the film being shown.*
- 1.2 Where a venue wishes to exhibit films, there must be a Premises Licence, Club Premises Certificate or Temporary Event Notice in place under the Licensing Act 2003.
- 1.3 The definition of a *child* is any person under the age of 18 years.
- 1.4 Under the Licensing Act 2003, the definition of the *exhibition of a film* is the exhibition of moving pictures.
- 1.5 In summary, all films which are used for public exhibition under a Premises Licence or Club Premises Certificate must either be classified by the British Board of Film Classification (BBFC) or authorised by the Licensing Authority under the powers of the Licensing Act 2003.
- 1.6 The Licensing Authority shall at all times taken into account the Guidance issued under Section 182 of the Licensing Act 2003, when authorising/classifying films.
- 1.7 The Licensing Authority can be requested to authorise a film that has already been classified by the BBFC in the following circumstances:-
- A distributor of a film may appeal against the decision of the BBFC and request that a Licensing Authority re-classifies/authorises the film for local screening (with recommendations on age restrictions): or
  - An independent party may request that the Licensing Authority re-classifies/authorises a film for local screening (with recommendations on age restrictions).



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1.8 In addition, the Licensing Authority ;may be requested to authorise the showing of an unclassified film. This could be for:-

- A film festival covering a specific period of time
- A one off screening of a film
- A trailer for a film

1.9 In accordance with paragraph 10.31 of the LA03 Guidance, the Licensing Authority will concern itself primarily with the *Protection of Children from Harm*. It must not use its powers to censor films, except where there is clear cause to believe that this is required to promote the licensing objectives.

1.10 Paragraph 2.41 of the LA03 Guidance states:-

*The **Protection of Children from Harm** includes the protection of children from moral, psychological and physical harm and this would include the protection of children from too early an exposure to strong language and sexual expletives, for example, in the context of film exhibitions or where adult entertainment is provided.*

## 2. PRINCIPLES IN DETERMINING APPLICATIONS

2.1 The BBFC classifies films in accordance with its published Guidelines which are based on extensive research into public opinion and professional advice. The LA03 Guidance recommends that:-

*“Licensing Authorities should not duplicate the BBFC’s work by choosing to classify films themselves. The classifications recommended by the BBFC should be those normally applied unless there are very good local reasons for a Licensing Authority to adopt this role. Licensing Authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or Certificate and, in relation to individual films to notify the holder or club that it will make a recommendation for that particular film.”*

2.2 The Licensing Authority considers the classification system used by the BBFC to be nationally understood and accepted. It will therefore use this system, and any amendments thereto, as a reference point for determining its recommendations on the restriction of access by children to films. It should be noted however that the Licensing Authority is not obliged to follow these guidelines.

2.3 Where a premises seeks to exhibit a film under a Club Premises Certificate or Premises Licence that has not been classified by the BBFC then it will be the responsibility of the Licensing Authority to authorise that film. The procedures outlined in item 3 will be followed.



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- 2.4 The Licensing Authority recognises the principle within the Human Rights Act 1998 that adults should be free to choose their own entertainment. Material should not be in breach of criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act 1959 or have been created through the commission of a criminal offence.
- 2.5 Applicants must ensure all material that is the subject of an application complies with the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988 or any other relevant legislation, and has not been created through the commission of a criminal act.
- 2.6 Any authorisations for the exhibition of films issued by the Licensing Authority shall only apply when the films are exhibited within the London Borough of Hillingdon and does not affect the authorisation or recommendations in any other borough. It will be assumed that all relevant third party consents and licences in respect of any copyright, confidential information and all other intellectual property rights have been obtained and a written undertaking to this effect will be required. **It is the responsibility of the applicant to ensure that no film or trailer contravenes the law.**
- 2.7 When authorised by the Licensing Authority, a film will be authorised for a particular showing or festival only and subject to the recommendations imposed by the Licensing Authority (unless a further application for re-classification is made). Details of the authorisations including any recommendations will be available from the Licensing Service and will be listed on the council's website.
- 2.8 The Licensing Authority will consider each application for authorisation on its own merits and may impose additional or more specific recommendations where it deems necessary in order to comply with the *Protection of Children from Harm* licensing objective. Specimen recommendations for inclusion are detailed at Appendix 1.
- 2.9 When the Licensing Authority determines to refuse authorisation of a film, clear and concise reasons will be given.

