

**STATEMENT OF  
LICENSING POLICY  
LONDON BOROUGH  
OF BARNET  
January 2020**

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## 1. Introduction

- 1.1 The London Borough of Barnet covers an area of 8,675 hectares and has a population of approximately 400,600, which is the largest of all the London Boroughs.
- 1.2 Within Barnet there is considerable variation in the size of wards, so it is useful to look at the population density of each ward to gain a deeper understanding of the distribution of population within the borough. In 2018, Colindale is projected to be the most densely populated borough with 10,215 residents per km<sup>2</sup>, which is considerably higher than the average population density of the borough (5,574 residents per km<sup>2</sup>). In contrast, both Totteridge and High Barnet have population densities of less than 2,000 residents per km<sup>2</sup>. With the exception of Garden Suburb, the wards with the highest population densities are concentrated in the south of the borough and those with the lower population densities tend to be in the north of Barnet
- 1.3 The Borough is mainly urban in character, being made up of a number of separate retail and commercial centres each surrounded by residential accommodation. However 28% of the borough is greenbelt with over 200 parks and greenspaces.
- 1.4 The Barnet Corporate plan 2019-2024 sets out the vision for the next 5 years. The 3 outcomes identified for the borough focus on place, people and communities. These are:
  - a pleasant, well maintained borough that we protect and invest in
  - our residents live happy, healthy, independent lives with the most vulnerable protected
  - safe and strong communities where people get along well
- 1.5 The Licensing Policy under the Licensing Act 2003 has a role to play in promoting these outcomes and ensuring, where applicable that it is achieved, subject to the requirements of the legislation and statutory guidance.
- 1.6 The London Borough of Barnet supports a diverse and vibrant daytime, evening and night economies all complementing and benefitting from each other.
- 1.7 Local licensed premises need to operate and flourish within the requirements of relevant licensing legislation, statutory guidance and the local licensing policy but effective management and partnership working with other businesses, regulators and other relevant stakeholders should ensure this is achieved. Barnet has a diverse residential community and needs to be able to offer that community venues that meet its needs, offering as wide a range of entertainment, food and leisure as is possible. This includes pubs, clubs, restaurants and entertainment venues of varying types, which would include the use of open spaces.

- 1.8 London is a 24 hour City. The Mayor of London has published the document entitled 'A Vision for London as a 24 Hour City' (available from London.gov.uk), which sets out the Mayor's desire to see creativity and talent flourish and which also acknowledges the economic benefits that a vibrant and diverse night time economy can bring. Encouraging and permitting such an economy needs to be balanced against the needs and rights of residents and other businesses and to ensure that where a premises provides licensable activities, this is done in a way that promotes the four licensing objectives in the Act.
- 1.9 Licensing is a balance and requires consideration of all these various, sometimes conflicting, needs.
- 1.10 For the purposes of this 'Statement of Licensing Policy', the licensing authority under the Licensing Act 2003 (the 2003 Act) is the London Borough of Barnet.
- 1.11 The 2003 Act requires that the Licensing Authority carries out its various licensing functions so as to promote the following four licensing objectives:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 1.12 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 Home Office.
- 1.13 The aim of this licensing policy is to set out how the Licensing Authority, will seek to meet the four licensing objectives and has been devised based on best practice.
- 1.14 This policy succeeds Licensing Authority Policy statement dated January 2015 and whilst subject to on-going review will be in force for a period of 5 years from January 2020.

## **2. Scope**

- 2.1 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 Licensing Authority deals with this issue will impact on many residents and businesses.
- 2.2 The licensing policy will form an important part of the development strategy for the Borough and will work in connection with:
- The London Borough of Barnet Enforcement and Prosecution Policy
  - The Human Rights Act 1998
  - Crime and Disorder Act 1998
  - Equality Act 2010 and other anti-discrimination legislation,

- Guidance issued by the Home Office on behalf of the Secretary of State under section 182 Licensing Act 2003
- Police Reform and Social Responsibilities Act 2011,
- Live Music Act 2012

\*The above is not an exhaustive list.

