

# Extraordinary Meeting of the Council of the London Borough of Barnet

TO BE HELD ON

**Monday, 7 January 2008 at 6.00pm**

---

## **A G E N D A**

---

### **FACILITIES FOR PEOPLE WITH DISABILITIES**

The Town Hall has facilities for wheelchair users, including lifts and toilets. The Council Chamber has an induction loop so that those who have hearing difficulties can hear the debate.

If you wish to let us know in advance that you will be attending the meeting, please telephone Janet Rawlings and Maria Lugangira on 020 8359 2156 and 020 8359 2761 respectively (direct lines). People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942.

### **FIRE/EMERGENCY EVACUATION PROCEDURE**

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by Committee staff or by uniformed porters. It is vital you follow their instructions.

- You should proceed calmly; do not run and do not use the lifts.
- Do not stop to collect personal belongings.
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions.
- Do not re-enter the building until told to do so.

CORPORATE GOVERNANCE DIRECTORATE

## Council Meeting

### 7 January, 2008 Agenda and Timetable

Item	Subject	Time for Debate	Page Nos.
1.	Prayer		
2.	Apologies for absence		
3.	Declarations of interest		
4.	Report of the Licensing Committee – 12 December 2007. (Item 12.2 of the Agenda for the 18 December Meeting refers. The meeting was adjourned before this item was considered)		Please will Members retain their papers from the 18 December Meeting

Janet Rawlings, Democratic Services Manager  
Town Hall  
The Burroughs, Hendon, NW4 4BG

## Agenda Item 12.2

### REPORT OF THE LICENSING COMMITTEE

12 December 2007

Committee:

\*Councillor Andreas Tambourides (Chairman)

\*Councillor Kate Salinger BEd (Hons) (Vice-Chairman)

Councillors:

\*Terry Burton

\*Claire Farrier

\*John Hart BA MA

\*Julie Johnson

Kath McGuirk

\*Andrew McNeil

\*Susette Palmer MA

\*Wendy Prentice

\*Hugh Rayner

\*Lisa Rutter

\*Joanna Tambourides

\*Jim Tierney

Marina Yannakoudakis BSc(Hons),MA

#### 1. REVIEW OF THE LICENSING POLICY

The Committee considered the attached report of the Director of Corporate Governance, including the revised draft of the Licensing Policy following consultation. It was noted that the majority of respondents to the consultation were satisfied with the reviewed draft policy.

The Committee

**RECOMMEND** that Council adopt the reviewed draft policy so that it can be published on or before the 7<sup>th</sup> January 2008 in accordance with the Licensing Act 2003.

**AGENDA ITEM: 5** Page nos. 1 - 40

Meeting	Licensing Committee
Date	12 December 2007
<b>Subject</b>	<b>Review of the Licensing Policy</b>
Report of	Director of Corporate Governance
Summary	The Licensing Act 2003 places a responsibility on all licensing authorities to publish a licensing policy every 3 years. The last policy was published in January 2005. This is a report on the outcome of formal consultation on the Council's new draft policy.

Officer Contributors	Paul Lamb, Community Protection Group Manager Debra Allday, Senior Solicitor Advocacy Emma Phasey, Acting Licensing Team Leader
Status (public or exempt)	Public
Wards affected	All
Enclosures	Appendix 1, summary of replies to questionnaire Appendix 2, questionnaire table summarising responses to consultation Appendix 3, proposed Licensing Policy
For decision by	Licensing Committee
Function of	Council
Reason for urgency / exemption from call-in (if appropriate)	N/A

Contact for further information: Emma Phasey, 0208 359 2119, [Emma.Phasey@Barnet.gov.uk](mailto:Emma.Phasey@Barnet.gov.uk)

## **1. RECOMMENDATIONS**

- 1.1 That the proposed Licensing Policy be approved by the Licensing Committee and that they will recommend it for adoption by full Council on 18<sup>th</sup> December 2007 so it can be published on or before 7th January 2008 in accordance with the Licensing Act 2003.**

## **2. RELEVANT PREVIOUS DECISIONS**

- 2.1 Decision of the Licensing Committee on 30<sup>th</sup> August 2007 to approve for consultation the draft licensing policy.

## **3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 3.1 The licensing policy supports the corporate priority of a Clean, Green and Safe Borough by ensuring that the sale of alcohol and provision of entertainment is properly regulated. The objectives of the policy as determined by the Licensing Act 2003 are the prevention of crime and disorder, public nuisance, protecting children from harm and public safety, which further contribute to the corporate priorities of a bright future for children and young people, a successful suburb and strong and healthy.
- 3.2 The policy will support objectives and targets contained within the Sustainable Community Strategy 2006 – 2016, Local Area Agreement 2007/08 – 2009/10, Corporate Plan 2007/08 – 2010/11 and the Crime and Disorder and Drugs Strategy for Barnet 2005 – 2008.

## **4. RISK MANAGEMENT**

- 4.1 Failure to review and adopt a licensing policy would be in breach of a legislative requirement of the Licensing Act 2003 and would mean that decisions of the Licensing Committee would not be valid.
- 4.2 The adoption of an unsound policy may result in poor licensing decisions being taken and could cause difficulty to businesses, residents and responsible authorities. This would leave the policy open to challenge by way of Judicial Review in relation to the Statement of Licensing Policy and/or appeal of a Licensing Committee decision to the Magistrates' Court. This would adversely affect the Councils reputation

## **5. EQUALITIES AND DIVERSITY ISSUES**

- 5.1 The Council has a legal obligation to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups. An equalities assessment will therefore be performed on the policy.

- 5.2 When considering licensing applications and representations only issues provided for in the Licensing Act 2003 and associated guidance in addition to the authorities Statement of Licensing Policy will be taken into account. This will ensure a consistent approach is adopted. Every application under the terms of the policy will be considered on its own merits regardless of the race, colour, nationality, ethnic origin, sex, marital status, disability or age of the individuals involved.
- 5.3 The community in Barnet is diverse and rich with a broad range of cultural activities and entertainments. Applications will be dealt with in accordance with the Act. Guidance issued and licensing conditions will only be imposed that are reasonable, proportionate and strictly necessary for the promotion of the four licensing objectives. The impact of licensing on regulated entertainment will be monitored and reviewed to ensure that licensing requirements do not deter cultural activities.

## **6. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS**

- 6.1 There is a need to develop the IT system to support the efficient and effective administration of the licensing regime. A project to replace the current system is underway, led by Planning and Environmental Protection, which is planned to be operational by May 2008. The project is in the capital programme approved at Council in March 2007 and changes required will be contained within that budget.

## **7. LEGAL ISSUES**

- 7.1 As set out in paragraphs 4.1 and 4.2 of this report.

## **8. CONSTITUTIONAL POWERS**

- 8.1 The Council's constitution delegates to the Licensing Committee:  
*"All functions under the Licensing Act 2003 and associated Regulations, not otherwise delegated to the Licensing Sub-Committee."* (Part 3 "Responsibility for Functions" Section 2 "Responsibility for Council Functions").
- 8.2 The statutory and regulatory provisions reserve to full Council the decision to approve the draft licensing policy, and it will therefore be necessary for the Committee to make a recommendation to the Council meeting on 18<sup>th</sup> December 2008 in order to meet the statutory deadline for publication of the draft policy.