### 3. **PROCEDURE FOR AUTHORISATION REQUESTS FOR FILMS ALREADY CLASSIFIED BY THE BBFC**

- 3.1 Applications for authorisation of films already classified by the BBFC will be referred to, and determined by, the Licensing Sub Committee on behalf of the Licensing Authority. This Sub Committee will consist of 3 Members of the Licensing Committee.
- 3.2 Applications should be made in writing and should be accompanied by the film synopsis form at Appendix 2.



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- 3.3 Where an individual or organisation which is not connected with the film(s), requests re-classification of a BBFC classified film they are not expected to provide a copy of the film(s). The Licensing Authority will endeavour make suitable arrangements for a Licensing Sub Committee to view the film. However, this may not be possible if a short period of notice is given.
- 3.4 All requests must be accompanied by detailed reasons for the request. Requests will be dealt with as quickly as possible as it is appreciated that films are generally only shown in cinemas for a relatively short period.
- 3.5 Requests must be relevant to the *Protection of Children from Harm* licensing objective and must not be frivolous, vexatious or repetitive. Requests may also be relevant to the *Prevention of Crime and Disorder* licensing objective, but only in relation to the contravention of the current interpretation of the Obscene Publications Act 1959 or any other relevant legislation.
- 3.6 The Sub Committee will then view the entire film and assess it against the BBFC guidelines and the LA03 Guidance. The Sub Committee will issue a *Notice of Determination* of the application within 5 working days from the date of viewing. The Licensing Authority will also formally advise the applicant and the licence holder of any recommendation(s) restricting the admission of children to the film(s).
- 3.7 In line with Annex D Part 5 of the LA03 Guidance, where a film is recommended by the Licensing Authority as being in an age restrictive category, no person under the age specified shall admitted.

Where a film is recommended by the Licensing Authority as being in a category requiring any persons under a specified age to be accompanied by an adult, no person under the age specified shall be admitted unless accompanied by an adult.

- 3.8 In the above circumstances, the premises licence holder or club certificate holder will be required to display a notice clearly stating the relevant age restrictions and requirements in a conspicuous position. With regard to the wording of such notices, the Licensing Authority shall have regard to the LA03 Guidance, e.g.
- “PERSONS UNDER THE AGE OF (INSERT APPROPRIATE AGE) WILL NOT BE ADMITTED TO ANY PART OF THE PROGRAMME”
  - or
  - “PERSONS UNDER THE AGE OF (INSERT APPROPRIATE AGE) WILL ONLY BE ADMITTED TO THE PROGRAMME IF ACCOMPANIED BY AN ADULT”



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#### 4. **PROCEDURE FOR AUTHORISATION OF FILMS WHICH HAVE NOT BEEN CLASSIFIED BY THE BBFC**

4.1 Applications for authorisation of films not already classified by the BBFC will be referred to, and determined by, the Licensing Sub Committee on behalf of the Licensing Authority. This Sub Committee will consist of 3 Members of the Licensing Committee.

4.2 An application for authorisation should be made in writing to the Licensing Service, giving at least 28 days notice and should include the following information:-

- The film maker
- Such recommendation as may have been made by the film maker on age limit for the intended audience for exhibition of the film
- Any existing classification issued by an existing classification body, whether in the UK or abroad
- A synopsis identifying the material in the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film.

Note: Where an applicant seeks an authorisation allowing the exhibition of the film to person aged 18 years and over only, a detailed synopsis will not be required.

- If known, a legitimate and legal internet site where the film or a portion of the film is available to view without charge
- Any proposals on age restrictions for viewing the film that the applicant intends to impose
- Details of how age restrictions will be enforced

4.3 When Members of the Licensing Authority, at their discretion, determine it is possible to formulate recommendations to the premises licence holder or club premises certificate holder in relation to the exhibition of the film on the basis of this information, recommendations may be made on this basis alone.

4.4 However, in accordance with Annex D Part 5 of the LA03 Guidance, the Licensing Sub Committee may, request a copy of the film(s) on DVD format with the cost to be borne by the applicant. If DVD format is not available, the Licensing Service may agree to arrange for a suitable venue to view the film(s).

