



# HILLINGDON

LONDON

## Statement of Licensing Policy The Licensing Act 2003

Effective – January 2021 to January 2026

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## **1.0 Introduction & Background**

1.1 The London Borough of Hillingdon is the Licensing Authority under the Licensing Act 2003 and is responsible for the administration and enforcement of the provisions relating to:

- Alcohol sales/supplies
- Regulated Entertainment
- Late Night Refreshment

1.2 The London Borough of Hillingdon currently has approximately 850 premises authorisations in force and 4100 personal licences held by individuals.

## **2.0 Policy Statement**

2.1 The Licensing Authority exercises a range of responsibilities including helping to develop a thriving food, drink and entertainment economy whilst safeguarding the local community against issues which may arise from licensed premises.

2.2 The London Borough of Hillingdon is required by Section 5 of the Licensing Act 2003, to determine and publish a statement of licensing policy at least once every five years. The Licensing Policy will provide the Authority with the fundamental principles in respect of carrying out its licensing functions.

2.3 The Policy is also intended to inform applicants, residents and other stakeholders about the way in which the Licensing Authority will make decisions and the operating standards expected from licensed premises in accordance with the licensing objectives.

2.4 In determining its policy, the Council will take into account the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003 (last updated on 24<sup>th</sup> April 2018).

2.5 In respect of all licensing functions and determination of any licensing policy, the Council has a duty to promote the four licensing objectives:

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

Each objective is of equal importance.

2.6 Determining and publishing a statement of its policy is a licensing function and so the Licensing Authority must have regard to the Guidance issued under Section 182 of the Act. The Licensing Authority may depart from this policy if the individual circumstances of any case

merit such a decision in the interests of the promotion of the licensing objectives. However, if this is done then the Licensing Authority shall give full reasons for departing from its policy.

### **3.0 Consultation**

3.1 In reviewing the Council's 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:

- Chief Officer of Police for Hillingdon
- London Fire Brigade
- Chief Planning Officer
- Hillingdon Safeguarding Children Board
- Health and Safety Executive and Hillingdon's Health and Safety Enforcement Team
- Public Health
- Trading Standards
- Enforcing Authority for Public Nuisance
- Bodies representing holders of current authorisations
- Resident's Associations
- Ward Members
- Hillingdon's Anti-Social Behaviour Investigations Team
- Transport for London (TfL)
- The London boroughs of Hounslow, Harrow, Ealing
- The borough councils of South Bucks, Three Rivers, Spelthorne, Slough
- Hillingdon Arts Council
- Individuals who have requested a copy of the draft policy. Home Office - Immigration

### **4.0 General Principles and the Role of the Licensing Authority**

4.1 The role of the Licensing Authority is to ensure control of the licensable activities at licensed premises, qualifying clubs, temporary events and the conduct of the personnel involved with the licensable activities as required under the Act.

4.2 Conditions attached to the Premises Licences and Club Premises Certificates granted by the Licensing Authority will relate to the licensing objectives and matters over which the Premises Licence Holder or Club Management Committees have direct control.

4.3 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.

- 4.4 Anti-social behaviour of patrons in and around a licensed premises and disturbance or nuisance which can be proved to be emanating from particular premises, will be a consideration for the Licensing Authority in its enforcement and decision-making role.

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

- 5.1 Many people and organisations are involved with, or affected by, the ways in which licensed premises are operated. Most are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance. Amongst the various stakeholders there will be a wide range of strategies that relate to, or are influenced by, the exercise of the Council's licensing function.
- 5.2 The Licensing Authority recognises the need to avoid, so far as possible, duplication with other regulatory regimes. Some regulations, however, do not cover the unique circumstances of some licensable activities. The Licensing Authority will consider attaching conditions to Premises Licences and Club Premises Certificates where; these are appropriate, reasonable and proportionate for the promotion of the licensing objectives; these are not already provided for in any other legislation; these are not contained within the applicant's operating schedule and if there are relevant representations
- 5.3 The Licensing Committee will be prepared to accept reports 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 or anti-social behaviour, community safety, social, and health and community development. 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.
- 5.4 Planning and public nuisance legislation carry the highest risk of duplication with the Licensing regime. While licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation. Relevant legislation may include the following:
- The Gambling Act 2005
  - The Environmental Protection Act 1990
  - The Noise Act 1996
  - The Clean Neighbourhoods and Environmental Act 2005
  - The Regulatory Reform (Fire Safety) Order 2005

- The Health and Safety at Work etc. Act 1974
- The Equality Act 2010
- The Immigration Act 2016
- Regulators' Code under the Legislative and Regulatory Reform Act 2006

### *Planning*

5.5 The licensing function is and should remain distinct from the Planning process. It will be for the planning process to determine land/building use decisions and the marketplace 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;
- The hours sought are within the limits authorised by any planning permission.

### *Enforcing Authority for Public Nuisance*

5.6 The Environmental Protection Unit is charged with enforcing regulations relating to Public Nuisance and is also a responsible authority for Public Nuisance matters under the Act.

5.7 It is accepted that the Licensing Authority will often work hand in hand with the Environmental Protection Unit where nuisance related issues occur at licensed premises. Whilst the Authority has a duty to uphold the prevention of public nuisance, it should be recognised that this duty will not replace the Authority's responsibilities under other legislation.

## **6.0 Partnership Working and Initiatives**

6.1 The Licensing Authority encourages work between the Licensing Authority, relevant authorities such as Police, Environmental Health, Trading Standards and the licence holder themselves in order to solve licensing problems and to promote the licensing objectives.

6.2 Groups representing licence holders are encouraged to participate in their local crime and disorder reduction partnerships, such as Pubwatch schemes.

6.3 The Licensing Authority has a duty to work with all partners in order to deliver the promotion of the licensing objectives.

### *Business Improvement Districts*

- 6.4 The Licensing Authority support and encourage further developments for Business Improvement Districts (BID's) where partnership arrangements and joint responsibility are formed with local businesses and stakeholders. BID's can play an important and positive role in discussing and tackling local issues and they have the ability to put forward appropriate schemes that are of benefit to the community.

More information on BID's can be found at:

<https://www.gov.uk/government/publications/business-improvement-districts-guidance-and-best-practice>

### *Best Bar None*

- 6.5 The Licensing Authority recognise the value of the Best Bar None Scheme in improving standards in the Evening and Night Time Economy. For example, they reduce alcohol related crime and disorder, build positive relationships between the licensed trade, police and local authorities and responsible owners are recognised and able to share good practice with others. Furthermore, they promote the town or city as a safe and vibrant city to go at night and shows a willingness to address alcohol related crime and anti social behaviour through the promotion of good practice and education.