## **9 BACKGROUND INFORMATION**

- 9.1 The Council took over responsibility for licensing the sale of alcohol, the provision of regulated entertainment and late night refreshment in pubs, off-licences, clubs and restaurants on 7 February 2005 as required by the Licensing Act 2003. The Act required the Council to develop a licensing policy to state how it would exercise its licensing functions. The policy was adopted by Council on 14 December 2004 and subsequently published on 7 January 2005.
- 9.2 The Act further requires the Council to review and renew the policy every three years. A reviewed policy will therefore need to be published by 7<sup>th</sup> January 2008.
- 9.3 At its meeting on 30 August 2007 the Licensing Committee instructed the Director of Corporate Governance to consult with the relevant persons and bodies on the reviewed statement of licensing policy.
- 9.4 Section 5 of the Act sets out the persons, that before determining its policy, the Licensing Authority must consult with. They are;
- The chief officer of the Police for the area
  - The Fire Authority for the area
  - Persons / bodies representative of local holders of premises licences
  - Persons / bodies representative of local holders of club premises certificates
  - Persons / bodies representative of local holders of personal licences
- 9.5 For 13 weeks ending on 21 November 2007, the Policy was subject to consultation. It was placed on the Council's web site, sent by post to statutory consultees, all Members and various other individuals and organisations. A questionnaire was included, and people were invited to comment on any aspect of the Statement. The full list of consultees is in Appendix 2 of the policy.
- 9.6 From the responses received it is clear that a cross section of people responded from local businesses, residents associations and individuals. See Appendix 1. The majority of respondents were satisfied with the revised policy and found it fairly easy or easy to understand.
- 9.7 A revised Licensing Policy, taking into account the outcome of the consultation, is attached at Appendix 3. The main changes in the policy are:
- A new section has been inserted numbered Section 6 in the Policy. The new section relates to risk Assessment and recommends that

all applicants carry out sufficient risk assessments for the activities on their premises.

- The issues that could be addressed in the operating schedules for public safety, protecting children from harm, prevention of crime and disorder and prevention of nuisance have all been expanded to include all other relevant issues
- The Councils Gambling Policy is now referenced at the appropriate place
- The policy now clearly states that non compliance with conditions and unlicensed activities will not be tolerated

9.8 If the Statement is approved, the Committee will recommend it for adoption by full Council on 18<sup>th</sup> December 2007 before it is published on or before 7th January 2008 in accordance with the Licensing Act 2003.

9.10 The Statement may be changed at any time after adoption (after further consultation), and must be renewed at intervals of not less than three years.

## **10. LIST OF BACKGROUND PAPERS**

- 10.1 Licensing Act 2003
- 10.2 DCMS Guidance
- 10.3 List Of Consultees

Legal: DA  
CFO:CM



## APPENDIX 1

### LICENSING POLICY QUESTIONNAIRE

#### **Q1. Are you replying as:**

A private individual	23%
On behalf of a business	7%
On behalf of other organisations	23%
As representative of local residents,	23%
A Local Resident	23%
A representative of local businesses	0%
A representative of local licensees	0%

#### **Q2. Did you find the revised draft policy easy to understand**

It was very easy to understand	22%
It was fairly easy to understand	67%
Not Sure	0%
It was fairly difficult to understand	11%
It was very difficult to understand	0%

#### **Q3 If we establish a licensing forum, where issues relating to the Licensing Act 2003 could be discussed, would you wish to attend?**

Yes	44%
No	33%
Notsure/don't know	22%

#### **Overall are you satisfied with the reviewed draft policy?**

Very satisfied	0%
Satisfied	56%
Neither satisfied or dissatisfied	22%
Dissatisfied	11%
Very dissatisfied	11%

## APPENDIX 2

No	Summary of response	LBB Comment	Policy Changed?
1	Wants more emphasis on the need for child protection, public safety, crime prevention and noise abatement.	<b>Already covered in policy at 6,7,8,9 and in 12.</b>	<b>No</b>
2.	Wants residents who have been involved in licensing committee representation to be informed when the involved premises wishes to change a condition etc	<b>Residents are informed in the usual way via publication of applications</b>	<b>No</b>
3.	<p>1. Wants the newspaper entry for licenses be written in a larger font size</p> <p>2. Wants to know whether councillors on the licensing committee are familiar with the licensing policies</p>	<p><b>1. The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 Section 25 Sets out how applications should be advertised, It states how large notices should be when displayed outside premises but does not state any size as relates to newspaper adverts.</b></p> <p><b>2. Training given to all Councillors and also all members have the benefit of a lawyer at all licensing sub-committees should difficult points of law arise.</b></p>	<b>No</b>
4.	<p>1. Wants more emphasis on the prevention of public nuisance</p> <p>2. Wants clubs serving late night drinks to be properly policed</p>	<p><b>1 covered in 9 and 12.3</b></p> <p><b>2 This will be covered by the enforcement protocol with the police and the Licensing Team's risk management of licensed premises.</b></p>	<b>No</b>
5.	Don't think extended drinking hours will help binge drinking.	<b>Not related to policy</b>	<b>No</b>
6.	Must have more education in schools and colleges about binge drinking	<b>Not covered by the policy. (Education of alcohol/binge drinking is covered in the National Curriculum)</b>	<b>No</b>

<p>7.</p>	<p>1. Wants a summary of the changes made to this Reviewed Statement from the last one with reasonings.</p>	<p><b>1. There are very few substantive changes. The proposed Policy is taken from the best practice document issued by LACORS, and mostly differs from our previous Policy in its layout. A few paragraphs have been removed to make the Policy more streamline:</b></p> <p><b>1) The paragraphs relating to Club Premises. This does not require a separate Policy.</b></p> <p><b>2) The reference to informal complaints about premises. Licensing Officers will continue to deal with complaints on their merits, and resolve complaints if possible.</b></p> <p><b>3) The paragraphs relating to reviews and personal licenses as these concern practice rather than policy.</b></p> <p><b>4) The paragraphs relating to the disabled and equality issues. Questions concerning disabled access are better dealt with by Planning, and equality issues are governed by general Council Policy.</b></p> <p><b>Any other differences relate to emphasis rather than substance. Each application should be dealt with on its merits, and conditions should not duplicate what other bodies</b></p>	<p><b>No</b></p>
-----------	---	--	------------------

	<p>2. Would have liked some quantitative data presented for the period.</p> <p>3 Would like clarification of protection of children in 7.1</p>	<p>can sufficiently deal with, such as the Fire Authority, the Police and Planning.</p> <p>Whereas before any suggestion of regular conditions was discouraged, the Licensing Act as amended contains a pool of model conditions should they be required.</p> <p>Applicants should address the Licensing Objectives properly in the application form.</p> <p>The paragraph dealing with Cumulative impact is much shorter, referring to the guidelines issued by the DCMS. This states that the Council may have a Policy concerning Cumulative Impact, but that each case must still be treated on its merits, as some applications would not add to cumulative impact such as cinemas.</p> <p><b>2. Not relevant to policy</b></p> <p><b>3. The new licensing regime has been designed, in part, to close the loopholes and inadequacies of previous law in relation to children, while allowing under 18s to experience the atmosphere of licensed premises in a family friendly, safe environment.</b></p>	<p>No</p> <p>No</p>
--	--	--	---------------------

	<p>4. why is 'a conviction of a member of the current staff for an offence against a child or the Police believe that person could be a risk' no longer included?</p> <p>6. Section 8 - Why is 'applying conditions to minimize the risk of weapons being taken onto or used in premises' no longer explicitly stated?</p>	<p><b>4. Any objections regarding staff would be made by the police. As regards offences against children – such individuals considered a risk would be on the Sex Offenders Register and therefore have restrictions on employment bringing them into contact with children and are regularly monitored by the police.</b></p> <p><b>6. There is a wealth of conditions that are considered good practice and these are detailed in the s.182 guidance. There is no need to specifically mention it as it would automatically come under the licensing objectives of crime.</b></p>	<p>No</p> <p>No</p>
8.	<p>1. Changes should not be made unless there is a benefit from doing so.</p> <p>2. That the proposed draft does not incorporate the changes in that earlier draft.</p> <p>3. At para 1.4 the statement is not wide enough.</p> <p>4. At point 3 in para 1.6, referring to the purpose of the policy, it might be better to describe this in the terms used in the statute and guidance.</p> <p>5. The proposed policy, unlike the current one, makes no reference to</p>	<p><b>1. Agree</b></p> <p><b>2. This is irrelevant as there was a complete review following the restructure.</b></p> <p><b>3. Agree that premises licence cover more than the sale of alcohol</b></p> <p><b>4. Noted however 1.6 is clear</b></p> <p><b>5. Interested parties are entitled to make representations to licensing</b></p>	<p>No</p> <p>No</p> <p>Yes –see para 1.4</p> <p>No</p> <p>No</p>