4.5 The Licensing Sub Committee, whilst viewing the film, will have regard to the Guidelines and LA03 Guidance and will issue a Notice of Determination of the decision within 5 working days from the date of viewing.



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- 4.6 When considering all such requests, the Licensing Sub Committee will pay particular attention to the *Protection of Children from Harm* licensing objective.
- 4.7 In line with Annex D Part 5 of the LA03 Guidance, where a film is recommended by the Licensing Authority as being in an age restrictive category, no person under the age specified shall admitted.

Where a film is recommended by the Licensing Authority as being in a category requiring any persons under a specified age to be accompanied by an adult, no person under the age specified shall be admitted unless accompanied by an adult.

- 4.8 In the above circumstances, the premises licence holder or club premises certificate holder will be required to display a notice clearly stating the relevant age restrictions and requirements in a conspicuous position. With regard to the wording of such notices, the Licensing Authority shall have regard to the LA03 Guidance, e.g.

- “PERSONS UNDER THE AGE OF (INSERT APPROPRIATE AGE) WILL NOT BE ADMITTED TO ANY PART OF THE PROGRAMME”

OR

- “PERSONS UNDER THE AGE OF (INSERT APPROPRIATE AGE) WILL ONLY BE ADMITTED TO THE PROGRAMME IF ACCOMPANIED BY AN ADULT”

- 4.9 In order to ensure the promotion of the *Protection of Children from Harm* and the *Prevention of Crime and Disorder* licensing objectives, the Licensing Authority will formally advise the premises licence holder and/or applicant of any recommendation(s) on the restriction of access for children to the film(s). This may also include a requirement for relevant notices to be displayed by the premises licence holder both inside and outside the premises. The premises licence holder will be expected to comply with these recommendations.
- 4.10 Where requests are made to the Licensing Authority to exhibit a film to be shown to persons aged 18 and over only, the premises licence holder will be required to display in a conspicuous position a notice clearly stating that the Licensing Authority has authorised the film but has not viewed it. This statement should be incorporated in any promotional literature and on any relevant website including, where relevant, the premises licence holder’s web site.



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4.11 The Licensing Authority recognises the principle that adults should be free to choose their own entertainment and will not normally over-ride this principle and as such, requests will not normally be refused. However, in all cases the Licensing Authority will expect the applicant to follow the BBFC's Guidelines for 18 and R18 restricted films.

## 5. SECTION 20 LICENSING ACT 2003: EXHIBITION OF FILMS

5.1 All premises licensed to exhibit films under a Premises Licence or Club Premises Certificate are subject to the following mandatory conditions:-

1. *Where a premises licence or club premises certificate authorises the exhibition of films, the licence or certificate must include a condition requiring the admission of children to the exhibition at any film to be restricted in accordance with these paragraphs.*
2. *Where a film classification body is specified in the licence or certificate, unless paragraph 3(b) below applies, admission of children must be restricted in accordance with any recommendation by that body.*
3. *Where*
  - (a) *the film classification body is not specified in the Licence or Certificate,*

*or*

  - (b) *the Licensing Authority has notified the holder of the Licence or the Club which holds the Certificate that this paragraph applies to the film in question, admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.*
4. *In these paragraphs 'children' means persons aged under 18 and 'film classification body' means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).*



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6. **EXEMPTIONS FOR THE SHOWING OF FILMS**

6.1 The provision of the exhibition of a film(s) is exempt from regulation by the Licensing Act if:-

EITHER

It consists of, or forms part of, an exhibit put on show for any purposes of a museum or art gallery(the LA03) does not define a museum or art gallery so the ordinary mean of the terms are taken)

OR:

Its sole or main purpose is to:-

- a) demonstrate any product
- b) advertise any goods or services(excluding the advertising of films), or
- c) provide information, education or instruction



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## Appendix 1

### Specimen Recommendations in relation to films authorised for exhibition:-

- a) The Age Recommendation, e.g.