More information on Best Bar None can be found at:

<https://bbnuk.com>

### *Purple Flag*

- 6.7 The Licensing Authority acknowledge that that Purple Flag status, an accreditation recognising a well managed night time economy, can bring real benefits which include:

- A raised profile and an improved public image for the location
- A wider patronage, increased expenditure
- Lower crime and anti-social behaviour
- A more successful mixed use economy in the longer term

More information on Purple Flag can be found at:

<https://www.atcm.org/purple-flag>

## **7.0 Equality Duty**

7.1 The Licensing Authority have a public sector equality duty to the following protected characteristics:

- Age
- Disability
- Sex, gender reassignment, sexual orientation
- Pregnancy and maternity
- Race, religion or belief
- Marriage and civil partnership

7.2 Under the Equality Act 2020 (S.149) a Public Authority must, in the exercise of its functions, have due regard to the need to:-

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the 2010 Act
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

7.3 The Licensing Authority has considered the Equality and Diversity issues that may arise from the Policy. The Local Authority considers that this policy does not raise any concerns with regards to equality and diversity.

## **8.0 Immigration Act**

8.1 Following the implementation of the Immigration Act 2016, the Licensing Authority will ensure that the “Entitlement to Work” test is checked and scrutinised for Personal Licence Holders and individual Premises Licence Holders, where the Premises Licence permits the sale of alcohol or late night refreshment.

8.2 Where an individual holding a Premises Licence within the Borough ceases to be entitled to work in the United Kingdom on or after 6th April 2017, the Premises Licence lapses immediately, and will lapse completely unless transferred or an Interim Authority lodged within 28 days of when the individual’s right to work ended.

8.3 A Personal Licence issued by the Licensing Authority will lapse when an individual is no longer entitled to work in the United Kingdom on or after 6th April 2017.

8.4 The Licensing Authority will work closely with the Home Office Immigration Enforcement (HIOE) as a Responsible Authority. The Licensing Authority will advise the HIOE where applicants have committed immigration offences and furthermore provide the HIOE assistance when entering and carrying out their enforcement duties at licensed premises within the Borough.

## **9.0 Modern Day Slavery**

- 9.1 The Licensing Authority acknowledges the implementation of the Modern Day Slavery Act 2015 and will therefore fully take on their responsibilities and statutory duties under the Act
- 9.2 This Licensing Authority recognises the role it can play in proactively preventing modern slavery, which includes consideration of:-
- Identification and referral of victims during inspections and visits
  - Reporting and referring for investigation via the National Crime Agency's national referral mechanism any of its licence holders or managers of premises as a cause for concern
  - Assisting partners with Community safety services and disruption activities.

## **10. Licensing Objectives - The Prevention of Crime and Disorder**

- 10.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment, can be a source of crime and disorder. The Licensing Authority will expect operating schedules to satisfactorily address these issues from the design of the premises through to the daily operation of the business. Applicants are recommended to seek advice from the Police Licensing Officer and Licensing Authority Officers prior to making any application as early advice can alleviate representations being made once an application is submitted. Full contact details for both are contained within the Responsible Authorities contact in appendix B.
- 10.2 Applicants should, where appropriate, take account of local planning and transport policies, and tourism, cultural and crime prevention strategies, when preparing their operating plans and schedules.
- 10.3 Where a number of premises may be in close proximity it may be difficult to attribute the disorder to patrons of particular premises, however 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.
- 10.4 When addressing crime and disorder, the applicant should identify any particular issues that are likely to affect adversely the promotion of the crime and disorder objective. They should then include in the operating schedule how they will deal with those matters.
- 10.5 Operating schedules should then show how they will address the issues identified. Further guidance on these measures is contained in Appendix B.

- 10.6 Applications referred to the Licensing Sub-Committee where relevant representations have been received will be determined on the individual merit of each case. The Licensing Sub-Committee has the power to impose specific conditions when considered appropriate in respect of the Crime and Disorder objective.
- 10.7 The Council's Licensing Officers will work closely with the Metropolitan Police Service to ensure licence conditions are met, matters relating to crime and disorder are resolved, and that licensed premises are being operated according to the requirements of the Act.
- 10.8 Following the grant of a premises licence, the Metropolitan Police Service, Elected Members and/or interested parties such as local residents and Ward Councillors can apply to the Licensing Authority for a review of the licence if they consider that the Prevention of Crime and Disorder objective has not been met and are relevant.
- 10.9 When making decisions about an application the Licensing Sub Committee will have regard to the Borough's Crime Prevention Strategy and any conditions attached to licences or certificates will so far as possible reflect local crime prevention strategies
- 10.10 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.
- 10.11 In the interest of public order and the prevention of terrorism, the Licensing Authority would expect that for significant events, a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Accordingly, for premises that wish to stage promotions, or events (see examples set out in Appendix B), the Licensing Authority recommends those applicants address the Risk Assessment and debrief processes in their operating schedule.
- 10.12 The Licensing Authority strongly encourages applicants to carry out a detailed and thorough risk assessment when carrying out promotions or events. Where the risk assessment identifies significant risks for an event or promotion then the Licensing Authority would normally expect the applicant to consult with the Police and the Licensing Authority.
- 10.13 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.

## **11.0 Licensing Objectives - Public Safety**

- 11.1 The Licensing Act 2003 Act covers a range of premises and activities, including cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways. Each of these types of premises presents a mixture of risks to public safety, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.
- 11.3 The Licensing Authority will expect operating schedules to satisfactorily address these issues and applicants are advised to seek advice from the Borough's Licensing Officers and the London Fire Brigade contact details can be found in appendix F, before preparing their plans and schedules. Where an applicant identifies an issue relating to public safety (including fire safety) that is not covered by existing legislation, the applicant should identify in their operating schedule the steps that they will take to ensure public safety. Where representations are received and upheld at a hearing, the Licensing Authority will consider attaching conditions to licences and permissions to promote safety.
- 11.4 If relevant representations are received from a Responsible Authority, Elected Members or interested parties the application will be determined by a Licensing Sub-Committee.
- 11.5 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 Public Safety objective.
- 11.6 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 if they consider that the Public Safety objective has not been met.
- 11.7 The Licensing Authority's Licensing Officers will conduct inspections of licensed premises to ensure that the approved safety standards are being maintained and that licence conditions are being complied with.
- 11.8 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.
- 11.9 The Council's Licensing Officers, Fire Safety Officers and Health & Safety Officers will work closely together to resolve matters relating to public safety in licensed premises.