2.3 The licensing policy has 3 main purposes:

- To inform licence applicants of the parameters under which the Licensing Authority will make licence decisions, and therefore how a licensed premises is likely to be able to operate within an area<sup>1</sup>.
- To inform residents and business of the parameters under which the Licensing Authority will make licence decisions and therefore how their needs will be addressed.
- To assist the elected Members on the licensing Committee in relation to the powers of the Licensing Authority and the limits of those powers, and to provide them with parameters under which to make decisions.

2.4 The Licensing Authority is empowered under the Act to grant, review, vary, suspend or refuse premises licences, club premises certificates, personal licences and deal with temporary event notices in the Borough. The licensable activities dealt with by the licensing authority and set out in the act are as follows:

- The sale by retail 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
- The provision of late night refreshment being the supply of hot food and/or drink from any premises between 11pm and 5am.

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

### **3. Development of this policy**

3.1 There are a number of groups who have a stake in licensing, including providers, customers, residents and regulators, all who have views and concerns that

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<sup>1</sup> Each case will be examined on its individual merits.

require consideration as part of the licensing function. Before publishing this licensing statement, the Licensing Authority consulted widely, including with the chief borough police officer, the chief officer of the London fire brigade and bodies representing local holders of premises licences, club premises certificates, personal licences and businesses and residents in the borough.

- 3.2 The Licensing Authority has given proper weight to the views of all the persons/bodies consulted before publishing this finalised licensing statement.

#### **4. Fundamental Principles**

- 4.1 The Licensing Authority will carry out its various licensing functions ensuring it promotes the four licensing objectives:

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

- 4.2 The Licensing Authority is not expected to act as a responsible authority on behalf of other parties (for example, local residents, local Councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so.

- 4.3 However, if these bodies have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.

- 4.4 It is also reasonable for the licensing authority to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority.

For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.

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

#### 4.6 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.

4.7 The decision taken by the Licensing Authority 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 Licensing Authority 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.

4.8 In taking its decisions, the Licensing Authority will take into account that licensing law is not the primary mechanism for the control of anti-social behaviour once individuals are beyond the direct control of the premises 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

4.9 Licence conditions imposed will be relevant to the individual application and appropriate 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.

4.10 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.

4.11 Where an application is made for a new or transfer and variation of a licence, in respect of premises that have closed and that closure was to a relevant extent as a consequence of crime and disorder and/or nuisance issues at the premises, the Licensing Authority would expect the applicant to make clear in their operating schedule how they will ensure the crime and disorder and public nuisance objectives will be met, bearing in mind any previous crime and disorder/nuisance concerns there may have been.

4.12 The Licensing Authority recommends that all applicants carry out sufficient risk assessments for the activities on their premises, and that the findings are put into practice. The Licensing Authority 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.

4.13 The Licensing Authority encourages applicants to send risk assessments as well as any other supporting documentation with the application.

- 4.14 Appropriate weight is given to all relevant representations made to the Licensing Authority. This does not include those representations which are considered to be frivolous, vexatious or repetitious, which will be disregarded.

## **5. Approach to licensing applications**

- 5.1 When exercising its licensing functions the Licensing Authority 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 Licensing Authority'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 However, the Licensing Authority recognises that a significant number and type of licensed premises in a particular area may lead to problems of crime, disorder and nuisance and notes that in accordance with the Statutory Guidance to the Act, their cumulative impact on the promotion of the licensing objectives is a proper matter for the Licensing Authority to consider.

For example, national analysis of alcohol sales data (sales in the on and off trade) has shown a positive association at local authority level between off-trade sales and alcohol-specific hospital admissions.

### **Cumulative Impact Zones**

- 5.3 A Cumulative impact zone (CIZ) may help to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.
- 5.4 CIZs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area. Temporary event notices are not affected.
- 5.5 While the evidence underpinning the publication of a CIZ should generally be suitable as the basis for a decision to refuse an application or impose conditions, it does not change the fundamental way that decisions are made under the 2003 Act. Each decision in an area still needs to be made on a case-by-case basis and with a view to what is appropriate for the promotion of the licensing objectives.
- 5.6 There must be a good evidential basis for a decision to publish a CIZ. Information which licensing authorities may be able to draw on includes:
- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
  - statistics on local anti-social behaviour offences;

- health-related statistics such as alcohol-related emergency attendances and hospital admissions;
- environmental health complaints, particularly in relation to litter and noise;
- complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- residents' questionnaires;
- evidence from local and parish councillors; and
- evidence obtained through local consultation

5.7 The licensing authority may consider this evidence, alongside its own evidence of the impact of licensable activities within its area, and consider in particular the times at which licensable activities are carried on. Information which may inform consideration of these issues includes:

- trends in licence applications, particularly trends in applications by types of premises and terminal hours;
- changes in terminal hours of premises;
- premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.