"PERSONS UNDER THE AGE OF (INSERT APPROPRIATE AGE) WILL NOT BE ADMITTED TO ANY PART OF THE PROGRAMME"

or

"PERSONS UNDER THE AGE OF (INSERT APPROPRIATE AGE) WILL ONLY BE ADMITTED TO THE PROGRAMME WHEN ACCOMPANIED BY AN ADULT"

- b) That the premises licence or club premises certificate holder adopts a suitable management policy and procedure to monitor and enforce the recommendations on age restrictions.
- c) That the premises licence or club premises certificate holder displays in a conspicuous position a notice clearly stating that the Licensing Authority has authorised the film(s) for viewing by people ages (INSERT APPROPRIATE AGE) and above, but has not necessarily viewed it.
- d) That the age restriction applying to the exhibition of the film is incorporated into any promotional literature and onto any relevant web site including, where relevant, the licence holder's or exhibitor's web site.



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## APPENDIX 2

### Synopsis of film submitted for classification by the Licensing Authority

<b>Film name</b>	<b>Produced</b>	
<b>Showing at:</b>		
<b>Film synopsis – please given general outline of film including its context, overall tone and impact. Also advise if any of the matters below may be consider mild, moderate, strong, or very strong in nature and their frequency)</b>		
<b>General description</b>		
<b>Discrimination</b>		
<b>Drugs</b>		
<b>Horror</b>		
<b>Imitable behaviour</b>		
<b>Language</b>		
<b>Nudity</b>		
<b>Sex</b>		
<b>Violence</b>		
<b>PREMISES POLICIES</b>		
<b>Child Protection</b>		
<b>Staff policy</b>		
<b>Feedback procedures</b>		
<b>Notice Provisions</b>		
<b>Usher provisions</b>		
<b>Proposed age restriction</b>		

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## REVIEW OF THE COUNCIL'S STATEMENT OF LICENSING POLICY

<b>Committee</b>	Licensing Committee
<b>Officer Contact</b>	Sharon Garner
<b>Papers with report</b>	Revision of the Statement of Licensing Policy
<b>Ward(s) affected</b>	All

### SUMMARY

The Licensing Act 2003 requires the Council, as the Licensing Authority, to review its statement of licensing policy every 3 years. This is the second full review of the policy since the implementation of the Act in 2005. The Council will need to approve and adopt the revised policy which will be effective from 2011 to 2014.

### RECOMMENDATION

**That the Licensing Committee note the current position in regard to the review of the Statement of Licensing Policy.**

### ACTION INSTIGATED BY THE LICENSING SERVICE

In January 2010, a working party was convened to carry out the second full review of the Council's Statement of Licensing Policy. The working party was made up of the following officers:

- Norman Stanley – Licensing Services Manager
- Sharon Garner – Licensing Officer (the co-ordinating Officer in respect of the review)
- Kathryn Sparks – Deputy Director, Environment and Consumer Protection
- Ed Shaylor – Head of Community Safety
- Sue Pollitt – Trading Standards Service Manager
- Jaspal Wadra – Principle Environmental Health Officer
- Beejal Soni – Licensing Lawyer from Legal Services
- Mark Braddock (represented by Natasha Dogra) – Democratic Services Officer
- Sgt Ian Meens – Metropolitan Police Service
- Station Commander Martin Green (represented by Inspecting Officer Derek Bird) – London Fire & Emergency Planning Authority
- Paul Hewitt – Safeguarding Children and Quality Assurance Service Manager

The working party were of the opinion that the existing format of the current policy should be retained as it was concise and easy for Members, Officers and members of the public to use.

It was agreed that some sections of the policy needed to be amended in order to include the recent changes to the legislation, such as the new mandatory conditions. In addition, some members of the working party suggested changes to reflect the current working practices between the *'Responsible Authorities'*.

Licensing Committee

Part I – Members, Public & Press

1 July 2010

The proposed changes were subsequently circulated to all members of the working party for consideration and approval. On finally achieving a consensus of opinion, the proposed changes/amendments were inserted into the current policy (the changes are highlighted in red).

The revised policy was submitted to the full licensing committee for consideration and approval on 22<sup>nd</sup> April 2010.

Following the approval by full licensing committee the revised policy was sent out for full consultation.

Note:- The list of consultees is detailed on page 2 and 3 of the policy which is annexed hereto.

The consultation period commenced on the 14<sup>th</sup> May 2010 and ends on 6<sup>th</sup> August 2010.