## **12.0 Licensing Objectives - The Prevention of Public Nuisance**

- 12.1 Licensing Sub Committees will be mindful that licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises. When addressing public nuisance the applicant should identify any particular issues that are likely to affect adversely the promotion of the licensing objective to prevent public nuisance. They should then include in the operating schedule how they will deal with those matters. The concerns mainly relate to noise nuisance from within the premises or from the use of any outside areas, light pollution, smoke and noxious smells. This may also include patrons outside a premises and the dispersal of customers. Due regard will be given to the impact these may have and the Licensing Authority will expect operating schedules to satisfactorily address these issues.
- 12.2 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.
- 12.3 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.
- 12.4 In relation to smoking outside licensed premises, it is expected that:
- Suitable receptacles for customers will be provided and maintained to dispose of cigarette litter in areas used, or likely to be used, for smoking
  - Licensees will take all reasonable steps to discourage smoking on the public highway close to residential premises, particularly after 10pm. This could include measures such as a ban on customers taking drinks outside on to the public highway, the use of door supervisors, or imposing a time after which re-admissions to the premises will not be permitted
  - Garden areas to be cleared at a reasonable time where not doing so could cause nuisance to neighbouring residents.
  - Appropriate signage to be displayed prominently at the premises.
- 12.5 Where an application includes provision of a smoking shelter then the Licensing Authority expects the shelter to be situated as far as possible from neighbouring residential premises.
- 12.6 If relevant representations are received from a Responsible Authority, Elected Members or interested parties, the application will be determined by a Licensing Sub-Committee.
- 12.7 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.

- 12.8 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 if they consider that the Prevention of Public Nuisance objective has not been met.
- 12.9 The Licensing Authority's Licensing Officers will conduct inspections of licensed premises to ensure that the conditions relating to the prevention of public nuisance are being complied with.
- 12.10 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.
- 12.11 The Council's Licensing Officers and Environmental Protection Officers will work closely with the Council's Anti-Social Behaviour Investigations Team, requesting monitoring visits of specific premises and receiving feedback regarding the witnessing of statutory noise and public nuisance or the breach of licence conditions.

### **13.0 Licensing Objectives - The Protection of Children from Harm**

- 13.1 The range of 'licensed premises' under the Licensing Act 2003 is very broad. It includes pubs, cinemas, theatres, restaurants, off licences etc.
- 13.2 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.
- 13.3 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 sixteen 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 unless specifically prohibited by way of licence conditions.
- 13.4 Applicants and licence holders are encouraged to be mindful of the adult nature of licensed premises and to make adequate provision for the protection of children from harm in their operating schedules. Applicants are advised to contact the Safeguarding Children and Quality Assurance team directly to seek advice prior to submitting their application.
- 13.5 It is recognised that the Mandatory Conditions attached to premises licences where alcohol is sold/supplied must have in place an age verification scheme. The Licensing Authority would normally expect this

scheme to include a challenge for photo identification to all persons who appear to be under the age of 25 years i.e. 'Challenge 25'

- 13.6 If relevant representations are received from a Responsible Authority, Elected Members or interested parties the application will be determined by a Licensing Sub-Committee.
- 13.7 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.
- 13.8 Following the grant of a premises licence, the Council's Safeguarding Children and Quality Assurance team, Elected Members and/or interested parties such as local residents and businesses can apply to the Licensing Authority for a review of the licence if they consider that the Protection of Children from Harm objective has not been met.
- 13.9 The Licensing Authority's Licensing Officers will conduct inspections of licensed premises to ensure that the conditions relating to the protection of children from harm are being complied with.
- 13.10 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.
- 13.11 The Licensing Authority will expect that each operator dealing in the sale and supply of alcohol implements a proof of age policy in line with the Mandatory Licence conditions. The Authority expects premises licence holders to ensure that their staff are adequately trained and in every case where there is any doubt as to whether the customer is aged eighteen or over: 'No ID- No sale'.
- 13.12 It is expected that all refusals of alcohol shall be recorded by the operator in a Refusal or Incident Log. This Log should be made available for inspection to a Police Officer or authorised officer from the Local Authority when requested to produce it.
- 13.13 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*

- 13.14 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 Regulated Entertainment*

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

### **14.0 Public Health & Licensing**

14.1 The Director of Public Health in Hillingdon is a responsible authority under the Licensing Act 2003 and may; make representations in respect of premise licence applications and club premise certificates and may also apply to review premise licences and certificates.

14.2 Public Health may hold useful information which may be used by them to make representations in its own right or to support representations by other responsible authorities. These representations can potentially be made on the grounds of all four licensing objectives.

14.3 A range of public health issues may relate directly to one or more of the Licensing Objectives; for example, violent assaults, cases of alcohol poisoning at licensed premises, issues with loud noise emanating from premises.

14.4 Public Health may record data where intoxication of patrons at specific premises has led to accidents and injuries from violence including those resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. This information can be relevant to the public safety, public nuisance and crime and disorder objectives.

14.5 The Licensing Authority recognises the potential for Public Health to participate in the licensing process in relation to the protection of children from harm. This objective concerns the physical safety of children and also their moral and psychological wellbeing. Public Health may present evidence relating to under 18's alcohol-related emergency department attendance, hospital admissions and underage sales of alcohol linked to a specific premises and their practices.

14.6 The Licensing Authority will work with the Director of Public Health and his staff in order to identify and utilise relevant public health data within the licensing process. In addition, the Licensing Authority will support the

NHS and alcohol charities to raise awareness of the dangers of excess consumption of alcohol.”

## **15.0 Licensing Committee**

- 15.1 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 which may impact on their role.
- 15.2 The Licensing Act 2003 dictates that uncontested applications shall be granted and that such applications should be dealt with by specific officers who have been so delegated by the Licensing Authority.
- 15.3 Whenever relevant representations have been received from Responsible Authorities; Elected Members and/or Interested Parties in respect of an application, that application will be referred to a Licensing Sub-Committee for determination.
- 15.4 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.

## **16.0 Authorisations and Applications**

16.1 Here are a number of authorisations relating to:

- Sale/Supply of alcohol
- Regulated entertainment
- Late Night Refreshment

These are;

### *Premises Licences*

- 16.2 Any person aged eighteen years or over who is carrying on, or who proposes to carry on, a business that involves the use of premises for licensable activities may apply for a premises licence either on a permanent basis or for a time-limited period. ‘A person’ in this context includes a business or partnership.
- 16.3 A premises licence lasts indefinitely and may be transferred or varied at any time.
- 16.4 The premises licence application form and 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. Guidance as to what type of information should be included in the operating schedule is given in the appendices to this Policy.

