

**Environment and Regeneration
Municipal Offices, 222 Upper Street
London N1 1XR**

Report of: Director of Environment & Regeneration

Meeting of	Date	Agenda Item	Ward(s)
Licensing Committee	28 November 2007	3	All

Delete as appropriate		Non-exempt
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Subject: Review of the Council's Licensing Policy

1. Synopsis

- 1.1 This report sets out the arrangements for reviewing the Council's Licensing Policy and the areas of change on which the Council has been consulting. The policy is used to drive the licensing service and enable the Council to provide an excellent service to residents whilst supporting the 'One Islington' vision. It is an important stream of work, enabling a balance between the entertainment sector and the local community.

2. Recommendation

- 2.1 To recommend that Council adopt a revised licensing policy for 2008 – 11.

3. Background

- 3.1 The Licensing Act 2003 includes a requirement for all licensing authorities to have a Licensing Policy Statement which reflects their local situation and has been subject to consultation. Islington's policy sets out the Council's stance on licensing matters and must be used when deciding applications relating to the sale of alcohol, late night food provision and regulated entertainment. It is the Council's means of ensuring that places of entertainment are safe to visit and well managed, whilst operating with consideration for the residents and businesses that surround them.

- 3.2 The current policy was agreed in January 2005 and has to be reviewed by January 2008. It was developed after extensive consultation with residents and businesses, and has proved to be successful in taking forward the objectives of the Licensing Act in Islington. The Licensing Team has carried out an initial review with the key stakeholders - Police, Fire, Environmental Health - to identify if there are areas where the policy should be changed to reflect the positive approach we have developed in Islington over the past three years, whilst addressing any areas where the policy could be strengthened and removing any policy items which are now unnecessary. A number of additions are proposed but there are no policy areas that we intend to remove.

The areas of change are

- Requiring risk assessments for significant events in line with the scheme operated by the Metropolitan Police's Clubs and Vice Division
- Encouraging the use of toughened glassware and polycarbonates to reduce the chance of injury and assault
- Encouraging premises to apply for accreditation under the Best Bar None scheme
- Amending the policy on use of outside areas to recognise the potential nuisance caused by people smoking and eating as well as from those drinking
- Encourage membership of a 'Pub Watch' scheme as there are now a network of these across the borough
- Strengthen the policy statement for the area surrounding Emirates Stadium on match days as well as a proposal to consult on declaring a controlled drinking zone for the 08/09 season
- Adding a pool of model conditions to help businesses prepare the operating schedule required as part of their application for a licence.

- 3.3 The consultation commenced on 10th September and closed on the 16th November. The draft policy has been on the Council's website since 15 October 2007. The draft policy that went out to consultation is attached as appendix A and this will be amended to take account of the consultation feedback. A summary of the consultation responses is attached as Appendix B and an updated version showing the Licensing Authority's response to the issues raised will be available at the committee meeting.

- 3.4 The consultation plan was as follows

- Provide all responsible authorities with the draft policy for comment
- Consultation via the website for residents, supported by an article in Insight
- Consultation with all councillors via e-mail
- Discussion session with Licensing Committee
- Mail out to all licensees with discussion sessions at the September / October Pub Watch sessions
- Mail licensees' representatives such as British Beer and Pubs Association and BEDA, inviting them to participate in the consultation

4 Implications

- 4.1 **Financial implications:** The cost of preparing the licensing policy needs to be met from the fee income received. Fees are now set by central government and no longer cover service costs. These are estimated to be approximately £2000 and are included in the service plan so will be contained within the existing budget. Any additional costs will need to be considered as part of the Performance and Financial Planning Process.
- 4.2 **Legal Implications:** The licensing activities set out in the Licensing Act 2003 are a non-executive function. The Local Authorities (Functions and Responsibilities) Regulations state that the appropriate approving body is full Council. The proposed statement of policy complies with the statutory guidance; insofar as it departs from it, it gives an explanation for such departures as is advised by the guidance.
- 4.3 **Equalities impact assessment**

This will be carried out once the policy has received formal approval.