A further working party meeting has been convened for 1<sup>st</sup> September 2010 to discuss any observations, comments or proposals that are received and if they are considered relevant, they will be inserted into the revised policy document.

The revised policy will then require formal approval from the full Licensing Committee on 30<sup>th</sup> September 2010, from RESPOC on 16<sup>th</sup> November 2010, from Cabinet on 16<sup>th</sup> December 2010 and finally full Council on 13<sup>th</sup> January 2011.

## LEGAL IMPLICATIONS

This report has been considered by the Borough Solicitor's Office for its legal implications in accordance with Council's procedures. There are no issues that need to be brought to the specific attention of Members other than those highlighted in the report.

## **BACKGROUND PAPERS**

- The Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003

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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 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).

6.2.4 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 Crime and Disorder objective.

6.2.5 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.

6.2.6 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.

6.2.7 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.

6.2.8 ~~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.

~~6.2.9 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.

6.2.10 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 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**

6.5.8 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

6.5.9 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 ~~will be~~ **are** 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 Government strongly believes 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, including 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.



9.4 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.

## **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 DELEGATIONS 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 complaint 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**

- 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.~~
- **CCTV to be installed of at least a minimum specification and quality, as advised by the LBH CCTV Manager, and meeting minimum standards of placement and quantity of cameras as advised by police. A digital recording system should be used and recordings should be kept in a secure management position, upon the premises, for a minimum period of thirty days.**
- 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

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** ~~an MPS After Promotion/Event Debrief Risk Assessment (Form 696A)~~ and submit this to the Metropolitan Police using the email as detailed below and the Licensing Authority, within 3 days of the conclusion of the event.

[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 artiste; 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**



## 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.streetartsnetwork.org/pages/publications](http://www.streetartsnetwork.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 c/o Northwood Police Station Murray Road Northwood HA6 2YW Attn Sgt I Meens <i>Hillingdon Police Enforcement</i> <i>*for all areas except Heathrow</i></p>
<p>Chief Officer of Police c/o Inspector <b>Robert Harrison</b> 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>Social 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  <i>Enforcing Authority for the Health and Safety at Work Act 1974</i></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 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,</b> <b>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

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# Agenda Item 7

## MEMBERS UPDATE ON SEX ENCOUNTER VENUES

<b>Committee</b>	Licensing Committee
<b>Officer Contact</b>	Stephanie Waterford      Tel: 01895 277232
<b>Papers with report</b>	None
<b>Ward(s) affected</b>	All

### SUMMARY

For members to receive an update on the legislative changes concerning the regulation of adult entertainment

### RECOMMENDATION

**That members note the report**

### INFORMATION

The Policing and Crime Bill received Royal assent and became the Policing and Crime Act 2009 on 12<sup>th</sup> November 2009. There are provisions within the Act which amend the Local Government (Miscellaneous Provisions) Act 1982 to broaden the definition of 'sex establishment'.

The Provisions introduce a new category of sex establishment - 'Sexual Entertainment Venue'.

Sexual entertainment venues have been introduced in order to control, by licensing, adult entertainment in lap-dancing/pole-dancing/striptease and similar establishments.

The Licensing Service and Legal Services have begun work on formulating a licensing policy and formulating procedures under the new provisions.

The policy will include our guiding principles/objectives, appropriateness of the location of sex establishments, waivers, expectations of the applicant, objections, determination of applications, conditions, inspection/enforcement etc. This list is not exhaustive and may be subject to change.

At the moment we are anticipating the following timetable for implementation:

May – Aug 2010	Draft licensing policy Carry out fees exercise
Sept – Oct 2010	Draft policy to full Licensing Committee to approve prior to public consultation

Oct – Dec 2010	Convene working party Start full consultation on policy
Jan – Feb 2011	Convene working party to discuss consultation results Finalise policy RESPOC/Cabinet/Council adopt policy Set fees
Feb – Mar 2011	Committee Training Produce application forms etc
April 2011	Start 12 month transitional period
April 2012	Provisions come fully into force

Committee members will each be part of the consultation exercise.