	<p>the licensing authority notifying interested parties of applications.</p> <p>6. Suggests licensing officers should assess premises as part of their routine visits.</p> <p>7. Change from listing Planning and Environmental Protection as a responsible authority to listing all the departments separately, as each is required to be served with a copy</p> <p>8. The policy should say that the council expects that premises licence applicants, licence holders and organisers of temporary events will carry out suitable and sufficient risk assessments</p> <p>9. The council should encourage the applicant to send appropriate supporting documentation with the application</p>	<p><b>authorities on applications for the grant, variation or review of premises licences. In addition, interested parties may themselves seek a review of a premises licence. All applications are advertised clearly in the local newspapers, and by notice outside the premises as per Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.</b></p> <p><b>6 this is already done by officer as part of risk assessment of premises and risk based enforcement (see 10.3 and 10.4)</b></p> <p><b>7 Agree</b></p> <p><b>8 Agree</b></p> <p><b>9 Agree</b></p>	<p><b>No</b></p> <p><b>Yes – see appendix 3</b></p> <p><b>Yes see 6</b></p> <p><b>Yes see 6</b></p>
--	--	---	---

	<p>10. The definition of public safety given in paragraph 12.2.1 is too restrictive.</p> <p>11. At 3.3 the council should also focus on the direct impact of activities on people at the premises if they may be exposed there to unacceptable safety risks.</p> <p>12. the council should interpret 'nuisance' in the context of licensing as widely as possible.</p> <p>13 At 12.3.1 the definition of nuisance should include more</p> <p>14 At 4.1, the Environmental Protection Act 1990 as should be removed from the list as is reactive in nature.</p> <p>15 The policy should say that the council encourages applicants to carry out an assessment of the likely impact of the activities to be carried on at the premises</p> <p>16 At 7.1, the discretion to admit children should be provided that, where there may be risks, adequate steps are taken to protect them from harm.</p> <p>17 Gaming machines in licensed premises if addressed in the Gambling Policy, but is</p>	<p><b>10 Agree</b></p> <p><b>11. 3.3 covers this</b></p> <p><b>12. Current definition is adequate</b></p> <p><b>13 Agree</b></p> <p><b>14 this section relates to enforcement (reactive) as well.</b></p> <p><b>15 Agree</b></p> <p><b>16 Agree</b></p> <p><b>17 Agree that Gambling policy needs to be referenced</b></p>	<p><b>Yes – see 13.2.1</b></p> <p><b>No</b></p> <p><b>No</b></p> <p><b>Yes see 13.3.1</b></p> <p><b>No</b></p> <p><b>Yes – see 6</b></p> <p><b>Yes see 8.1</b></p> <p><b>Yes see 8.2</b></p>
--	---	--	--

	<p>not reflected in the proposed policy, which excludes controls over 'the provision of a small number of cash prize machines'</p> <p>18 At 11.2, the statement says that the council 'strongly recommends that applicants familiarise themselves.....' This may give the impression that compliance is not obligatory.</p> <p>19 Paragraph 10.2 the policy should say that unlicensed activities will not be tolerated at any premises.</p> <p>20 The proposed policy at 10.4 states that the licensing authority has enforcement protocols with the responsible authorities. We are not aware of such protocols relevant to public safety and nuisance.</p> <p>21 10.3 deals with risk-based prioritisation of enforcement activity. No indication is given as to what risk factors will be taken into account when prioritising premises or activities for enforcement action. The statement should say that public safety risk, risk of nuisance and the likelihood that unauthorised licensable activities may occur at the</p>	<p><b>18 Agree</b></p> <p><b>19 Agree</b></p> <p><b>20 Agree</b></p> <p><b>21 risk assessment protocol being agreed separately, (agree re wording change)</b></p>	<p><b>Yes – see 12.2</b></p> <p><b>Yes – see 11.2</b></p> <p><b>Yes- see 11.4 says will develop these</b></p> <p><b>Yes see 11.3</b></p>
--	--	---	--



	<p>premises will be taken into account when planning enforcement action. The wording of 10.3 is not clear where it says ‘inspections will be subject to review, presumably this should read ‘inspection frequency will....’</p> <p>22 In the interests of the objectives, the policy should say that the council expects that all licence conditions will be fully complied with, and that failure to do so will not be tolerated.</p>	<b>22 Agree</b>	<b>Yes see 11.2</b>
9.	<p>1. It doesn’t contain details on how complaint against licensed premises will be dealt with</p> <p>2. Para 3.4 should reflect the statutory guidance</p>	<p><b>1. Not part of scope of this policy</b></p> <p><b>2. Agree</b></p>	<p><b>No</b></p> <p><b>Yes see 3.4</b></p>
10.	<p>1. Para 4.3 needs amending</p> <p>2. Para 5.2, Cumulative impact should be expanded</p> <p>3. Para 6 should have more information on capacity limits and fire safety</p> <p>4. Para 2.1 should have more information about challenge 21 and refusals books,</p> <p>5. At 8.3 last bullet point - It may assist applicants to</p>	<p><b>1 Agree</b></p> <p><b>2. Covered adequately in 5.2</b></p> <p><b>3 Adequately covered in 6.2</b></p> <p><b>4 Wording is adequate</b></p> <p><b>5. Not appropriate to name the areas in the</b></p>	<p><b>Yes see 4.3</b></p> <p><b>No</b></p> <p><b>No</b></p> <p><b>No</b></p> <p><b>No</b></p>

	<p>know where these zones are.</p> <p>6 After Para 8 – more information should be given on CCTV</p> <p>7. Para 11 – more info on TENs needs to be given</p> <p>8 At 12.4.1 (bulletpoint 4) The Metropolitan Police Forces promote the use of “Polycarbonate” instead of glass or plastic</p> <p>9 More information on risk assessment needed</p> <p>10. At 13.3 Many of these points are included in the Home Office (Metropolitan Police document) “Safer Clubbing”</p> <p>11 More information on risk assessment and risk assessment forms</p>	<p><b>policy as these may change. Existing zones clearly signposted</b></p> <p><b>6. The guidance states that the police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.</b></p> <p><b>7. Agree should be included</b></p> <p><b>8. Can change plastic to polycarbonate</b></p> <p><b>9. Agree</b></p> <p><b>10. Agree</b></p> <p><b>11 Yes</b></p>	<p><b>No</b></p> <p><b>Yes see 12.5</b></p> <p><b>Yes 13.4.1</b></p> <p><b>Yes see 6</b></p> <p><b>Yes added link at 14.3</b></p> <p><b>See 6 and 12.5</b></p>
11.	<p>1. Para 7.6 - As worded there is an expectation that ‘Proof of Age’ schemes would be required and we would ask this to be changed to reflect the status of ‘good practice’ rather than a requirement on a licence.</p>	<p><b>1 Policy is not saying this is a condition just strongly recommending this. This is reiterated in 7.7 where it states the trader take all reasonable steps. The trader will need to</b></p>	<p><b>No</b></p>