Appendices

Appendix A-Draft Licensing Policy 2008-2011

Appendix B- Summary of Consultation responses

Background papers:

Licensing Act 2003

Secretary of States Guidance

Final Report Clearance

Signed by

Assistant Director – Public Protection

Date

Received by

Head of Democratic Services

Date

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Appendix A

www.islington.gov.uk

Draft Licensing Policy

2008-2011

September- November 2007

Licensing Act 2003



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INTRODUCTION

1. The London Borough of Islington, acting as the Licensing Authority, seeks to ensure that licensed premises regenerate the borough, enhance the quality and sustainability of the local environment and are focused on the needs of residents, businesses and visitors to the borough.
2. The Licensing Authority may grant personal licences, premises licences and club premises certificates and attach conditions to premises licences and club premises certificates. The Licensing Authority may take enforcement action to deal with unlicensed premises and licence or certificate holders who fail to comply with licence conditions. This statement of Licensing Policy sets out how the Licensing Authority expects licensees and applicants to adopt the highest standards of management in their licensed premises. It also addresses the requirements of the Licensing Act 2003 (the Act) and the associated Statutory Guidance issued under the Section 182 of Act.
3. The purpose of this policy is:
 - to inform licence applicants of the way in which the Licensing Authority will make licensing decisions and how licensed premises are likely to be permitted to operate;
 - to inform residents and businesses of the way in which the Licensing Authority will make licensing decisions and how their needs and concerns will be dealt with.
4. It is important for all parties to note that this licensing policy only becomes relevant to the consideration of an application if the Licensing Authority receives representations from responsible authorities and/or interested parties. Where no representations are received, applications are only subject to the provisions of the Act and statutory guidance, and have to be granted in the terms sought by the applicant, with the imposition of only the relevant mandatory conditions.
5. The scope of this policy includes all licensable activities as defined in the Licensing Act 2003. These are:
 - **The retail sale of alcohol** i.e. sales of alcohol from all premises, for consumption on or off the premises, with the exception of wholesale trade to traders for their trade or to licence holders
 - **The supply of alcohol by or on behalf of a club or to the order of a member of a club**
 - **The provision of late night refreshment** i.e. the supply of hot food or drink from **premises** from 23.00 to 05.00 hours
 - **The provision of regulated entertainment**, which includes entertainment provided **solely** or partly for members of the public, or exclusively to club members and their guests, or for which a charge is made, which is provided for profit (including raising money for charity) such as:
 - the performance of a play
 - the showing of a film
 - an indoor sporting event
 - a boxing or wrestling match
 - a performance of live music
 - any playing of recorded music
 - a performance of dance

The definition also covers the provision of entertainment facilities for participating in entertainment such as:

- provision of facilities for dancing;
- provision of facilities for making music.

There are exceptions to these general definitions such as where the playing of live or recorded music is only incidental to other activities, which may or may not be licensable. As there is no definition in the Act of what is “incidental” such situations will be considered on a case by case basis.