5.8 Where the Licensing Authority recognises that there is such a cumulative effect it will consider adopting a specific Cumulative Impact Zone for that area, if this is shown to be necessary. In these circumstances, the Licensing Authority may consider that the imposition of conditions is unlikely to address the apparent problems and may consider the adoption of a CIZ whereby there will be a presumption that new premises licence or club premises certificate applications, or applications to materially vary a premises licence, will be refused. A material variation may be, for example, an increase in permitted hours or to add a licensable activity onto a premises licence.

5.9 Based on the Statutory Guidance to the Act, in deciding whether to adopt such a Policy in an area, the Licensing Authority will consider the following:

- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots
- Statistics on local anti-social behaviour offences
- The density and number of current premises selling alcohol
- Alcohol use and misuse in the local population
- Alcohol specific hospital admissions for under 18's
- Ambulance incidents and dispatches
- Statistics on alcohol related emergency attendances and hospital admissions
- Complaints recorded by the local authority
- Evidence from local councillors and Police
- Evidence obtained through local consultation.

5.10 The location of the current Cumulative Impact Zones adopted by the London Borough of Barnet can be found in Appendix 2 of this policy.

- 5.11 The effect of a Cumulative Impact Zone for the areas listed in Appendix 2 is that where relevant representations are received on any new applications for a premises licence to sell alcohol off the premises, or on a material variation to an existing such premises licence there will be a presumption under the special policy that the application will be refused.
- 5.12 The Cumulative Impact Zone is intended to be strict, and will only be overridden in genuinely exceptional circumstances. However, the Licensing Authority will not apply these inflexibly. It will always consider the individual circumstances of each application; even where an application is made for a proposal that is apparently contrary to the CIZ.
- 5.13 It is not possible to give a full list of examples of when the Licensing Authority may treat an application as an exception. However, in considering whether a particular case is exceptional, the Licensing Authority will consider the reasons underlying the policy.
- 5.14 The Licensing Authority will not consider a case to be exceptional merely on the grounds that the premises have been or will be operated within the terms of the conditions on the licence, or that are or will be generally well managed because of the reputation or good character of the licence holder or operator. This is expected in the conduct of all licensed premises. Moreover, licences are for premises and can be easily transferred to others who intend to operate within the scope of the licence and its conditions.
- 5.15 The Licensing Authority will review the special policies regularly to see whether they have had the effect intended and whether they are still needed or whether they need expanding.
- 5.16 The Licensing Authority will not use these policies solely:
- As the grounds for removing a licence when representations are received about problems with existing licensed premises, or,
  - To refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for an extension in permitted hours or to add a licensable activity.
- 5.17 The Licensing Authority recognises though that where no relevant representations are made in relation to an application in a cumulative impact area, the application must be granted in terms consistent with the applicants operating schedule.
- 5.18 The Licensing Authority recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have full regard to those differences and the differing impact these will have on the local community.
- 5.19 It therefore also recognises that, within the Cumulative Impact Policy areas, it may be able to approve licences that are unlikely to add significantly to the

existing problems, and will consider the circumstances of each individual application on its merits.

## **6. Public safety**

- 6.1 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants will be expected to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.
- 6.2 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.
- 6.3 The Licensing Authority 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.
- 6.4 The following examples of influencing factors are given to assist applicants when addressing the issue of public safety during the preparation of their Operating Schedule:
  - the number of people attending the premises
  - the condition, design and layout of the premises, including the means of escape in case of fire
  - the nature of the activities to be provided, in particular the sale of alcohol and including whether those activities are of a temporary or permanent nature
  - the hours of operation and hours of opening if different
  - customer profile (i.e. age, mobility)
  - the use of special effects such as strobe lighting, lasers, pyrotechnics, smoke machines, foam machines etc
- 6.5 Applicants are reminded that any performers are also members of the public and as such their safety should be specifically addressed in operating schedules.
- 6.6 Where door supervision is in operation, supervisors must be registered with the Security Industry Authority. The Licensing Authority 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 at all reasonable times by authorised officers of the Council or a Police Officer.