	<p>2 Para 8.5 - . The licensing authority should not mislead applicants into believing they should meet certain requirements. Ultimately, it is for the DPS to decide how to manage this issue. .</p> <p>3 Para 8.6 - Pubwatches are voluntary organisations and membership must remain voluntary if they are to be effective. We trust that the policy merely seeks to encourage Pubwatch membership rather than make it a condition of licences.</p> <p>4 Further recognition of the Hampton principles of inspection and enforcement needed</p> <p>5 In operating schedules we suggest that the last sentence in the introductory paragraph to each licensing objective is slightly amended to read “The issues addressed may include, where relevant ..”</p> <p>6. Protection of Children of Harm</p> <ul style="list-style-type: none"> <li>• Child seating, unbreakable glasses, child friendly lavatories and inspection of play areas, welfare of children in the care of “intoxicated parents” - <i>all of these measures are unnecessary or unsuitable to be</i></li> </ul>	<p><b>consider this anyway as part of their due diligence systems.</b></p> <p><b>2 Policy not saying this is a requirement but recommending it as good practice, again the trader should be considering this as part of their due diligence systems. The policy does not state that there is a requirement for the DPS or a personal licence holder to be present.</b></p> <p><b>3 Policy not saying this is a requirement but recommending it as good practice</b></p> <p><b>4 Believe the current wording in 10 is adequate</b></p> <p><b>5 Agree wording changed to “could”</b></p> <p><b>6 Wording amended to state applicants could address these issues. It is their choice if they include it.</b></p>	<p>No</p> <p>No</p> <p>No</p> <p>Yes</p> <p>No</p>
--	---	---	--

	<p><i>offered as conditions on a licence. Regarding the latter it is already an offence under the Licensing Act to serve anyone who is drunk and adults must be responsible for their children whilst on licensed premises.</i></p> <p>7. policy could make it clear that the licensing authority <u>cannot</u> attach conditions unless relevant representations have been made and are upheld by a hearing.</p>	<p><b>7 13.2 is clear on this</b></p>	<p><b>No</b></p>
<p>12</p>	<p>Same responses as above</p>		

APPENDIX 3

# REVIEWED STATEMENT OF LICENSING POLICY

## LONDON BOROUGH OF BARNET

August 2007

<b>CONTENTS</b>		<b>Page</b>
1.	<b>INTRODUCTION</b>	<b>3</b>
2.	<b>OBJECTIVES</b>	<b>5</b>
3.	<b>POLICY CONSIDERATIONS</b>	<b>5</b>
4.	<b>INTEGRATING STRATEGIES AND AVOIDING DUPLICATION</b>	<b>6</b>
5.	<b>APPROACH TO LICENSING APPLICATIONS</b>	<b>7</b>
6.	<b>RISK ASSESSMENT</b>	<b>7</b>
7.	<b>PUBLIC SAFETY</b>	<b>7</b>
8.	<b>PROTECTION OF CHILDREN FROM HARM</b>	<b>8</b>
9.	<b>CRIME AND DISORDER/ANTI SOCIAL BEHAVIOUR</b>	<b>10</b>
10.	<b>NUISANCE</b>	<b>12</b>
11.	<b>ENFORCEMENT</b>	<b>13</b>
12.	<b>TEMPORARY EVENT NOTICE</b>	<b>13</b>
13.	<b>OPERATING SCHEDULES</b>	
	<b>12.1 PROTECTION OF CHILDREN FROM HARM</b>	<b>14</b>
	<b>12.2 PUBLIC SAFETY</b>	<b>15</b>
	<b>12.3 PREVENTION OF NUISANCE</b>	<b>16</b>
	<b>12.4 PREVENTION OF CRIME AND DISORDER</b>	<b>17</b>
14.	<b>CONDITIONS</b>	<b>17</b>
15.	<b>ADMINISTRATION, DELEGATION AND EXERCISE OF FUNCTIONS</b>	<b>18</b>
<b>APPENDIX 1</b>	<b>TABLE OF DELEGATED FUNCTIONS</b>	<b>19</b>
<b>APPENDIX 2</b>	<b>PARTIES CONSULTED ON POLICY</b>	<b>21</b>
<b>APPENDIX 3</b>	<b>RESPONSIBLE AUTHORITIES</b>	<b>22</b>

## 1. INTRODUCTION

- 1.1 The London Borough of Barnet has produced this Licensing Policy Statement in accordance with the provisions of the Licensing Act 2003 and the guidance issued under Section 182 by the Department of Culture.
- 1.2 The aims of this licensing policy are to set out how the Council will seek to meet the four licensing objectives and has been devised based on best practice.
- 1.3 This policy succeeds the Council's Licensing Policy statement dated January 2005 and whilst subject to on-going review will be in force for a period of 3 years from January 2008.

### Scope

- 1.4 The sale and supply of alcohol, the provision of regulated entertainment, and of late night refreshment play a key role in our economy and society and are activities which takes place throughout the Borough. How the Council deals with this issue will impact on many residents and businesses.
- 1.5 The licensing policy will form an important part of the development strategy for the Borough and will work in concert with:

- The Council's Enforcement Policy
- The Human Rights Act 1998  
[www.hmso.gov.uk/acts/acts1998/19980042.htm](http://www.hmso.gov.uk/acts/acts1998/19980042.htm)
- Crime and Disorder Act 1998  
[www.hmso.gov.uk/acts/acts1998/19980037.htm](http://www.hmso.gov.uk/acts/acts1998/19980037.htm)
- Disability Discrimination Act 1995  
[www.opsi.gov.uk/acts/acts1995/Ukpga\\_19950050\\_en\\_1.htm](http://www.opsi.gov.uk/acts/acts1995/Ukpga_19950050_en_1.htm)

and other anti-discrimination legislation,

- Guidance issued by the Secretary of State for Culture, Media and Sport under section 182 Licensing Act 2003  
[www.culture.gov.uk](http://www.culture.gov.uk)
- Home Office Safer Clubbing Guide  
[www.drugs.gov.uk](http://www.drugs.gov.uk)
- Metropolitan Police Service publication Controlled Drugs and Weapons in Licensed premises
- The Mayor's London Ambient Noise Strategy  
[www.london.gov.uk/mayor/strategies/noise/index.jsp](http://www.london.gov.uk/mayor/strategies/noise/index.jsp)

The above is not an exhaustive list.

1.6 The licensing policy has 3 main purposes:

- To inform licence applicants of the parameters under which the Council will make licence decisions, and therefore how a licensed premises is likely to be able to operate within an area. However each case must be examined on an individual basis.
- To inform residents and business of the parameters under which the Council will make licence decisions and therefore how their needs will be addressed.
- To reinforce the elected Members on the licensing Committee, the powers of the council and the limits of those powers, and to provide them with parameters under which to make decisions.

1.7 As the Licensing Authority the Council is empowered under the Act to grant, review, vary or refuse premises licences, club premises certificates, personal licences and deal with temporary event notices in the Borough in respect of the supply and/or sale of alcohol and the provision of regulated entertainment and late night refreshment namely:

- Retail sale of alcohol
- Supply of alcohol to club members
- Provision of “regulated entertainment” – to the public, to club members or with a view to profit. This includes the;
  - Performance of a play
  - Exhibition of a film
  - Indoor sporting events
  - Boxing or wrestling entertainment
  - Performance of live music
  - Playing recorded music
  - Performance of dance
  - Provision of facilities for making music
  - Provision of facilities for dancing
- Supply of hot food and/or drink from any premises between 11pm and 5am.

1.8 The Act divides licences into premises licences for the building and personal licences for each licensee.



## **2. OBJECTIVES**

2.1 The Council will carry out its various licensing functions so as to promote the four licensing objectives:

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

2.2 To achieve these objectives the Council will use a full range of measures including its planning, transport, crime and disorder policies and powers together with its duties to protect children. The Council will work closely with the Police, the Fire Authority, local businesses, community representatives and local people to meet these objectives.