5. The policy document is arranged in four parts, and subdivided into headed sections.
 - Part 1 illustrates how licensing supports the broader role and objectives of the council.
 - Part 2 sets out the specific policies related to the standards of management that the Licensing Authority will expect from prospective and current licensees.
 - Part 3 covers some of the specific licensing matters highlighted in the Licensing Act and statutory guidance and sets out the policies that will help the Licensing Authority meet these requirements.
 - Part 4 deals with area-specific issues. It sets out our policies for ensuring that licensing will help enhance the development and vibrancy of these areas.
 -
6. The Licensing Authority’s statement of licensing policy aims to promote the four licensing objectives:
 - **prevention of crime and disorder**
 - **public safety**
 - **prevention of public nuisance**
 - **protection of children from harm.**
7. Conditions where appropriate will be tailored to the individual style and characteristics of the premises or event. Standard conditions will be avoided although selection of appropriate conditions in the circumstances may be made from a pool of model conditions.
8. To assist applicants prepare operating schedules a pool of conditions is included at the end of this policy. The list of conditions is not exhaustive but they do give an indication of some of the suitable measures and procedures to include in operating schedules. The list does not cover every possibility and there may be other requirements necessary to meet the licensing objectives. Further advice on preparing operating schedule is contained in the Department for Culture, Media and Sport’s (DCMS) “Guidance issued under section 182 of the Licensing Act 2003”. A copy of the guidance document is available from the DCMS web site: www.culture.gov.uk/
9. Licensing is primarily concerned with regulating licensable activities and conditions will focus on matters within the direct control of operators of licensed premises, occurring within the premises or in the vicinity of the premises. The term “in the vicinity of” is not defined in the Licensing Act or the Guidance. In practice, what constitutes “the vicinity of premises” will be a matter of judgement for authorised officers and in disputed cases, the courts. As such, the council proposes to consider each application on its merits. The term will normally relate to the direct impact of the activities at the premises on members of the public living, working or engaged in other normal activities in the area concerned.
10. The Act recognises three key groups with specific roles and duties in the implementation of the Act. **Authorised Persons** are empowered by the Act to carry out inspection and enforcement roles and include officers who are authorised
 - by the Licensing Authority or
 - under the Health and Safety at Work etc Act 1974 or
 - under the Fire Precautions Act 1971 or
 - under the Merchant Shipping Act 1995
 - by the Local Authority to minimise or preventing the risk of pollution of the environment or of harm to human health,

11. **Interested Parties** are entitled to make representations (i.e. state their views for or against) to the Licensing Authority on applications for the grant, variation or review of premises licences. They are also entitled to ask for reviews of premises licences. An interested party is:

- a person living in the vicinity of a premises;
- a body representing persons who live in that vicinity;
- a person involved in a business in that vicinity;
- a body representing persons involved in such businesses.

Any of these individuals may make their representations directly or request a representative such as a friend, a legal representative, a local ward councillor or a member of parliament to make representations on their behalf.

12. **Responsible Authorities** are public bodies that will be fully notified of all applications. They will be entitled to make representations to the Licensing Authority on applications for the grant, variation or review of premises licences. They are also entitled to seek reviews of premises licences. The following are responsible authorities within the scope of this policy:

- the council's Environmental Health Service;
- the Metropolitan Police;
- the London Fire and Emergency Planning Authority;
- the council's Planning Division;
- the council's Social Services Department through its Child Protection Team;
- the Health and Safety Executive, where premises fall outside local authority control for health and safety at work matters;
- a neighbouring licensing authority, where part of the premises is situated within the local authority's boundaries;
- in relation to vessels, the Navigation Authority, within the meaning of the of section 22 (1) of the Water Resources Act 1991; the Environment Agency; the British Waterways Board; and the Secretary of State for Transport acting through the Maritime and Coastguard Agency;
- other persons specifically prescribed by the Secretary of State for Culture, Media and Sport by means of statutory instruments.

PART ONE – THE WIDER PICTURE

THE BOROUGH AND ITS PEOPLE

13. Islington is one of London's most distinctive areas, offering arts, crafts, entertainment, good eating and drinking, a huge variety of specialist shops, lively street markets and a rich and fascinating history. The sense of community feel around Islington is one of the things that make this relatively small London borough unique.

14. Islington, however, is undergoing a process of rapid change and this is likely to continue. The number of people living here is projected to grow from 178,000 in 2001 to about 189,000 in 2011. One of the reasons for this is the increase in the number of young adults who are moving into inner London, and starting families. Currently, over a third of the residents of the borough are aged between 16 and 34. Housing demand has been high and this need is being met by fast paced redevelopment of old factories and business premises for residential use. This has turned many parts of the borough, which were previously exclusively commercial, into mixed-use hubs incorporating commercial and residential premises in very close proximity.

