

AGENDA ITEM 5 Page Nos 1 – 27

Meeting	Licensing Committee
Date	14 December 2010
Subject	Review of the Licensing Policy
Report of	Director of Environment and Operations
Summary	The Licensing Act 2003 places a responsibility on all licensing authorities to publish a licensing policy every 3 years. The latest policy was published in January 2008. This is an interim report on the current outcome of formal consultation on the Council's new draft policy pending the end of the consultation on the 10 th December.
Officer Contributors	Emma Phasey
Status (public or exempt)	Public
Wards affected	All
Enclosures	Appendix 1, Proposed Licensing Policy
For decision by	Council
Function of	Council
Reason for urgency / exemption from call-in	Not applicable

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1. RECOMMENDATIONS

- 1.1 That the information in this report be considered in conjunction with the information that is to follow.
- 1.2 That the proposed Licensing Policy is agreed by the Licensing Committee and that they will recommend it for adoption by full Council on 14th December 2010 so it can be published on or before 7th January 2011 in accordance with the Licensing Act 2003

2 RELEVANT PREVIOUS DECISIONS

- 2.1 Council, 7 January 2008 (Decision item 114) – adoption of the current Licensing policy in accordance with the Licensing Act 2003.
- 2.2 Delegated Powers report 1162 signed by Director of Environment and Operations on 20 September 2010

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 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, these contribute to the corporate priority of 'A Successful London Suburb' as they are meeting the strategic objective to "ensure that our town centres are vibrant places where business can thrive" thereby helping ensure that the Borough is a prosperous place where people want to live and ensuring it remains clean and safe.
- 3.2 The policy will support objectives contained within the Safer Communities Strategy 2008-2011, the Local Area Agreement and the Sustainable Community Strategy.

4. RISK MANAGEMENT ISSUES

- 4.1 Failure to review and adopt a licensing policy would be a breach of the Licensing Act 2003 and would mean the Council, as the licensing authority, would be unable to perform any of its licensing functions.
- 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 and could adversely affect the Council's reputation. Poor licensing decisions could 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.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 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.

5.2 The community in the Borough 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 conditions will only be imposed that are reasonable, proportionate and strictly necessary for the promotion of the four licensing objectives.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

6.1 Administration and enforcement of the Licensing Act will be carried out by the Licensing Team, together with support from across the Community Protection Group. Legal and Democratic Services are also involved in the arranging and co-ordinating arrangements for hearings where there are objections.

7. LEGAL ISSUES

7.1 Failure to review and adopt a licensing policy would be a breach of the Licensing Act 2003 and would mean the Council, as the licensing authority, would be unable to perform any of its licensing functions.

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 approve the licensing policy as amended at the end of the consultation period and make a recommendation to the Council meeting on 14th December 2010 in order to meet the statutory deadline for publication of the draft policy.

9. BACKGROUND INFORMATION

9.1 The Licensing Act 2003 makes the Council the licensing authority for licensing the sale of alcohol, the provision of regulated entertainment and late night refreshment in pubs, off-licences, clubs and restaurants in the Borough.

9.2 There are currently approximately 1300 licensed premises in the Borough.

9.3 In accordance with the Act, the Council must prepare, consult on and publish a Licensing Policy which it proposes to apply when exercising relevant functions. In exercising its functions, licensing authorities must have regard to the statutory guidance issued by the Department for Culture Media and Sport. The latest version of this guidance was published in October 2010.

- 9.4 The draft Licensing Policy was published for consultation on 20th September. Consultation has been with all relevant stakeholders, in accordance with best practice.
- 9.5 The draft policy that was consulted on can be found in Appendix 1. This document is substantially the same as the previous policy with grammatical and spelling errors corrected and links and contacts updated.
- 9.6 The consultation document has been sent to the police, the fire authority, persons/bodies representative of local holders of premises licences, persons/bodies representative of local holders of club premises certificates and persons/bodies representative of local holders of personal licences. It was also sent to all Councillors, all responsible authorities, and certain organisations working with problem drinking.
- 9.7 The consultation document was as far as possible emailed to the relevant consultees or a hard copy sent where this was not appropriate. All of the consultation documents were also published on our website.
- 9.8 The consultation will finish on the 10 December 2010 therefore this is an interim report on the status of the policy so far. Should additional responses be received following this report these will be considered and the policy amended as appropriate and a further report will be produced prior to the meeting of the Council on the 14th December 2010.
- 9.9 Currently no responses have been received to the consultation so the draft policy that was originally sent out to consultation has not been changed in any way.
- 9.10 The policy 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 Guidance issued under section 182 of the Licensing Act 2003 (October 2010)
- 10.2 List of persons/organisations/businesses sent the consultation documentation.
- 10.3 Any person wishing to inspect the background papers listed above should telephone Emma Phasey on 020 8359 2119.