- 16.5 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, incomplete Operating Schedule, the absence of the fee, absence of required plans or insufficient information detailed on the plans, as required under Section 23 of The Licensing Act 2003 (Premises Licences and Club Premises Certificates Regulations 2005). For personal licences also the absence of certificates or photographs.
- 16.6 Applicants are advised to seek advice from the Council's Licensing Officers and the Responsible Authorities concerning the licensing requirements for premises and/or licensable activities being applied for prior to completing their operating schedule. Large or unusual events need particular consideration and applicants are advised to consult the Council's Licensing Officers for guidance and to submit applications as far in advance as possible. When required, the Council's Licensing 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 licensing objectives in their operating schedules.
- 16.7 Notwithstanding 13.6 above, it is the applicant's responsibility to complete the application to a satisfactory standard and they should seek professional legal advice as necessary.

#### *Members Clubs*

- 16.8 Some activities carried out by clubs need to be licensed under the Act but generally, members clubs are treated differently to proprietary clubs and commercial premises. A club is an organisation where members have joined together for a particular reason i.e. social, sporting or political and have combined to buy alcohol in bulk as members of the organisation for supply to members. In order to apply for a Club Premises Certificate the club needs to be a 'Qualifying Club'.
- 16.9 Where there is doubt about the eligibility for a club premises certificate, the Licensing Authority will seek assurances and evidence from applicants that they are a qualifying club for the purposes of the Act. Such evidence may include membership records, minutes of committee meetings etc.

#### *Temporary Event Notices*

- 16.10 Anyone may give the Licensing Authority a Temporary Event Notice (TEN). This procedure allows people to hold an event involving

licensable activities without having to apply for a Premises Licence or Club Premises Certificate.

- 16.11 The Act provides a system for the temporary carrying on of any licensable activity outside of the terms of a premises licence or club premises certificate. Under this system no authorisation as such is required from the licensing authority. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event.

#### *Personal Licences*

- 16.12 To sell alcohol in licensed premises at least one person needs to hold a ‘Personal Licence’ which has been granted by the Licensing Authority where they live. This requirement does not apply to ‘qualifying clubs’.
- 16.13 In some premises there may be more than one person holding a ‘Personal Licence’ and it is important that one person is named as being in control, this person is called the ‘Designated Premises Supervisor’. The Designated Premises Supervisor is the key person who will usually be responsible for the day to day management of the premises.
- 16.14 There is one exemption from the need for a personal licence holder and “Designated Premise Supervisor” in line with the mandatory requirements of the Licensing Act 2003 section 19(2) and 19(3). That is in the case where a community premises (church, community and village halls etc.) has applied for and been granted an application to disapply these mandatory conditions.
- 16.15 In determining applications for personal licences the Licensing Authority will have regard to the guidelines issued by the Secretary of State under section 182 of the Licensing Act 2003 and any secondary legislation. The promotion of the four licensing objectives applies to the consideration of applications for personal licences equally as it does to applications for premises licences.

### **17.0 Representations**

- 17.1 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.
- 17.2 Representations can be made to the Council, as Licensing Authority, by a ‘Responsible Authority’ or by ‘Interested Parties’ which include individuals such as residents or bodies such as a residents association, trade associations and other businesses operating. Representations can be made concerning:-

- Applications for new premises licences or club premises certificates
  - Applications to vary premises licences or club premises certificates
  - Personal licence applications on criminal grounds (only by the Police)
- 17.3 Responsible Authorities are the public authorities specifically designated under the Licensing Act 2003 to be consulted on all licence applications and are also entitled to make representations. A full list of Responsible Authorities is attached as Appendix F.
- 17.4 The Licensing Authority expect other responsible authorities, where they have concerns, to raise representations that fall within their remit. For instance, where there are concerns of crime and disorder, then the police should submit a representation.
- 17.5 The Licensing Authority is not generally expected to act as a responsible authority on behalf of other parties such as residents. However, there may be times where the Licensing Authority may feel it is appropriate to do so. For instance, this may be where the relevant responsible authority have failed to take action and the Licensing Authority is aware of relevant grounds to make a representation.
- 17.6 Where the Licensing Authority does act as a responsible authority and wishes to submit a representation, they may do so by assessing the application, visiting the premises if they feel it is appropriate to do so and look at the potential impact the application will have on the Licensing objectives. In addition, the Licensing Authority shall check the history of the premises, assess the level of confidence it has with management and the compliance with conditions of the licence.
- 17.7 Each responsible authority has equal standing and may act independently without waiting for representations from any other responsible authority.
- 17.8 In cases where the Licensing Authority is also acting as responsible authority the Licensing Authority will ensure a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. For example, the Licensing Authority will distinguish the licensing case officer with the officer nominated to act as the responsible authority by allocating clear and distinct functions.
- 17.9 The Licensing Act 2003 also permits Elected Members to make representations on their own behalf as well as on behalf of their constituents. Members of the public who are making representations may also request that their Ward Councillor speaks on their behalf at public hearings to determine applications.
- 17.10 Representations about an application must be made in writing to the Council's Licensing Team within the statutory time limits.

- 17.11 Written representations include letters and emails. Representations received after the end of the public consultation period cannot legally be accepted and will not be considered by the Licensing Authority.
- 17.12 Representations must contain;
- a) The name, full address & post code, of the person making them;
  - b) The reasons for their representation;
  - c) Which of the four Licensing Objectives the representation relates to i.e. Crime and disorder; Public Nuisance; Public safety; Protection of children from harm.
- 17.13 Representations which do not meet this requirement may be rejected as being irrelevant or frivolous or vexatious.
- 17.14 Representations based on 'Need' for licensed premises, concerns the commercial demand for another pub, restaurant, off licence or hotel. This is not a matter for the licensing authority in discharging its licensing functions. 'Need' is a matter for planning committees and for the market. Representations made on the basis of need are likely to be rejected.
- 17.15 All valid representations will form part of a committee report that will become a public document. It will be given to the applicant, their agent, responsible authorities, other persons making representations and any other party requesting a copy as well as the Licensing Sub-committee 10 working days prior to the hearing. Anonymous representations will not be accepted.
- 17.16 Petitions may be submitted as (or as part of) a representation, but may not be as informative as individual correspondence and as such may be given less weight when considered by a Licensing Sub-Committee.
- 17.17 Petitions will only be accepted if on each sheet it clearly shows:
- The name and address of the application site,
  - Reasons for the representation, and
  - Which of the four Licensing Objectives are relevant.
- 17.18 Each petitioner must give their name, full address including post code.
- 17.19 Failure to comply with any of the above requirements could lead to the petition being rejected as a representation.
- 17.20 The Licensing Authority follows the guidance of the Secretary of State concerning the judgments of representation as being irrelevant, vexatious and frivolous. A representation would be 'irrelevant' if it does not relate to the application or to the promotion of the licensing objectives in the context of the application.
- 17.21 In considering whether or not a representation is 'vexatious or frivolous' the Licensing Authority must determine whether any ordinary and reasonable person would consider the matter to be vexatious or frivolous.