2.3 Nothing in this policy will prevent every licence application being considered on its own merits. However the Council will not ordinarily treat the following considerations as justifiable reasons to divert from this policy:

- That the premises are well managed
- That the applicant is of good character
- That the premises, or the capacity, or the size of the increase applied for, is small.

## **3. POLICY CONSIDERATIONS**

3.1 In determining a licence application the overriding principle will be that each application will be determined on its individual merits.

3.2 Nothing in the Licensing Policy will:

- Undermine the rights of any person to apply the 2003 Act for a variety of permissions and have the application considered on its individual merits.
- Override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.

3.3 The decision taken by the Council will be focused on matters that are within the control of the individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. The Council will focus on the direct impact of activities taking place at the licensed premises on both adults and children living in, working in or visiting the area concerned.

- 3.4 In taking its decisions, the Council will take into account the fact that licensing law is not the primary mechanism for the control of nuisance and anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned. Nonetheless, licensing law will be part of a holistic approach to the management of the evening and night-time economy in town and city centres
- 3.5 Licence conditions imposed will be relevant to the individual application and those necessary to meet the licensing objectives. Licence conditions will not be imposed where other regulatory regimes, such as fire safety legislation, provide sufficient protection for patrons and other members of the public.
- 3.6 Individual applicants are expected to address the licensing objectives in their Operating Schedule within the context of the nature of the location, type of premises, regulated activities to be provided, operational procedures and the needs of the local community (see section 12 – Operating Schedules - later).
- 3.7 Appropriate weight is given to all relevant representations made to the Council. This does not include those representations which are considered to be frivolous, vexatious or repetitious, which will be disregarded.
- 3.8 In forming this policy the Council has consulted the parties stipulated in Appendix 2. Before determination of this policy adequate weight has been given to the responses received.

#### **4. INTEGRATING STRATEGIES & AVOIDING DUPLICATION**

- 4.1 The Council recognises the need to avoid, so far as possible, duplication of the existing legislation and other mechanisms to deal with any environmental or otherwise impacts on the leisure economy such as;
  - Planning controls
  - Positive measures to create a safe and clean town centre environment
  - Powers of the Council to designate public places where the consumption of alcohol is not permitted
  - Police enforcement of disorder and anti-social behaviour
  - Prosecuting of personal licence holders and staff selling alcohol to those underage.
  - Police and the Council's powers to close down instantly any licence premises on the ground of disorder or likely to cause disorder or excessive noise emanating from the premises
  - Environmental Protection Act 1990
  - Children Act 1989
  - Health and Safety at Work Act 1974 etc.
  - Powers of the police/local residents/businesses ability to seek a review of a licence.

- 4.2 The Council recognises that there should be a clear separation of the planning and licensing regimes in respect of applications to avoid duplication or a re-run of the planning application process but also recognises that some factors affecting the planning decision may also affect the decision of the Licensing Committee.
- 4.3 The Licensing Authority will arrange for protocols with the Barnet Borough Police to enable them to liaise with the Council's Traffic Manager on the need for the swift and safe dispersal of people from licensed premises to avoid concentrations which can produce disorder and disturbance.
- 4.4 We will monitor the impact of the licensing policy.

## **5. APPROACH TO LICENSING APPLICATIONS**

- 5.1 When exercising its licensing functions the Council will not be influenced by the question of need. The question of whether or not there is a need for any particular premises is a commercial matter which is not relevant to the Council's considerations. The issue of need may be a matter for planning consideration or for the market to decide and does not form part of this licensing policy statement.
- 5.2 The statutory guidance will be taken into account in relation to the issue of cumulative impact and the hours of operation:  
[www.culture.gov.uk](http://www.culture.gov.uk)

## **6. Risk Assessment**

- 6.1 The council recommends that all applicants carry out sufficient risk assessments for the activities on their premises, and that the findings are put into practice. The council encourages applicants to carry out an assessment of the likely impact of the activities to be carried on at the premises, with a view to identifying any control measures that may be appropriate.
- 6.2 The council encourages applicants to send risk assessments as well as any other supporting documentation with the application.
- 6.3 The council reminds the applicant that it is not the function of the responsible authority to endorse any such assessments and encourages applicants and event organisers to seek advice about control measures.

## **7. PUBLIC SAFETY**

- 7.1 The Act covers a wide range of premises that require licensing including: cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants, members clubs, fast food outlets and other entertainment venues. Each type of these premises present mixtures of risks with are common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted so as to safeguard occupants by minimising these risks.

- 7.2 The Council will expect operating schedules to satisfactorily address public safety issues and applicants are advised to seek appropriate Health and Safety advice and consult the London Fire and Emergency Planning Authority before preparing their plans and schedules.
- 7.3 Applicants are reminded that any performers are also members of the public and as such their safety should be specifically addressed in operating schedules.
- 7.4 Where door supervision is in operation, supervisors must be registered with the Security Industry Authority. The Council strongly recommends that a record of SIA registered staff on duty in this capacity is maintained on the premises and that an incident report book is maintained. Both of these records should be available for inspection by authorised officers of the Council or a Police Officer at all reasonable times.
- 7.5 Where necessary, the Council will attach conditions to the licences and permissions that promote public safety. Such conditions will, as far as possible, be drawn from the Model Pool of Conditions relating to Public Safety (see Annex A to D of the Guidance issued under sections 182 of the Licensing Act 2003).

## **8. PROTECTION OF CHILDREN FROM HARM**

- 8.1 The wide range of premises that require licensing means that children can be expected to visit them. Children will wish to visit premises which are licensed and may or may not be accompanied by an adult. In general it is the view of the Council that the question of whether children will be admitted to any premises should be left to the discretion of the licence holder who, where there may be risks, will take adequate steps to protect them from harm. However, applicants should consider the following points when drawing up their Operating Schedule.
- 8.2 The Council will take strong measures to protect children from physical, moral or psychological harm where for example:
- Any licence holder or employee has been convicted of serving alcohol to minors or the premises have a reputation for underage drinking.
  - Premises where there is evidence of an association with drug taking or drug dealing.
  - Gambling takes place on the premises, except for the provision of a small number of cash prize machines. (The council expects all premises which have gambling on the premises to have read its policy on Gambling licensing and in relation to this exemption for small cash prize machines draws their attention to 9.3.1) .
  - Whenever entertainment or services of an adult nature or sexual nature are provided.
  - Where the supply of alcohol for consumption on the premises is exclusive or primary purpose of the services provided at the premises.

- 8.3 The Council will rarely impose licence conditions that simply exclude children. Where it is considered that the protection of children from harm requires conditions to limit their access to any premises, the Council will consider options such as:
- Limitations on the hours when children may be present.
  - Limitations on ages below 18.
  - Limitations or exclusion when certain activities are taking place.
  - Requirements for the accompanying adult.
  - Full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 8.4 It is strongly recommended that applicants, where appropriate, address the access of children to the premises in their Operating Schedule and that they state the time after which children will not be admitted to premises serving alcohol for consumption on or off the premises. Such cut-off times may be split into age groups.
- 8.5 The 2003 Act details a number of offences designed to protect children in licensed premises and the Council will work closely with the Police to ensure the appropriate enforcement of the law.
- 8.6 The Council supports the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks and strongly recommends that traders immediately remove any products or display material that is the subject of a Retailer Alert Bulletin.
- 8.7 The Council strongly recommends that to prevent illegal sales to underaged persons, licence holders work with a “proof of age scheme”.
- 8.8 The Council will expect traders to take all reasonable steps to prevent the unlawful sale or supply of alcohol to children. Where persons are found to be in breach of this requirement, strong enforcement action will be taken.