Legal: RGH
CFO:AA

Appendix 1:

STATEMENT OF LICENSING POLICY

LONDON BOROUGH OF BARNET

Jan 2011

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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 Media and Sport.
- 1.2 The aim of this licensing policy is 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 2008 and whilst subject to on-going review will be in force for a period of 3 years from January 2011.

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](#)
 - [Crime and Disorder Act 1998](#)
 - [Disability Discrimination Act 1995](#) and other anti-discrimination legislation,
 - [Guidance](#) issued by the Secretary of State for Culture, Media and Sport under section 182 Licensing Act 2003
 - Home Office Safer Clubbing Guide www.drugs.gov.uk
 - Metropolitan Police Service publication Controlled Drugs and Weapons in Licensed premises
 - [The Mayor's London Ambient Noise Strategy](#)

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 other 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:

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 at all reasonable times by authorised officers of the Council or a Police Officer.
- 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 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.
- 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 under-aged 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 if necessary of parts of the Borough as alcohol control zones which provides police with greater powers to prevent people drinking alcohol within this zone.

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 to 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 any 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](#), [Code for 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 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), 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. The Council 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, the Council 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 and smoking areas, 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 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.

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 complaint is irrelevant, frivolous, vexatious etc			All cases

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

<p>LICENSING AUTHORITY</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 7443 E licensingadmin@barnet.gov.uk F 0870 889 6739</p>	<p>FIRE AUTHORITY</p> <p>London Fire and Emergency Planning Authority (LFEPA) Barnet Group 1st Floor, Finchley Fire Station 227 Long Lane London, N3 2RP E barnetgroup@london-fire.gov.uk T 020 7587 2276 F 020 7587 2271</p>
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<p>PLANNING</p> <p>London Borough of Barnet Planning Building 4, North London Business Park Oakleigh Road South New Southgate, N11 1NP</p> <p>T 020 8359 4838 E planning@barnet.gov.uk</p>	<p>POLICE</p> <p>Metropolitan Police Service Licensing Officer Colindale Police Station Grahame Park Way Colindale, NW9 5TW T 020 8200 1212 E barnet.licensing@met.pnn.police.uk W www.met.police.uk/barnet</p>
<p>HEALTH AND SAFETY TEAM</p> <p>Building 4, North London Business Park Oakleigh Road South New Southgate, N11 1NP Chris Carabine, Group Manager, Food. E chris.carabine@barnet.gov.uk T 020 8359 7995 F 0870 889 6793</p>	<p>SAFEGUARDING CHILDREN BOARD</p> <p>London Borough of Barnet Divisional Manager Children & Families Barnet House, 1255 High Road Whetstone, N20 0EJ E bridget.griffin@barnet.gov.uk W www.barnet.gov.uk T 020 8359 4532</p>
<p>NUISANCE</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, Noise and Statutory Nuisance Manager E ralph.haynes@barnet.gov.uk T 020 8359 7448</p>	<p>TRADING STANDARDS</p> <p>London Borough of Barnet Trading Standards Building 4, North London Business Park Oakleigh Road South New Southgate, N11 1NP Trading Standards and Licensing Manager E trading.standards@barnet.gov.uk T 020 8359 2118</p>

Appendix 2:

London Borough of Barnet LICENSING ACT 2003

FORMAL CONSULTATION: COMMENTS ON OUR DRAFT LICENSING POLICY

When you have completed this form please return to licensingadmin@barnet.gov.uk
or by letter, addressed to

David Curtis-Botting,
Principal Licensing and Trading Standards Officer,
London Borough of Barnet, Building 4,
North London Business Park,
Oakleigh Road South,
London,
N11 1NO

Name:

Organisation or capacity (if applicable) :

Address:

e-mail:

Telephone Number:

**Paragraph Nos:
COMMENTS**

**Paragraph Nos :
COMMENTS**

Please add further rows if you wish

In addition I wish to make the following general comments:

Declaration:

I am happy for this Response to be made public OR

I do not wish this Response to be made public

Failure to complete the above Declaration will result in your Response being made public.

Signature: Date:

Name: (Please print)

Please note the consultation closes on 10th December 2010