Vexation may arise where, for example, there is a dispute between rival businesses. Frivolous representations would be categorised by a lack of seriousness.

17.22 Where a representation is found to be irrelevant, vexatious or frivolous, the person making it will be informed and that representation will be disregarded.

## **18.0 The Role of the Ward Councillor**

18.1 Ward Councillors play an important role in the local community. They can make representations in writing and speak at the hearing on behalf of an interested party such as a local resident or local business if specifically requested to do so. They can also make representations as an interested party in their own right (see annex A with regard to Councillors making representations).

18.2 Ward Councillors may apply for a review of a licence if problems are brought to their attention which justify intervention and relate to the licensing objectives.

18.3 Ward Councillors are informed of all new applications and any application to vary a licence in their ward. Individual Councillors may publicise an application locally in addition to the statutory publication and advertising carried out by the applicant.

18.4 Local residents and businesses may wish to contact their local ward Councillors in respect of a licence application. Details on how to contact Ward Councillors may be obtained from the Council's Website.

18.5 Ward Councillors may attend hearings of licensing Sub Committees considering applications and speak on behalf of local residents and businesses, but only if;

- They have made a personal representation;
- They have made a representation on behalf of local residents or businesses as 'community advocates'
- They have been nominated by (an objector) who cannot attend the hearing or prefers to be represented at the hearing.

Note: Where a Ward Councillor makes representations upon an application within their ward, in writing, to the Head of Administrative, Technical and Business Services within the appropriate statutory period of consultation for the application, and this representation has been forwarded to the Licensing Authority, that application shall then be scheduled to be heard by the Licensing Sub-Committee for determination. The Ward Councillor must include in their representations the reasons why they wish the application to be determined by the Sub-Committee and how the

application adversely affects the licensing objectives. [policy clarification added by full Council on 7 September 2017]

- 18.6 If a Councillor as a Member of the Licensing Sub-Committee has been involved in campaigning about a particular application, they should declare any such interest and not take part in any licensing sub-committee hearing considering that application. This does not apply to a ward councillor attending a hearing in their capacity following representations, as an interested party or advocate in support or against a particular application

## **19.0 Decision Making and Licensing Hearings**

- 19.1 Applications for premises licences, club premises certificates, interim authorities, provisional statements, variation of designated premises supervisors and personal licences that do not attract representations will be granted under delegated authority and any conditions, apart from mandatory conditions, will reflect and be consistent with the applicant's operating schedule.
- 19.2 The Licensing Authority and other Responsible Authorities , where appropriate, may choose to mediate with the applicant and other parties with a view to alleviate concerns from the application and discuss potential conditions or further measures so agreement may be reached and that there is no longer a need to go to a formal hearing.
- 19.3 The Licensing Authority will form Sub-Committees consisting of three elected members led by one Chairman.
- 19.4 The full Licensing Committee will sit when it is considered appropriate to comply with any requirements of the Licensing Act 2003 or accompanying Regulations.
- 19.5 A Licensing Sub-Committee will sit to hear all applications for premises licences, club premises certificates, interim authorities, provisional statements, designated premises supervisors and personal licences which have attracted relevant representations from either a 'responsible authority' or 'other person'. A full scheme of delegations can be found at Appendix A
- 19.6 A Licensing Sub-Committee will also sit to hear cases where the police and/or the Council's Noise and Nuisance officers have opposed a Temporary Event Notice on the basis that, should the event go ahead, one or more of the licensing objectives would not be promoted.
- 19.7 Members will, at all times, comply with the council's member code of conduct which should set out the standards that members must observe.
- 19.8 Licensing Sub-Committee hearings will be broadcasted live on Hillingdon Council's YouTube Channel. Parties attending hearings will

be made aware that the Council will film and record proceedings for both official record and resident digital engagement in democracy.

- 19.9 It is important for the licensing authority and its committee to ensure that there is no unforeseen biasness in its decision-making.
- 19.10 The rules of natural justice will apply. For example, a party must know the case against them; anyone affected by a decision has a right to be heard; and no one should be a judge in his own cause.
- 19.11 All the parties will be given a full and fair hearing, that shall be conducted in an open, transparent and accountable manner.
- 19.12 Applications will be considered on the basis of whether they promote the four licensing objectives. Each application will be considered on its own merits and whilst consistency is important similar applications may be decided in different ways.
- 19.13 Any decisions made by the Licensing Sub Committee will be announced verbally at the end of the hearing where possible, and a Decision Notice will be sent in writing to the applicant and any person who has made a valid representation within five working days.

## **20.0 Licence Conditions**

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

- The measures put forward on the Operating Schedule
  - Mandatory conditions within the Act (current list included as Appendix G)
- Measures decided at a hearing by the Licensing Sub Committee

20.2 Conditions attached to licences by the Licensing Authority that have been proposed by the applicant in their operating schedule should be consistent with the steps set out in the operating schedule. This means that the effect of these conditions should be substantially the same as that intended by the terms of the operating schedule.

20.3 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 address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity, as well as patrons of the licensed premises.

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.

Conditions imposed by the Licensing Authority shall be appropriate, reasonable, and proportionate and should be determined on a case-by-case basis.

- 20.4 The Licensing Authority will not impose standard conditions upon every licence issued, however it may have regard to model conditions produced by the Government and/or the Institute of Licensing and it may choose to impose these in appropriate circumstances.

## **21.0 Enforcement**

- 21.1 The Licensing Authority expects all licence holders to adhere to conditions attached to their premises licence and to fully promote the licensing objectives. This is also expected from holders of Club Premises Certificates, users of Temporary Event Notices and Personal Licence holders of the Borough.
- 21.2 Authorised officers of the Council will carry out both pro-active risk rated inspections and re-active inspections to investigate complaints and referrals to ensure compliance.
- 21.3 The Licensing Authority shall focus on agreed problem and high-risk premises which require greater attention, while providing a lighter touch for low risk premises or those that are well run. This should ensure that the Council resources are used efficiently and effectively. Factors to be taken into account when determining whether a premises is considered high risk or not include: history of compliance from pro-active licensing inspections, history of complaints, information or referrals from Responsible Authorities and confidence in management at the premises.
- 21.4 The Licensing authority reminds operators of licensed premises that it is incumbent on them to provide appropriate training for their staff to ensure the promotion of the licensing objectives. For example, this includes training in relation to age verification and the prohibition of the sale and supply to intoxicated persons.
- 21.5 It is a criminal offence under section 136 of the 2003 Act to carry on any of the licensable activities other than in accordance with a licence or other authorisation under the 2003 Act. **It is also an offence for a person to knowingly carry out this unauthorised licensable activity.** The fine for this offence is unlimited. The local authority, the Police and other authorised persons under the Act have powers to take action in relation to premises carrying on unauthorised activities.
- 21.6 Any enforcement action taken in relation to the duties of this Licensing Authority under the Licensing Act 2003 will comply with the London Borough of Hillingdon Council's current 'Prosecutions and Sanctions Policy'

- 21.7 The Council also supports the 'Hampton Principles' of avoiding duplication when carrying out inspections and will endeavour to carry out its inspections of licensed premises in accordance with those principles.
- 21.8 Enforcement Officers will also comply with 'The Code for Crown Prosecutors published by the Crown Prosecution Service which can be accessed at:  
<https://www.cps.gov.uk/publication/code-crown-prosecutors>
- 21.9 The Licensing Authority's Officers may carry out joint enforcement inspections with Metropolitan Police officers and other authorised officers of the Responsible Authorities.