### **Showing of Films, Videos etc**

- 8.9 In accordance with section 20 of the Act where the exhibition of films is permitted, the specified classification body will normally be the British Board of Film Classifications and the Council will require age restrictions to be strictly complied with in accordance with their recommendations. A mandatory condition will be imposed to this effect. Only in exceptional circumstances will variations of this general rule be considered.
- 8.10 Applicants should make it clear in their Operating Schedule what steps will be taken to ensure that only children of the appropriate age are admitted to exhibitions.

### **Children and Public Entertainment**

- 8.11 Many children go to see and/or take part in an entertainment arranged especially for them (e.g. children’s film shows, dance productions) and

- additional arrangements are required to safeguard them while they are at the premises.
- 8.12 Where a regulated entertainment is specially presented for children, the Council will require their safety to be specifically addressed in the Operating Schedule.
- 8.13 Applicants are strongly recommended to pay particular attention to all safety issues and in particular to keep gangways and exits free from children and other obstructions during performances.
- 8.14 Where necessary and proportionate the Council may attach conditions to premises licences and club premises certificates to prevent harm to children. Such conditions will, as far as possible be drawn from the Model Pool of Conditions. The Council strongly recommends that applicants familiarise themselves with the model conditions in Annex D to the Guidance issued under section 182 of the Licensing Act 2003. The Council will expect applicants to address relevant considerations in their Operating Schedule as these issues will be carefully considered by the Licensing Authority and other responsible authorities.

## **9. CRIME & DISORDER/ANTI-SOCIAL BEHAVIOUR**

- 9.1 In addition to the requirements for the Council to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in the Borough. The Council also has responsibilities under the Anti-Social Behaviour Act 2003.
- 9.2 Where necessary, the Council will attach conditions on premise licences and club premise certificates to deter and prevent crime and disorder, both inside and immediately outside premises. Such conditions will, as far as possible, reflect local crime prevention strategies and be drawn from the Model Pool of Conditions relating to Crime and Disorder (Annex D Guidance issued under section 182 of the Licensing Act 2003).
- 9.3 The Council recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises including (but not limited to):
- Planning controls
  - On-going measures to create a safe and clean environment in partnership with local businesses, transport operators and other Council departments.
  - Regular liaison with the Borough Police on enforcement issues, including (but not limited to):fixed penalty notices, prosecution of selling alcohol to those underage, confiscation of alcohol from adults and children

- The power of the Police to close down instantly for up to 24 hours any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder or excessive noise from the premises.
  - The power of the Police, other responsible authority or a local resident or business to seek a review of the licence or certificate.
  - Designation of parts of the Borough as alcohol control zones where alcohol may not be consumed publicly.
- 9.4 In considering all licence applications, the Council will consider the adequacy of measures proposed to deal with the potential for crime and public disorder having regard to all the circumstances of the case and will particularly consider the following (which is not an exhaustive list):
- The general management of the premises and the proposed extent and manner of day to day management of the premises.
  - Measures to prevent crime and disorder and anti-social behaviour have been taken, such as the use of CCTV or the employment of registered door supervisors
  - The likelihood of violence, public disorder or policing problem arising if a licence were granted.
  - Measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures,
- If the applicant has previously held a licence within the borough/district and the history of any enforcement action arising from those premises.
  - Reports of crime analysis produced by the Barnet Safer Community Partnership/Police Licensing Officer
  - Irresponsible alcohol promotion
- 9.5 In addition to the statutory requirements for plans, applicants should indicate on the plan provided to the Licensing Authority the proposed locations for the display and storage of any alcohol and the locations where sales and/or consumption will take place.
- 9.6 In order to avoid disruption to businesses during the absence of the Designated Premises Supervisor, the Council strongly recommends that a minimum of one additional member of staff should hold a personal licence. It is considered good practice for personal licence holders who authorise others to sell alcohol to formalise the authorisation process and the Council encourages such authorities to be written in clear and unambiguous terms.
- 9.7 The Licensing Authority strongly encourages Designated Premises Supervisors and others connected with the retail sale of alcohol to attend meetings supported by the Council and/or the Borough Police aimed at the reduction of crime and disorder. An example of this would be the Pubwatch Scheme(s).

## **10. NUISANCE**

- 10.1 In addition to the requirements of the Council to promote the licensing objectives, it also has a duty under the Environmental Protection Act 1990 to do all it reasonably can to prevent nuisance, including noise.
- 10.2 Applicants for a licence for the provision of late night refreshments for consumption off the premises are reminded under section 93-95 of the Act the Council may issue a Street Litter Control Notice where there is a recurrent defacement by litter or refuse of the street in the vicinity.
- 10.3 Where necessary, the Council will attach conditions to licences and permissions to deter and prevent nuisance. Such conditions will so far as possible, reflect local strategies and be drawn from the Model Pool of Conditions reflecting public nuisance (see Annex D of the guidance issued under section 182 of the Licensing Act 2003).
- 10.4 For all licence applications, the Council will consider the adequacy of measures proposed to deal with the potential for nuisance having regard to all circumstances of the case, and will particularly consider the following:
- The steps the applicant has taken or proposes to take to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices. Such measures may include sound proofing, air conditioning, acoustic lobbies and sound limitation.
  - The steps the applicant has taken or proposes to take to prevent disturbance created by patrons arriving or leaving the premises.

### **Live Music, Dancing & Theatre**

- 10.5 The Licensing Authority wishes to encourage and promote live music, dance and theatre for the wider cultural benefit of the community particularly for children.
- 10.6 When considering applications for such events and the imposition of conditions on licences, the Council will carefully balance the cultural needs with the necessity of promoting the licensing objectives. The Council would wish to avoid, so far as possible, measures which deter live music, dancing and theatre.
- 10.7 Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance may be caused.
- 10.8 Where appropriate the Council may seek premises licences in its own name for community public spaces and local authority buildings. In this instance, performers and entertainers will not need apply for a licence themselves to give a performance but would require the Council's permission and supervision as premises licence holders.
- 10.9 The Council will monitor the impact of the licensing on the provision of regulated entertainment, and particularly live music and dancing.



## **11. ENFORCEMENT.**

- 11.1 The Licensing Authority supports partnership with other regulatory bodies in respect of enforcing the provisions of the Act. This will be reflected in the nature and the extent of the working arrangements agreed between those bodies and the Licensing Authority, and on the need for efficient deployment of staff and avoidance of duplication of role. In particular, special arrangements will be maintained with the Police and other responsible authorities to achieve those ends.
- 11.2 The Licensing Authority will adopt enforcement regimes that will take account of the entire range of business activities and of individuals that require licensing under the new Act, with emphasis on the continued promotion of the licensing objectives. This will include both permanent business premises and premises used for temporary events. The Licensing Authority will make appropriate arrangements to monitor premises with a view to implementing targeted and proportionate enforcement action to achieve these objectives. Unlicensed activities and non compliance with conditions will not be tolerated at ANY premises.
- 11.3 Routine enforcement activity undertaken by the Licensing Authority will be targeted to ensure that high risk, poorly run premises, receive a high level of intervention, and that lower risk, well-run premises, receive a lower level of intervention. Complaint led enforcement will be subject to normal service response standards by the licensing team. The frequency of inspections will be based on a risk-rating system for the relevant licensed premises, dependent on business type and characteristics, the activities taking place and on historic data held by the Licensing Authority. Inspection frequency will be subject to review and possible amendments following the outcome of routine inspection by the Licensing Authority and/or following investigation of a complaint received.
- 11.4 Enforcement action will be taken in accordance with the principles of the Cabinet Office's Enforcement Concordat in addition to the Local Better Regulation Office Guidance, Guidance to Crown Prosecutors, Attorney Generals Guidelines. The Licensing Authority has enforcement protocols with the police and will develop them with the other responsible authorities to provide for the most effective methods of monitoring and enforcing compliance with licensing requirements.