6.7 Public safety will be promoted by the effective management and operation of the licensed activities, these should be reflected in the operating schedule of the licence application. The issues addressed could include, where relevant:

- Effective and responsible management of premises
- Provision of a sufficient number of people employed or engaged to secure the safety of everyone attending the premises or event, i.e. number of door supervisors within nationally accepted standards (and having SIA accreditation where necessary)
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises or event
- Suitable customer-care policies for assisting lone customers taken ill or injured etc. at the premises
- Provision of effective CCTV in and around premises
- Provision of toughened or plastic glasses
- Implementation of crowd management measures
- Regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety codes and standard.

## **7. Protection of children from harm**

7.1 The wide range of premises that require licensing means that children can be expected to visit them, often on their own to buy food and/or avail of the entertainment.

7.2 Although the 2003 Act details certain age and/or time limitations on the admission of accompanied or unaccompanied children to certain types of licensed premises, the Council recognises that additional limitations may have to be considered where it appears necessary to protect them from physical, moral or psychological harm.

7.3 While no policy can anticipate every situation, the following are examples of premises that will raise concern:

- 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 Licensing Authority expects all premises which have gambling on the premises to have read its policy on Gambling licensing in relation to this exemption for small cash prize machines)
- Whenever entertainment or services of an adult nature or sexual nature are provided.

- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 7.4 It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature and the Council acknowledges that any such proposal will require careful discussion with the applicant and responsible authorities. However, as a guide (notwithstanding the implications of the re classification of lap dancing type venues brought about by section 27 of the Policing and Crime Act 2009), the provision of topless bar staff, striptease, lap table or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong or offensive language would be included in any such considerations.
- 7.5 Where it is considered that the protection of children from harm requires conditions to limit their access to any premises, the Licensing Authority 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.
  - Limitations on parts of the premises to which children might be given access
  - Requirements for an accompanying adult.
  - Full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 7.6 Protection from harm issues may be addressed by the following examples of good practice being included in the operating schedule, where appropriate:
- Effective and responsible management of premises
  - Provision of a sufficient level of adult supervision
  - Appropriate instruction and training for staff in the prevention of underage sales, including acceptance of accredited 'proof of age' identification, such as a photo card driving licence, a passport, a citizens card, a validate card or a scheme which carries the PASS hologram logo
  - Keeping a 'refusal' book
  - Methods employed for the prevention of unlawful supply, consumption, and use of alcohol, drugs and other products
  - 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 facilities (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.

7.7 As an important element in the protection of children from harm, the Council recognises the need for alcoholic drinks to be named, packaged and promoted in such a manner as not to appeal to or attract those under 18 years old.

7.8 The Council therefore commends the Portman Group's 'Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks' to licensees and expects that they will act on any Retailer Alert Bulletins issued under that Code.

### Showing of Films, Videos etc

7.9 In accordance with Section 20 of the Licensing Act where the exhibition of films is permitted, the specified classification body will normally be the British Board of Film Classifications and the Licensing Authority will require age restrictions to be strictly complied with in accordance with their recommendations.

7.10 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

7.10 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.

7.11 Where a regulated entertainment is specially presented for children, the Licensing Authority will require their safety to be specifically addressed in the Operating Schedule, including where appropriate:

- 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.