## **22.0 Reviews**

- 22.1 At any stage following the grant of a premises licence or a club premises certificate, an application for a review application 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.
- 22.2 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
- 22.3 The Licensing Authority will be prepared to facilitate mediation between the licensee and those who may be intending to review the licence, depending upon the severity of the individual circumstances.
- 22.4 It is recommended that applications for review of premises licences are not made until at least six months after the grant of a licence in order to allow time for evidence to be gathered on the grounds for review.
- 22.5 Premises subject to review must display a statutory notice so that it is visible to passers-by, stating the ground for review and advising those who wish to make a representation to write to the Licensing Authority.
- 22.6 The Licensing Authority will also publish similar notices on the Council's website.
- 22.7 The Violent Crime Reduction Act 2006 gives the police power to review a premises licence with immediate effect where a senior police officer considers there is the risk of serious crime or disorder at the premises. This is known as an 'expedited review'.

- 22.8 Where an 'expedited review' has been applied for by the Police, the Licensing Authority will convene a Licensing Sub-Committee who will consider any interim immediate steps that may include modifying the licence conditions, suspending the licence or removing the designated premises supervisor (DPS). Interim steps will be imposed by the Licensing Sub-Committee within two working days from receipt of the application. There is no requirement for a formal hearing to be held in order to take interim steps. Therefore, the relevant sub-committee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.
- 22.9 The Licensing Sub-Committee may impose interim steps without consulting with the licence holder, however, every effort will be made to contact the licence holder and inform him of the review. If interim steps are imposed, the Licensing Authority shall immediately notify the licence holder and the police. The licence holder is entitled to make representations at this stage and a hearing will be held to facilitate this. The Licensing Authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the chief officer's application.

### **23.0 Cumulative Effect**

- 23.1 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.
- 23.2 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 consider introducing controls over the issue of new licences through a 'Special Policy' (to limit the number of licensed premises)
- 23.3 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.

- 23.4 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.
- 23.5 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.
- 23.6 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.
- 23.7 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.

#### **24.0 Mobile, Remote and Internet Sales**

- 24.1 The Licensing Authority may receive applications for the sale of alcohol where payment is not necessary taken at the same place where alcohol is appropriated to the contract. This situation occurs when sales are made online, by telephone, or mail order. The sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. It will be the premises at this location which need to be licensed.
- 24.2 In these cases, the Licensing Authority will ensure that the subsequent premises licence will be subject to appropriate conditions including the times of day during which alcohol may be sold and also the mandatory licence conditions such as age verification measures.
- 24.3 Operators who run premises providing 'alcohol delivery services' should advise the licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate to attach to the applicant's premises licence.
- 24.4 Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, should contact their licensing authority for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required.
- 24.5 The Licensing Authority may also receive mobile, remote, internet sales for late night refreshment such as fast food orders. Applicants should be mindful of the impact of such applications on the licensing objectives particularly the prevention of public nuisance. For instance, there may

be concerns of vehicles or noise created by waiting vehicles or drivers outside the premises for pick up. Applicants should put in place appropriate measures and address these issues in their operating schedule.

## **25.0 Licensing Hours**

- 25.1 Prior to the introduction of the Licensing Act 2003, it was believed that 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.
- 25.1 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.
- 25.3 Arbitrary restrictions that would undermine the principle of flexibility will therefore be avoided. The four licensing objectives will be paramount at all times and the Council will always consider the individual merits of each case.
- 25.4 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 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.
- 25.5 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.

## **26.0 Exemptions**

- 26.1 There are a number of circumstances where entertainment related activities are exempt from regulation. These activities are specifically addressed in detail in the Section 182 Guidance. In summary, these are:
- Live Music
  - Recorded Music
  - Plays

- Performances of Dance
- Indoor Sport
- Any entertainment provided by a local authority, school or hospital
- Community exhibitions of film

26.2 The exemption for entertainment is subject to certain conditions relating to the timings of the entertainment and maximum audience numbers, i.e. between the hours of 08.00 and 23.00 and for audiences of no more than 500 people.

26.3 In licensed premises, where the exemptions apply, any conditions relating to entertainment would be suspended between the hours of 08.00 and 23.00. However, the Licensing Authority is empowered to lift the suspension of licence conditions upon a licence review where there are demonstrable effects on one or more of the licensing objectives.

26.4 It should be noted that any dance performances of an adult nature, involving nudity, are still regulated under the Local Government (Miscellaneous Provisions) Act 1982 and separate permission would apply.

## Appendix A

### TABLE OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	SUB-COMMITTEE	OFFICERS
Application for 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 relevant representation made	If no representation made
Application for provisional statement	If a relevant representation made	If no representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no representation made
Application to vary designated premises supervisor	If a Police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Police objection	All other cases
Application for Interim Authorities	If a Police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a representation/objection is irrelevant, frivolous, vexatious, etc.		All cases
Decision to object when local authority is a consultee and not the lead authority	All cases	
Determination of an objection to a Temporary Event Notice	All cases	
Revocation of Personal Licence where convictions come to light after grant	All cases	
Determination of application by Community Premises to include alternative licence condition	If a Police objection	All other cases
Decision whether to consult other responsible authorities on minor variation applications		All cases
Determination of minor variation applications		All cases

## **APPENDIX B – PREVENTION OF CRIME AND DISORDER**

Examples of measures to prevent crime and disorder which applicants are encouraged to give when completing their Operating Schedules:

- Use of crime prevention notices – For use in circumstances where it would be helpful to warn customers of prevalence of crime which may target them, for instance, to warn of pickpockets or bag snatchers
- Publicising details of the premises operation – Display details of the premises opening, closing times and permitted times for licensable activities
- Installing CCTV – The presence of CCTV cameras can be an important means of deterring crime both inside and outside of the premises. It can also help to provide valuable evidence in the event that an incident does occur. CCTV should be maintained in good working order and used at all times with a thirty one day library of recordings maintained at all times. In addition, a staff member who is able to operate the CCTV system shall be on the premises at all times when the premises is open. The staff member shall be able to provide the Police or authorised officer copies of recent CCTV images or data with minimum delay when requested.
- An incident log shall be kept at the premises and made available on request to a Police Officer or an authorised officer. The following incident should be recorded in the log:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service
- Removing low cost high strength alcohol from offer – To help reduce street crime and violence and anti-social behaviour from public drunkenness
- Developing a drugs policy in conjunction with the police – Establish a clear written anti-drugs policy and publicise this to customers
- Preventing counterfeit products, such as alcohol, tobacco, DVDs, CDs and other goods from being offered for sale upon the premises
- Exercising control over the removal of open drink containers – To prevent the use of containers as weapons in the street

- Using plastic containers and toughened glass – Consideration should be given to the use of safer alternatives to glass which would inflict less severe injuries if used as weapons. Note: That any glass alternatives used for measuring draft beer and cider must be lawful for trade use under weights and measures legislation.
- Introducing bottle bans – Decant drinks into glasses before being handed across a bar
- Providing seating for customers – sufficient to ensure that the majority of customers do not have to stand
- Ensuring good availability of soft drinks and food
- Employing an appropriate number of SIA registered door supervisors – Valuable for maintaining orderly behaviour in queues; searching and excluding those suspected of carrying offensive weapons, or illegal drugs; keeping out banned individuals; or controlling admissions and departures
- Making personal searches by door supervisors a condition of entry – Including the provision of signage and female SIA for personal searches conducted on female customers and performers
- Providing door supervisors with search wands / search arches – Maintained in good working order and used on all occasions
- Providing a drugs and weapons box – Kept under the direct control of premises management with all seized drugs and weapons to be handed over to the police in accordance with the police code of practice
- Installing ID scanning and recording equipment – Requiring all patrons to provide ID and agree to being recorded. Provide notices to this effect in conjunction
- Establishing a last admissions policy – For both admissions and readmissions. Publicise this at the premises
- Establishing a dispersals policy – Helping to reduce the potential for disturbance to local residents
- Co-operating with the police and Council on venue hire agreements – Providing good notice (at least one month) of all internal and external promoters engaged at the premises. Also comply with requests from the police not to engage a specific promoter where this is recommended by the police for crime and disorder
- Specifying that there shall be a personal licence holder on duty on the premises at all times when the sale of alcohol can take place

Premises Licence Holders and representatives from Clubs are expected to participate in Pub Watch, Club Watch, Business Watch and Radio Link and similar schemes.

## **Dispersal**

The Licensing Authority considers the orderly dispersal of customers from licensed premises to be an important factor in promoting the licensing objectives. In considering any application for the grant or variation of a licence serious consideration will be given to the dispersal arrangements from the premises and the effect that granting the licence might have on the dispersal arrangements of other licensed premises in the area. The Licensing Authority will pay particular attention to an application which may delay orderly dispersal or is likely to encourage people to remain in the vicinity.

## **Drugs**

The Licensing Authority recognises that drug misuse is not something that is relevant to all licensed premises however it is committed to the reduction and eradication where possible of drugs from licensed premises as part of its role in promoting the Crime and Disorder licensing objective.

If relevant representations are received to following an application for the grant or variation of a licence, special conditions may be imposed to support the prevention of the sale, supply and consumption of drugs.

In premises where drugs misuse is problematic and where the Police or others apply for a 'Review' of the licence, the Licensing Authority will consider this as being very serious and will give appropriate consideration to the full range of options available including the suspension and revocation of the licence. The Licensing Authority recognises that each case is individual and will be decided on the facts and its specific merits.

## **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.

## APPENDIX C – PUBLIC SAFETY

### Examples of measures to promote Public Safety may include:

- The setting of a safe capacity limit – This is important in order to prevent overcrowding
- Escape routes to be clear, unobstructed, well maintained, immediately available and clearly identified in accordance with the plans provided.
- The approved arrangements at the premises, including the means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment shall at all times be maintained in good condition and full working order.

Appropriate measures to ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway Publications which applicants should consider when preparing their operating schedules:-

- 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
- 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
- Purple Guide - A guide to health, safety and welfare at large events <http://www.thepurpleguide.co.uk/>
- 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'

## APPENDIX D – PREVENTION OF PUBLIC NUISANCE

Relevant issues might include:

- Preventing noise and vibration escaping from the premises, including music, noise from plant and patrons
- Preventing disturbance by patrons arriving at, gathering outside of, being admitted or re-admitted to or departing from the premises, particularly, but not exclusively between 11pm and 7am hours
- Preventing vehicle queues forming outside of the premises, or where some form of queuing is necessary, the steps to prevent disturbance or obstruction
- Ensuring clear up operations conducted by staff do not cause a nuisance and that staff leave the premises quietly
- Addressing arrangements made for parking by patrons
- Considering whether there is sufficient public transport provision and where licensed taxis or private hire vehicles are likely and any arrangements made to prevent disturbance to local residents
- Controlling disturbance that may be caused by the use of gardens / terraces / external and other open-air areas including the highway, particularly in relation to smoking and the passage of patrons between internal and external areas
- Preventing nuisance from the positioning and operation of plant and machinery such as kitchen extraction systems, ventilation plant, condensers
- Restricting delivery and collection times (waste, equipment and consumables) to between 8am and 8pm hours
- Limiting any nuisance or glare caused by the positioning of external lighting, including security lighting
- Preventing odour or pests from refuse storage and waste disposal and the accumulation of litter and smokers waste in the vicinity of the premises
- The need for regular patrols of the boundary of the premises and / or at the nearest residential to ensure nuisance impacts are not being experienced by neighbours.

Management controls should be considered for:

- The numbers of persons using any licensed external area at any one time
- The hours of operation of any licensed external area, requiring patrons to return back into the premises at a specific time. In residential areas, this is particularly important
- The numbers of smokers allowed outside of the premises at any one time
- The taking of drinks outside of the premises when patrons step outside to smoke. This can be assisted by providing a 'drinks safe' area for patrons who temporarily leave the premises
- Queues of patrons awaiting admission and how these are arranged
- The areas within which patrons may congregate outside of the premises, restricting them, for instance, to the curtilage or footprint of the premises
- The times within which live music and / or amplified sound may be played in any external area or marquees or relayed by external speakers (where permitted under the terms of the licence)
- The times within which barbecues or other cooking facilities may be provided within any external area
- Terminal hour for last admissions and readmissions to the premises
- The supervision of patrons using any external area so as to prevent nuisance and disturbance
- Arrangements made with local cab companies calling for customers, requiring that they call within the premises for their customers without sounding their horn in the street
- The reduction of music levels within the premises 30 minutes before closing so as to reduce levels of excitement among patrons upon leaving
- The display of notices at exit points asking patrons to 'please leave quietly' and be mindful of local neighbours when leaving the premises
- The supervision of patrons outside of the premises to ensure quick dispersal from the immediate area upon closing time

- The clearance of any litter created by the operation of the premises
- The hours during which external activities such as the handling and removal of waste or musical equipment or the delivery of goods
- Restricting the use of artificial lighting outside of the premises so as to reduce the potential for light nuisance
- Applicants are advised to seek advice from the Council's Environmental Health Officers contact details can be found in appendix F before preparing their plans and operating schedules. Where representations are received and upheld at a hearing the Licensing Authority will consider attaching conditions to licences and permissions to prevent public nuisance.