## **12. TEMPORARY EVENT NOTICES**

- 12.1 Whilst the Act requires 10 working days notice (exclusive of the day which the event is to start) to be given of the temporary event(s), the Council would wish applicants to make contact with the Licensing Authority at an early stage before a formal application is made. This is particularly important for large events and will enable responsible authorities to

consider proposals. Early consideration will allow issues and the licensing objectives to be addressed and may avoid objections from the police.

12.2 Applicants should be aware that the serving on the Council of a Temporary Event Notice does not remove their obligations under other legislation. Where necessary, permissions should be sought from the appropriate body. The Council expects that applicants understand their obligations in respect of:

- Planning permissions
- Health and safety
- Noise pollution
- The erection of temporary structures
- Road closures
- The use of pyrotechnics
- Anti-social behaviour

12.3 Applicants intending to sell alcohol should be aware that it is an offence to supply alcohol to minors or persons who are drunk. Also that the Police have powers to close down events without notice on the grounds of disorder, the likelihood of disorder or because of public nuisance caused by noise.

12.4 Applicants should be aware that a limit of less than 500 persons at any one time applies to temporary events and failure to comply with this limit may lead to prosecution. Where appropriate, organisers are strongly recommended to employ means of recording the number of persons entering and leaving the premises.

12.5 The attention of applicant is drawn to the fact police will expect to see a completed Music Promotion / Event Risk Assessment Scheme (Form 696 & 696A) If the event involves live or DJ music and is open to the public or section of the public.

### **13. OPERATING SCHEDULES**

#### **13.1 Protection of Children from Harm**

13.1.1 This is defined by the Council as the means by which children will be protected from harm by the effective management and operation of the licensed activities. Barnet will consider harm to include all damaging, detrimental or injurious effects on children and will be concerned to protect children from physical, moral or psychological harm. The issues addressed could include, where relevant:

- Restrictions on access by children, whether accompanied or not, to the whole or any part of the premises, including times when children may not be present and/or whether such restriction relates to specific age groups.

- Provision of any adult supervision
- Methods employed for the prevention of unlawful supply, consumption, and use of alcohol, drugs and other products
- Whether the premises and licensee will adopt a Challenge 21 scheme, whereby anyone thought to be under 21, who wish to purchase alcohol, staff will ask for identification, or the “No ID No Sale” scheme for retailers.
- Whether a notice giving details of any restrictions relating to access by children is displayed.
- The provision of unbreakable drinking “glasses” for children (especially relevant for premises with play areas and/or including outdoor areas).
- The provision of suitable safe child seating (stable high chairs with straps in dining areas etc.)
- Provision for child friendly lavatories (low urinals, smaller w.c; low wash basins and provision of nappy changing facilities etc.)
- Arrangements for the inspection of play areas and/or equipment on licensed premises.
- Any instructions to be issued to staff about action to be taken in the event of concerns for the welfare of children in the care of intoxicated parents on licensed premises.
- Any other relevant issues relating to protecting children from harm.

13.1.2 Where regulated entertainment is specifically presented for children, Barnet require their safety to be specifically addressed in the Operating Schedule to include:

- Numbers and locations of supervising adults. Supervising adults should remain in the area(s) occupied by children, in the vicinity of each exit. The minimum number of attendants on duty should be a minimum of one member of staff per 50 children;
- Supervision of other areas of the premises during performances;
- Arrangements for entry and departure from the premises;
- Whether supervising adults employed or deployed by the organiser will be required to provide a current (less than 3 years old) disclosure from the Criminal Records Bureau and to renew this every 3 years or whether other staff selection procedures will prevent the employment and deployment of adults who are not fit and proper persons to supervise children.

## **13.2 Public Safety**

13.2.1 This is defined by the Council as the means by which public safety will be promoted by the effective management and operation of the licensed activities. The issues addressed could include, where relevant:

- Arrangements to ensure the safety of users in the event of fire or other emergency.

- The safety of audiences and spectators.
- The safety of performers.
- The adequacy of transportation arrangements to ensure that customers may safely travel to and from the premises avoiding concentrations of people unable to access transport in a timely manner.
- Confirmation of arrangements of advertising of taxis and mini-cabs solely relate to those licensed by recognised licensed authority.
- Whether free water is provided for example at dance venues where persons may suffer dehydration.
- Where door supervision staff are employed, whether a record of staff on duty and an incident report will be maintained.
- Any other relevant public safety issue

### **13.3 Prevention of Nuisance**

13.3.1 This means by which nuisance will be prevented by the effective management and operation of the licensed activities. The issues addressed could include, where relevant:

- Noise emanating from the premises included extended areas such as beer garden, including whether noise suppression and/or cut-off devices will be used.
- Noise, anti-social behaviour and other disturbances caused by persons leaving the premises.
- Urination in public places in the vicinity of the premises (including the adequacy of lavatories provided at the premises).
- Congregation of persons from the premises whether consuming alcohol or not
- Noise from vehicles driven by, delivering or collecting customers.
- Where more than one licensable activity is permitted whether different times of finishing will apply (e.g. serving alcohol ceases at a specific period before musical entertainment finishes).
- Whether there will be a drinking up time before the premises close.
- Whether there will be a terminal hour or specific period before closure after which there will be no further admissions or readmissions to the premises.
- Litter.
- Light pollution.
- Any proposed fireworks.
- Whether the arrangements to dispose of refuse from the premises is conducted at a reasonable hour.
- Any other relevant issues relating to nuisance.

### **13.4 Prevention of Crime and Disorder**

13.4.1 This means by which crime and disorder will be prevented by the effective management and operation of the licensed activities. The issues addressed could include, where relevant:

- Crime prevention design, including appropriate lighting of exterior areas (applicants are reminded that planning and or building control permission may be needed for some alterations to premises).
- The amount of seating that is provided and seat/table ratio to drinking area.
- Door supervision, including screening for weapons and drugs.
- Other measures to control violent, drunken or abusive behaviour, including exclusion of trouble makers and refusal to sell to those who are or appear to be drunk or under age and add in appropriate circumstances, the use of toughened and/or polycarbonate glasses and the refusal to supply drinks over the counter in glass bottles.
- Combating drug dealing and abuse
- Methods to discourage drinking in public places in the vicinity of the premises.
- In premises seeking to sell alcohol for consumption off the premises, whether displayed stock will be in the view of staff at all times and/or covered by CCTV and whether spirits will be kept behind the counter.
- Methods to discourage and prevent, in so far as possible, the handling and distribution of stolen, counterfeit or other illegal goods by customers and staff.
- Whether Pubwatch radio or other means of communication will be used.
- How the management of the premises will avoid irresponsible drinks promotions.
- Any other relevant issues relating to the prevention of crime and disorder

## **14. CONDITIONS**

14.1 The Act sets out mandatory conditions which must be attached in respect of the supply of alcohol, exhibition of films and door supervision.

The Guidance issued under Section 182 of the Act provides pools of Model conditions as annexes.

14.2 Where necessary for the promotion of the licensing objectives, the Council will attach conditions which are consistent with the operating schedule for the premises in clubs and types of premises or, following a hearing, any other conditions attached to licences or certificates will be tailored to the individual style and characteristics of the particular premises and events concerned.

14.3 The Council recognises that the drug use of patrons is a problem which may exist. The Council expects licensees to take all reasonable steps to prevent controlled drugs coming into, or being consumed on their

premises. Whilst the possession of controlled drugs is a criminal offence, it is also recognised that special conditions will need to be imposed for certain types of venues to help prevent the sale and consumption of drugs and to create a safer environment for those who may have taken them. For more information please see the home office safer clubbing guide.