## **FINANCIAL IMPLICATIONS**

None at present

## **LEGAL IMPLICATIONS**

Members will recall from previous Reports that Schedule 3 of the Policing and Crime Act 2009 (“the 2009 Act”) inserted a new category of “sex establishment” called a “sexual entertainment venue” into Schedule 3 to the Local Government (Miscellaneous Provisions) Act, 1982 (the “1982 Act”).

Section 27 of the 2009 Act allows local authorities to regulate lap dancing clubs and similar venues under Schedule 3 of the 1982 Act and gives local authorities powers to control the number and location of lap dancing clubs and similar venues in their area. Where adopted, the provisions of Schedule 3 will allow the Authority the power to refuse an application on potentially wider grounds than is currently permitted under the Licensing Act 2003 and will potentially give residents a greater say over the regulation of lap dancing in pubs and similar venues in their area.

If the full Council does not make a resolution to adopt Schedule 3 of the 1982 Act within one year of the legislation coming into force (05 April 2011), then a consultation with residents must be held as soon as reasonably practicable about whether the provisions should be adopted.

In the event that the full Council resolves to adopt the provisions, a public consultation must be held on matters related to any regulatory policy and fees that the Council is minded to apply to sexual entertainment venues.

## **BACKGROUND PAPERS**

- The Licensing Act 2003
- Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982
- Part 2 of the Policing and Crime Act 2009





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# Agenda Item 8

## TOTAL NUMBER OF PREMISES AND PERSONAL LICENCES GRANTED UNDER OFFICER DELEGATED POWERS AND BY LICENSING SUB- COMMITTEES UP TO 30<sup>th</sup> MAY 2010

### Premises Licences

Type of Licence	No. issued
Clubs	89
Entertainment Premises	54
Hotels	34
Off Licences	254
Public Houses	152
Restaurants	149
Take Aways	76
Other	13
<b>Total</b>	<b>821</b>

### Personal Licences

Personal Licences	1944
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### Temporary Event Notices (TENS)

Issued from June 2009 to May 2010	362
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A list of all premises licences that have been determined using delegated licensing officer powers from January 2010 to April 2010

<b>Date Determined</b>	<b>Premises</b>	<b>Applicant</b>	<b>Licensable Activities</b>	<b>Operating Hours</b>
14-Apr-10	Vinpatmic Off Licence, 1 The Parade, High Street, Cowley	Vinpatmic Venture Ltd	Sale of Alcohol	0600-2400 each day
New premises	<i>New premises licence</i>			
19-Apr-10	Rendezvous, 120 High Street, Uxbridge	David O'Mahoney	Sale of alcohol	0900-0200 each day
Minor Variation	<i>Variation of licence conditions</i>		Regulated Entertainment	
			Late Night Refreshment	
28-Apr-10	McDonalds, 400 Bath Road, West Dr	MsDonalds Restaurants Ltd	Late Night Refreshment	0000-2400
Minor Variation	<i>Alteration of internal layout</i>			
28-Apr-10	McDonalds, 15 Mondial Way Bath Road, West Drayton	MsDonalds Restaurants Ltd	Late Night Refreshment	0000-2400
Minor Variation	<i>Alteration of internal layout</i>			
5-May-10	Pontis, Terminal 3, Heathrow Airport	Ponti's Retail Ltd	Sale of Alcohol	0000-2400
Minor Variation	<i>Alteration to internal layout</i>		Late Night Refreshment	
07 May 2010	Brunel University - Graduation Marquee	Brunel University	Sale of Alcohol	1100-1830 Mon-Fri July only
New premises	<i>New premises licence</i>			
15-May-10	Harefield Ex-Servicemens Club, High Street, Harefield	Harefield Ex-Servicemens Club	Sale of Alcohol	0800-2400
New premises	<i>New premises licence</i>		Regulated Entertainment	
			Late Night Refreshment	
17-May-10	Marks & Spencer, 54 High Street, Uxbridge	Marks & Spencer PLC	Sale of Alcohol	0800-2300
Minor Variation	<i>Alteration to internal layout</i>			

A list of all premises licences that have been determined using delegated licensing officer powers from January 2010 to April 2010