## **8. Prevention of crime & disorder**

- 8.1 The London Borough of Barnet is committed to reducing crime and disorder in the Borough and creating an environment where people feel safe.
- 8.2 In addition to the requirements for the Licensing Authority 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 Licensing Authority also has responsibilities under the Anti-Social Behaviour Act 2003.
- 8.3 Licensed premises, especially those offering late night/early morning entertainment, alcohol and/or refreshment, can be a source of crime and disorder problems.
- 8.4 The Licensing Authority will expect applicants to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained so as to minimise or prevent crime and disorder in and around the vicinity of their premises and events.
- 8.5 The Licensing Authority recommends that for certain events, a comprehensive risk assessment is undertaken by premises licence applicants & holders to ensure that crime and disorder and public safety matters are identified and addressed. For larger public events, including those in open spaces and for premises that wish to stage promotions or events, the Licensing Authority recommends that licence applicants and holders address Risk Assessment and post event debrief processes in their application operating schedule/event planning. Applicants and premises licence holders are recommended to engage the services of suitably trained individuals or companies to assist them in this risk assessment process. In addition, they may seek guidance and advice from the Licensing Authority or the Metropolitan Police, though neither body is able to actually undertake such risk assessments for applicants/licence holders. It is their responsibility.
- 8.6 The Licensing Authority 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 Licensing Authority 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 if necessary of parts of the Borough as designated public place order which provides police with greater powers to prevent people drinking alcohol within this zone.
- 8.7 In considering all licence applications, the Licensing Authority will consider the adequacy of measures proposed in the operating schedule to deal with the potential for crime and public disorder having regard to all the circumstances of the case.
- 8.8 The Licensing Authority will expect to see these issues addressed, where appropriate, by good management practices. Examples of ways to address this include:
- Effective and responsible management and supervision of the premises, including associated open areas, appropriate storage of alcohol, discouraging loitering/consuming alcohol outside the premises, ensuring opening hours are adhered to
  - Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of crime and disorder
  - 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
  - Measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures,
  - Crime prevention design, including appropriate lighting of exterior areas
  - 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 in appropriate circumstances, the use of toughened and/or polycarbonate glasses and the refusal to supply drinks over the counter in glass bottles.
  - 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 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
- 8.9 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.

- 8.10 In order to avoid disruption to businesses during the absence of the Designated Premises Supervisor, the Licensing Authority 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 Licensing Authority encourages such authorities to be written in clear and unambiguous terms.
- 8.11 The Licensing Authority strongly encourages Designated Premises Supervisors and others connected with the retail sale of alcohol to attend meetings supported by the Licensing Authority and/or the Borough Police aimed at the reduction of crime and disorder. An example of this would be the Pubwatch Scheme(s).
- 8.12 In addition to the above, recent times have seen a significant increase in terrorist attacks and the threat from terrorist attacks. Licensed premises, licensed open spaces and public events, where large numbers of people may gather can unfortunately be a target for terrorist activity. Licence/certificate applicants and holders and people submitting temporary event notices are therefore recommended to ensure they have assessed, planned and initiated suitable control measures to counter and mitigate against such a terrorist attack. To assist, licence applicants/holders and persons submitting temporary event notices are recommended to acquaint themselves with the content of the following documents:

Counter Terrorism Protective Security Advice for Bars, Pubs and Nightclubs, produced by ACPO, Police Scotland & NaCTSO

Protecting Crowded Places: Design and Technical Issues, produced by the Home Office

- 8.13 The Metropolitan Police will be able to provide further assistance and guidance with regard to these specific documents and counter terrorism measures

## **9. Nuisance**

- 9.1 In addition to the requirements of the Licensing Authority to promote the licensing objectives, the London Borough of Barnet also has a duty under the Environmental Protection Act 1990 to do all it reasonably can to prevent nuisance, including noise.
- 9.2 Where appropriate, the Licensing Authority will attach conditions to licences and permissions to deter and prevent nuisance. Such conditions will so far as possible reflect local strategies.
- 9.3 For all licence applications, the Licensing Authority 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.

9.4 The 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 and smoking areas, including whether noise suppression and/or cut-off devices will be used.
- The times of operation of outside areas where persons congregate for periods of time, such as beer gardens
- 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.

## **10 Health Considerations of Licensing**

10.1 Health bodies are now responsible authorities as identified by the Act and as such are notified of all new premises applications to which they can make representations. Their representations must however still be relevant to the existing statutory licensing objectives.