- <http://drugs.homeoffice.gov.uk/publication-search/young-people/safer-clubbing-guide.pdf?view=Standard&pubID=156775>

## **15. ADMINISTRATION, DELEGATION & EXERCISE OF FUNCTIONS**

- 15.1 The Council is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 15.2 Appreciating the need to provide a speedy, efficient and cost effective service to all parties involved in the licensing process, the Council has delegated certain decisions and functions to its Licensing Committee, Sub-Committees and officers.
- 15.3 The grant of non-contentious applications, including for an example, those licenses and certificates where no representations have been made, has been delegated to Council officers.
- 15.4 The table in Appendix 1 sets out agreed delegation of decisions and functions to the Licensing Committee, Sub Committee and officers. This form of delegation is without prejudice to officers referring an application to a Sub-Committee, or a Sub-Committee to the Licensing Committee, if considered appropriate in the circumstances of any particular case.
- 15.5 The Council will maintain a Licensing Register containing the information required by statute and keep it available for inspection.

## Appendix 1

### TABLE OF DELEGATED FUNCTIONS

Matter to be dealt with	Licensing Committee	Licensing Sub-Committee	Officers
Application for a personal licence		If a Police objection	
Application for a personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a representation made	If no representations made
Application for a provisional statement		If a representation made	If no representations made
Application to vary premises licence/club premises certificate		If a representation made	If no representations made
Application to vary designated premises supervisor		If a Police objection	All other cases
Request to be removed 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			All cases

complaint is irrelevant, frivolous, vexatious etc			
Decision to object when a local authority is a consultee and not a relevant authority considering an application		All cases	
Determination of a police representation to a temporary event notice		All cases	



## **Appendix 2**

### **PARTIES CONSULTED ON POLICY**

#### **The following parties were consulted on this policy:**

Section 5 of the Licensing Act sets out the persons, that before determining its policy, the Licensing Authority must consult with. They are;

- The chief officer of police for the area
- The fire authority for the area
- Persons / bodies representative of local holders of premises licences
- Persons / bodies representative of local holders of club premises certificates
- Persons / bodies representative of local holders of personal licences

These parties have all been consulted regarding the policy. Furthermore

- Copies of the draft policy were emailed to all counsellors.
- Copies of the policy were made available for viewing and responses on the councils website,
- Copies were made available at libraries throughout the Borough.

## Appendix 3 Contact Details for Responsible Authorities

The table below contains the contact details for responsible authorities that must be notified when applications are made for certain licences under the Licensing Act 2003.

<p><b><u>Application to Vary a Premises Licence / Club premises Certificate</u></b></p> <ul style="list-style-type: none"> <li>• Licensing Authority (<i>original application documentation and appropriate fee</i>)</li> <li>• Police</li> <li>• Health and Safety Team</li> <li>• Nuisance Team</li> <li>• Planning</li> <li>• Safeguarding Children Board</li> <li>• Fire Authority</li> <li>• Trading standards</li> </ul>	<p><b><u>New Premises Licence / Club Premises Certificate</u></b></p> <ul style="list-style-type: none"> <li>• Licensing Authority (<i>original application documentation and appropriate fee</i>)</li> <li>• Police</li> <li>• Health and Safety Team</li> <li>• Nuisance Team</li> <li>• Planning</li> <li>• Safeguarding Children Board</li> <li>• Fire Authority</li> <li>• Trading standards</li> </ul>
<p><b><u>Provisional Statement</u></b></p> <ul style="list-style-type: none"> <li>• Licensing Authority (<i>original application documentation and appropriate fee</i>)</li> <li>• Police</li> <li>• Health and Safety Team</li> <li>• Nuisance Team</li> <li>• Planning</li> <li>• Safeguarding Children Board</li> <li>• Fire Authority</li> <li>• Trading standards</li> </ul>	<p><b><u>New Personal Licence</u></b></p> <ul style="list-style-type: none"> <li>• Licensing Authority only</li> </ul> <p><b><u>Interim Authority Notice</u></b></p> <ul style="list-style-type: none"> <li>• Licensing Authority (<i>original application documentation and appropriate fee</i>)</li> <li>• Police</li> <li>• Designated premises supervisor</li> </ul>
<p><b><u>Application for a review of a Premises licence (s51) / Club Premises Certificate (s87)</u></b></p> <ul style="list-style-type: none"> <li>• Licensing Authority (<i>original application documentation</i>)</li> <li>• Police</li> <li>• Health and Safety Team</li> <li>• Nuisance Team</li> <li>• Planning</li> <li>• Safeguarding Children Board</li> <li>• Fire Authority</li> <li>• Trading standards</li> <li>• Premises licence holder/club in whos name the application was made.</li> </ul>	<p><b><u>Transfer of Premises Licence</u></b></p> <ul style="list-style-type: none"> <li>• Licensing Authority (<i>original application documentation and appropriate fee</i>)</li> <li>• Police</li> </ul> <p><b><u>Application to Vary a Premises Licence to Specify a Designated Premises Supervisor</u></b></p> <ul style="list-style-type: none"> <li>• Licensing Authority (<i>original application documentation and appropriate fee</i>)</li> <li>• Police</li> <li>• Existing Designated Premises Supervisor (if any)</li> </ul>

<p><b>LICENSING AUTHORITY</b></p> <p>London Borough of Barnet Licensing Team Licensing Team, Building 4 North London Business Park Oakleigh Road South London, N11 1NP T 020 8359 7995 E <a href="mailto:licensingteam@barnet.gov.uk">licensingteam@barnet.gov.uk</a> F 0870 889 6739</p>	<p><b>FIRE AUTHORITY</b></p> <p>London Fire and Emergency Planning Authority (LFEPA) Barnet Group 1st Floor, Finchley Fire Station 227 Long Lane London, N3 2RP E <a href="mailto:barnetgroup@london-fire.gov.uk">barnetgroup@london-fire.gov.uk</a> T 020 7587 2276 F 020 7587 2271</p>
<p><b>PLANNING</b></p> <p>London Borough of Barnet Planning Building 4, North London Business Park Oakleigh Road South New Southgate, N11 1NP Stewart Murray T 020 8359 4838 E <a href="mailto:stewart.murray@barnet.gov.uk">stewart.murray@barnet.gov.uk</a></p>	<p><b>POLICE</b></p> <p>Metropolitan Police Service Licensing Officer Colindale Police Station Grahame Park Way Colindale, NW9 5TW T 020 8200 1212 W <a href="http://www.met.police.uk/barnet">www.met.police.uk/barnet</a></p>
<p><b>HEALTH AND SAFETY TEAM</b></p> <p>Building 4, North London Business Park Oakleigh Road South New Southgate, N11 1NP Chris Carabine, Group Manager, Food. E <a href="mailto:chris.carabine@barnet.gov.uk">chris.carabine@barnet.gov.uk</a> T 020 8359 7995 F 0870 889 6793</p>	<p><b>SAFEGUARDING CHILDREN BOARD</b></p> <p>London Borough of Barnet Bridget Griffin Divisional Manager Children &amp; Families Barnet House, 1255 High Road Whetstone, N20 0EJ E <a href="mailto:bridget.griffin@barnet.gov.uk">bridget.griffin@barnet.gov.uk</a> W <a href="http://www.barnet.gov.uk">www.barnet.gov.uk</a> T 020 8359 4532</p>
<p><b>NUISANCE</b></p> <p>London Borough of Barnet Environmental Services Noise and Statutory Nuisance Manager Building 4, North London Business Park Oakleigh Road South New Southgate, N11 1NP Ralph Haynes E <a href="mailto:ralph.haynes@barnet.gov.uk">ralph.haynes@barnet.gov.uk</a> T 020 8359 7448</p>	<p><b>TRADING STANDARDS</b></p> <p>London Borough of Barnet Trading Standards Building 4, North London Business Park Oakleigh Road South New Southgate, N11 1NP Heena Kanani Trading Standards Officer E <a href="mailto:heena.kanani@barnet.gov.uk">heena.kanani@barnet.gov.uk</a> T 020 8359 2118</p>