Publications which should be considered when preparing operating schedules:

- a) British Standard 4142 2014: Methods for rating and assessing industrial and commercial sound
- b) London Borough of Hillingdon Supplementary Planning Guidance - Noise
- c) Control of 'Noise' published by the British Beer and Pubs Association

## APPENDIX E – PROTECTION OF CHILDREN FROM HARM

The Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:

- Limitations on the hours when children may be present.
- Limitations on the presence of children under certain ages when particular specified activities are taking place.
- Limitations on the parts of premises to which children might be given access.
- Limitations on ages below eighteen.
- Requirements for an accompanying adult.
- Full exclusion of people under eighteen from the premises when any licensable activities are taking place.

The following are examples of premises that will raise concern:

- Where entertainment or services of an adult or sexual nature are commonly provided.
- Where there have been convictions of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking.
- A known association with drug taking or drug dealing.
- Where there is a strong element of gambling on the premises.
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

## APPENDIX F

Responsible Authorities:

<p><b>The Licensing Service</b></p> <p>London Borough of Hillingdon Civic Centre 4W/01 High Street Uxbridge UB8 1UW</p> <p><a href="mailto:licensing@hillingsdon.gov.uk">licensing@hillingsdon.gov.uk</a> <i>Licensing Authority</i></p>	<p><b>Police Licensing Dept</b></p> <p>Uxbridge Police Station 1 Warwick Place Uxbridge UB8 1PG</p> <p><a href="mailto:xh@met.pnn.police.uk">xh@met.pnn.police.uk</a></p> <p><i>Hillingdon Police Enforcement</i> <b>For all Areas</b></p>
<p><b>Fire Safety Regulation: North West Area 1</b></p> <p>London Fire Brigade 169 Union Street London Se1 0LL Attn: North West Area Team</p> <p><a href="mailto:FSR-AdminSupport@london-fire.gov.uk">FSR-AdminSupport@london-fire.gov.uk</a></p>	<p><b>Service Manager- Safeguarding Children and Quality Assurance 4S/07</b></p> <p>Social Services London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p><a href="mailto:safeguardingchildrenadmin@hillingsdon.gov.uk">safeguardingchildrenadmin@hillingsdon.gov.uk</a></p> <p>A body involved in the Protection of Children from Harm</p>
<p><b>Health &amp; Safety Executive</b></p> <p>Rose Court 2 Southwark Bridge London SE1 9HS <a href="http://www.hse.gov.uk">www.hse.gov.uk</a></p> <p><i>Enforcing Authority for the Health and Safety at Work Act 1974</i></p>	<p><b>Trading Standards Service</b></p> <p>London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p>Attn Divisional Trading Standards Officer</p> <p><a href="mailto:tradingstandards@hillingsdon.gov.uk">tradingstandards@hillingsdon.gov.uk</a></p> <p><i>Enforcing Authority under the Weights and Measures Act 1985</i></p>
<p><b>Environmental Protection Unit</b></p> <p>London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p><a href="mailto:asbinvestigations@hillingsdon.gov.uk">asbinvestigations@hillingsdon.gov.uk</a></p>	<p><b>Head of Planning</b></p> <p>London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p><a href="mailto:Planning@hillingsdon.gov.uk">Planning@hillingsdon.gov.uk</a></p> <p><i>The Planning Authority</i></p>

<p><i>Enforcing Authority for matters relating to Environmental Pollution and Public Nuisance</i></p>	
<p><b>Public Health</b></p> <p>London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p><a href="mailto:shajioff@hillingdon.gov.uk">shajioff@hillingdon.gov.uk</a></p> <p><i>Health Authority Body</i></p>	<p><b>Food, Health &amp; Safety Team</b></p> <p>London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p><a href="mailto:EnvironmentalhealthCP@hillingdon.gov.uk">EnvironmentalhealthCP@hillingdon.gov.uk</a></p> <p><i>Enforcing Authority for the Health and Safety at Work Act 1974</i></p>
<p><b>London Waterways</b></p> <p>Canal &amp; River Trust Docklands Office 420 Manchester Road London E14 9ST</p> <p><a href="mailto:enquiries.london@canalrivertrust.org.uk">enquiries.london@canalrivertrust.org.uk</a></p>	<p><b>Home Office (Immigration Enforcement)</b></p> <p>Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY</p> <p><a href="mailto:alcohol@homeoffice.gsi.gov.uk">alcohol@homeoffice.gsi.gov.uk</a></p>

## **Appendix G - Current Mandatory Conditions under the Licensing Act 2003**

### **All Premises Licence authorising supply of alcohol**

1. No supply of alcohol may be made under the Premises Licence –
  - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
  - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(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.
  - 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 in a manner which carries a significant risk of undermining a licensing objective;
  - 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 in a manner which carries a significant risk of undermining a licensing objective;
  - d) 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.
  - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
    - (a) a holographic mark or
    - (b) an ultraviolet feature.
6. 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) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

### **Minimum Drinks Pricing**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

Where—

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence-

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.  
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **If the Premises Licence allows Exhibition of Films**

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3) (b) 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
  - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section “children” means any person 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(c39) (authority to determine suitability of video works for classification).

**If the Premises Licence has conditions in respect of Door Supervision except theatres, cinemas, bingo halls and casinos**

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
  - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - (b) be entitled to carry out that activity by virtue of section 4 of the Act.
  
2. But nothing in subsection (1) requires such a condition to be imposed:
  - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
  - (b) in respect of premises in relation to:
    - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
    - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
  
3. For the purposes of this section:
  - (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
  - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## Annex A

Clarification added by full Council on 7 September 2017 with respect to ward councillors making representations:

Where a Ward Councillor makes representations upon an application within their ward, in writing, to the Head of Administrative, Licensing, Technical and Business Services within the appropriate statutory period of consultation for the application, **and this representation has been forwarded to the Licensing Authority** that application shall then be scheduled to be heard by the Licensing Sub-Committee for determination. The Ward Councillor must include in their representations the reasons why they wish the application to be determined by the Sub-Committee **and how the application adversely affects the licensing objectives.**