## 11 Live Music, Dancing & Theatre

- 11.1 The Licensing Authority wishes to encourage and promote live music, dance and theatre for the wider cultural benefit of the community particularly for children.
- 11.2 When considering applications for such events and the imposition of conditions on licences, the Licensing Authority will carefully balance the cultural needs with the necessity of promoting the licensing objectives. The Licensing Authority would wish to avoid, so far as possible, measures which deter live music, dancing and theatre.
- 11.3 The Licensing Authority draws all applicant's attention to the Live Music Act and other similar deregulations.
- 11.4 Where applicants are minded to consider restricting the timings of live or recorded music in an attempt to satisfy responsible authority concerns, the Licensing Authority recommends that they also consider conditions in relation to the application of the deregulation. This is applicable when the application is requesting the sale of alcohol on the licence and would be entitled to utilise the deregulations mentioned above. In such circumstances, it is advisable that the applicant speaks to the Noise Nuisance department prior to submitting their application.

## 12. Representations

- 12.1 Representations should be made in writing to the licensing authority. The interested party must ensure they include their name, address and contact details. Please be aware that the Licensing Act 2003 requires all parties that wish to make a representation against an application ensure that their name and addresses are included in the representation to make it valid.
- 12.2 The name and address is required so that the Licensing Authority and the applicant or their representation can validate that the person making the representation is qualified to do so in terms of living or working in the vicinity of the premises concerned.
- 12.3 In exceptional cases an interested party can request the Licensing Authority to withhold their details, in any event the original letter must contain the information required.
- 12.4 All representations will be available in the public domain and some will be contained in reports that will be able to be viewed on the website.
- 12.5 All representations must be about the likely effect of granting the licence or certificate on the promotion of at **least one** of the four licensing objectives. It would be wise, therefore, to explicitly link any representation to one or more of the objectives.
- 12.6 It will also assist if the representations are specific to the premises and evidence based. Interested parties may, therefore wish to talk to the relevant responsible

authority beforehand, or document problems themselves by, for example, keeping a diary or photographic evidence of any incidents.

- 12.7 The Licensing Authority will need to be satisfied that there is an evidential and causal link between the representations made, and the effect on the licensing objectives.
- 12.8 In addition, the Licensing Authority can only consider representations that are not “vexatious” or “frivolous”. Whether representations are frivolous or vexatious will be for the Licensing Authority to determine. For example, the Licensing Authority might find the representations were vexatious if they arise because of disputes between rival businesses or they might be frivolous representations if they plainly lacked seriousness.
- 12.9 It is also important that an applicant is able to respond to a representation, for example, if they believe that it is not a “relevant” representation. If interested parties are concerned about possible intimidation, they could consider asking the appropriate responsible authority to make a representation on their behalf.
- 12.10 If no relevant representations are made, the licence or variation must be granted, therefore interested party representations are very important.
- 12.11 It may be beneficial for those wishing to make a representation to get the backing of other people living, or businesses operating in the vicinity of the premises.
- 12.13 If any party is considering raising a petition, it is important to ensure that the Licensing Authority can determine whether all the signatories are within the ‘vicinity’ of the premises. So, including addresses and indicating clearly what representation(s) they are all making is essential.
- 12.14 If interested parties want to ask another person, such as an MP or local Councillor to represent them, it is advisable to make such a request in writing so that the individual can demonstrate he or she was asked.
- 12.15 Representees should address how they would like the situation to be rectified. The Licensing Authority often has to balance conflicting needs when determine licensing applications, it is beneficial for representees to outline what they feel would resolve or reduce their concerns.

### **13. Temporary Event Notices (“TEN”)**

- 13.1 Whilst the Act requires 10 working days’ notice to be given of the temporary event (exclusive of the day which the event is to start and the day on which the notice is given), it is advisable that applicants contact 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 and/or the Environmental Health Department.

- 13.2 Applicants should be aware that the serving on the Licensing Authority of a TEN does not remove their obligations under other legislation. Where appropriate, permissions should be sought from the appropriate body. The Licensing Authority 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
- 13.4 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.
- 13.5 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. Organisers should be aware this is the total number of persons, not customers, therefore staff should be included in this number.
- 13.6 Where appropriate, organisers are strongly recommended to employ means of recording the number of persons entering and leaving the premises.
- 13.7 The attention of applicant is drawn to the Licensing Authorities need to be provided with adequate information on the TEN. The applicant should make clear:
- The nature of the event
  - If the event involves live or DJ music
  - whether it is open to the public or section of the public

The applicant should also ensure all fields on the application form are completed, including their national insurance number.