26 May 2010	Hillingdon Heath Post Office, 1 Blenheim Parade, Uxbridge Road	Radhika Tandon	Sale of alcohol	0600-2400
New premises	<i>New premises licence</i>			
26-May-10	Rendezvous, 120 High Street, Uxbridge	David O'Mahoney	Sale of alcohol	0900-0200 each day
Minor Variation	<i>Variation of licence conditions</i>		Regulated Entertainment	
			Lat Night Refreshment	
1-Jun-10	Lush Bar, 285 High Street, Uxbridge	Paul Robertson	Sale of alcohol	1000-0230
Minor Variation	<i>Alteration of internal layout</i>		Regulated Entertainment	
			Lat Night Refreshment	
3-Jun-10	Ruislip Kebab, 40 High Street, Ruislip	Farbair Ltd	Late Night Refreshment	1200-0200
Minor Variation	<i>Alteration of internal layout</i>			
9-Jun-10	World Duty Free, Arrivals Terminal 4, Heathrow	World Duty Free Ltd	Sale of alcohol	0000-2400 each day
Minor Variation	<i>Minor variation to licensing hours</i>			
9-Jun-10	World Duty Free, Arrivals Terminal 1, Heathrow	World Duty Free Ltd	Sale of alcohol	0000-2400 each day
Minor Variation	<i>Minor variation to licensing hours</i>			
9-Jun-10	World Duty Free, Arrivals Terminal 3, Heathrow	World Duty Free Ltd	Sale of alcohol	0000-2400 each day
Minor Variation	<i>Minor variation to licensing hours</i>			
14-Jun-10	Café, 1 Long Drive, South Ruislip	I S Johal & J S Johal	Sale of alcohol	0830-2300 each day
New premises	<i>New premises</i>			
16-Jun-10	Riverside Heathrow, Bath Road, Harlington	Aswin Kaumar Roda	Sale of Alcohol	1100-0200 each day

A list of all premises licences that have been determined using delegated licensing officer powers from January 2010 to April 2010

New premises	<i>New premises</i>		Regulated Entertainment	
			Late Night Refreshment	

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A list of Licensing Sub-Committee decisions from April to June 2010

<b>Date Determined</b>	<b>Premises</b>	<b>Reason for Hearing</b>	<b>Decision</b>
28-May-10	Airport Bowl, Bath Road, Hayes	Our policy states that a sub-committee must	Permit granted
	<i>Gaming machine permit application for 30 x gaming machines</i>	determine all applications for more than 5 machines	
1-Jun-10	Tiger Bar & Grill (ex Hambro Arms), Dawley Road, Hayes	Representations received from London Fire and	Application refused
	<i>New premises licence for the sale of alcohol, regulated entertainment and late night refreshment</i>	Emergency Planning Authority, Metropolitan Police Service and the Environmental Protection Unit.	

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<b>Period June 2009 to May 2010</b>														
<b>New premises licence applications by type and month</b>														
	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Totals</b>	
<b>Clubs</b>			3			1			1		1		<b>6</b>	
<b>Entertainment prems</b>					1	1	1		1				<b>4</b>	
<b>Hotels</b>													<b>0</b>	
<b>Off Licences</b>		2	2	1		2	1	1	1	1	1	2	<b>14</b>	
<b>Pubs</b>									1		1	1	<b>3</b>	
<b>Restaurants</b>	2	3								1		1	<b>7</b>	
<b>Take Aways</b>	1				1								<b>2</b>	
<b>Other</b>			1	1							1	1	<b>4</b>	
<b>Totals</b>	<b>3</b>	<b>5</b>	<b>6</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>2</b>	<b>4</b>	<b>5</b>	<b>40</b>	
<b>Variation and Minor Variation applications by type and month</b>														
	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Totals</b>	
<b>Clubs</b>		1			2								<b>3</b>	
<b>Entertainment prems</b>				1				1	1				<b>3</b>	
<b>Hotels</b>					1	1		1	2				<b>5</b>	
<b>Off Licences</b>	1		2	1		1			2				<b>7</b>	
<b>Pubs</b>	1	1			3		1	1	1				<b>8</b>	
<b>Restaurants</b>		2		2		2			1			1	<b>8</b>	
<b>Take Aways</b>					2								<b>2</b>	
<b>Other</b>													<b>0</b>	
<b>Totals</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>4</b>	<b>8</b>	<b>4</b>	<b>1</b>	<b>3</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>36</b>	

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