If a TEN is submitted without the required information it will be refused as invalid. In these circumstance any fee submitted is non refundable.

### Late Temporary Events Notices

- 13.8 Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. For the Licensing Authority to be able to accept the application, the applicant should confirm that they are submitting a late TEN. Failure to do so will deem the TEN invalid. In these circumstance any fee submitted is non refundable.

## **14. Integrating strategies & avoiding duplication**

14.1 The Licensing Authority recognises the need to avoid, so far as possible, duplication of the existing legislation and other mechanisms to deal with any environmental or other impacts on the leisure economy such as:

- Planning controls
- Positive measures to create a safe and clean town centre environment
- Powers of the Licensing Authority 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 Licensing Authority'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.

14.2 The Licensing Authority 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.

14.3 The Licensing Authority expects all applicants to ensure that they have both the relevant Licensing and Planning consents in place in relation to their business prior to commencing to trading.

14.4 There may be circumstances when as a condition of planning permission a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant **MUST** observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

## **5. Enforcement.**

15.1 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.

- 15.2 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.
- 15.3 Routine enforcement activity undertaken by the Licensing Authority will be targeted to ensure that high risk and 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 any inspection by the Licensing Authority and/or following investigation of a complaint received.
- 15.4 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](#), [Code for Crown Prosecutors](#), [Attorney Generals Guidelines](#).
- 15.5 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.

## **16. Administration, delegation & exercise of functions**

- 16.1 The Licensing Authority is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 16.2 Appreciating the need to provide a speedy, efficient and cost effective service to all parties involved in the licensing process, the Licensing Authority has delegated certain decisions and functions to its Licensing Committee, Sub-Committees and officers.
- 16.3 The grant of non-contentious applications, including for an example, those licenses and certificates where no representations have been made, has been delegated to Licensing Authority officers.
- 16.4 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.

16.5 The Licensing Authority will maintain a Licensing Register containing the information required by statute and keep it available for inspection.

## **17. Licence suspensions**

17.1 This is a power introduced as part of the amendments brought about by the Police Reform and Social Responsibility Act 2011. This power of suspension has been given to local authorities in relation to non payment of annual fees for a premises licence/club premises certificate.

17.2 A single request for payment will be sent and the Licensing Authority will then take measures to suspend the licence if payment is not received within 28 days.

17.3 The regulations state that the premises licence holder will be given notice of a suspension at least 2 working days before the suspension is to take place. The Licensing Authority must then suspend the premises licences/club premises certificate should the outstanding annual fees remain unpaid.

17.4 The licence will be reinstated once full payment of all outstanding annual fees have been received.

## Appendix 1 – TABLE OF DELEGATED FUNCTIONS

Matter to be dealt with	Licensing Committee	Licensing Sub - Committee	Officers
Application for a personal licence			All cases
Application for a personal licence with unspent relevant convictions		If a Police objection notice is received	
Application for a premises licence/club premises certificate		If a valid representation is made	If no valid representations are made
Application for a provisional statement		If a valid representation is made	If no valid representations are made
Application to vary a premises licence/club premises certificate		If a valid representation is made	If no valid representations are made
Application to vary a designated premises supervisor		If a Police representation is received	All other cases
Request to be removed as designated premises supervisor			All cases
Application to transfer a premises licence		If a Police representation is received	All other cases
Application for interim Authorities		If a Police representation is received	All other cases
Application to review a premises licence/club premises certificate		All Cases	
Decision on whether a representation is irrelevant frivolous, vexatious etc.			All cases
Decision to make objection when local authority is consultee and not the relevant authority considering the application		All Cases	
Determination of an objection to a temporary event notice		All Cases	

Decision on whether a minor variation application is valid, the need to go out to consultation and determination			All cases
Power to suspend a premises licence (S.55A (1) LA2003) or club premises certificate (S.92A (1) LA2003) for non payment of annual fees			All Cases
Determination of application to vary a premises licence at community premises to include alternative licence condition		If a Police objection is received	All other cases
Power to specify the date on which suspension takes effect. This must be at least 2 working days after the day the Authority gives notice			All Cases
Fulfil the function of the responsible authority for the Licensing Authority under the Licensing Act 2003			All Cases