15. The council recognises that the entertainment and alcohol industry contributes to the borough by providing a variety of opportunities for entertainment as well as employment and career opportunities. The council is dedicated to providing support for cultural activities and live music. It wants businesses to thrive and residents and visitors to be able to enjoy the services that Islington's businesses may offer. It is however mindful of the potential tensions that such services may generate. Licensed activities may sometimes cause nuisance, safety risks and increase the incidence of crime and disorder. For this reason, the Licensing Authority will seek to promote high standards of management in licensed premises to ensure businesses operate reasonably and the experiences of residents and visitors are not ruined by poorly run businesses. Problem premises will be controlled, while those that seek to operate reasonably will not be subject to unreasonable restrictions.

'ONE ISLINGTON'

16. Improving services for residents and tackling the major socio-economic challenges is what drives the Council's vision of 'One Islington'.

17. The Council is creating a borough where:

- people and businesses thrive;
- residents and visitors enjoy a wide range of high quality public and commercial services;
- people are involved in the decisions that affect their lives;
- people of all backgrounds are able to achieve their full potential;
- 'Listening to Islington' is not just a slogan but the bedrock of our customer focus revolution.

18. The Council has set itself an overall objective of 'being regarded as excellent by the people of Islington'. This means not only providing good services but doing so in a responsive way, which takes on board the needs and aspirations of local people.

19. Over the next three years the Council will focus its efforts on three priority themes which summarise the 'One Islington' vision:

listening to Islington

listening to what local people want, proactively improving services based on what we hear and feeding back to people to find out if we have got it right;

stronger communities

improving the quality of life of all residents and reducing the gap in life chances between the most and the least deprived;

a greener, cleaner and safer borough

improving the quality of Islington's environment by making it a safe and enjoyable place to be for all communities.

20. The Council has long-term ambitions associated with each of these themes. The Council's commitment to these themes is set out in Islington's "Corporate Strategy Service and Financial Plan 2007-2010".

Licensing Policy 1

The Licensing Authority will seek to promote the "One Islington" vision and where appropriate, it will consider any local strategies or locally agreed plans when determining licensing applications.

21. Through the licensing regime the Licensing Authority is contributing to the three key priorities as follows:

Listening to Islington

22. The Licensing Authority has a number of ways in which it engages with and listens to residents and businesses about licensing matters including:

- Notifying all residents living within 50m of a premises that is subject to a new or variation premises licence application
- Inviting residents who have made a representation to attend the committee meeting that will determine an application so that they can explain their concerns in person
- Ensuring that Licensing Committee hearings are conducted in a fair and transparent way and that the reasons for a committee decision are given to the applicant and people making representations
- Supporting licensees through the pub watch network and involving other agencies and council services when required
- Ensuring that comments and compliments from customers are shared and acted upon
- Developing the agenda for the annual licensing conference in conjunction with licensees and partner agencies
- Reviewing the licensing policy for Islington every three years.

Stronger Communities

23. In all aspects of its work Licensing Authority needs to balance the needs residents with those of businesses and their customers. The Authority has a good working relationship with partners and has introduced a number of initiatives which have been cited as best practice by central government. Where ever possible the Authority will encourage licensees to act as good neighbours and work with officers and residents to implement measures to minimise any adverse impacts on crime, disorder and the environment.

The Licensing Authority recognises that regulation plays an important part in ensuring a thriving business environment and has arrangements in place to ensure that licensed premises are regulated in a fair, consistent and transparent manner.

Greener, cleaner, safer

24. The Licensing Authority is contributing to this priority by:

- Working with the police and fire brigade to promote the licensing objectives
- Having a risk based approach to inspections which means that resources are targeted towards dealing with premises that present the greatest risk of failing to promote the licensing objectives
- Undertaking a programme of multi agency inspections to high risk premises
- Supporting the work of Trading Standards in preventing the sale of alcohol to children
- Providing a proactive out of hours noise service for dealing noise from licensed premises
- Working with licensees to minimise the impact of the smoking ban in public places on residents living near licensed premises

SAFER ISLINGTON PARTNERSHIP

Licensing Policy 2

The Licensing Authority seeks to encourage the highest standards of management in licensed premises. Where representations have been received, the Licensing Authority will use appropriate licence conditions to prevention of crime and disorder in the borough, and support the work of the Safer Islington Partnership

25. The Safer Islington Partnership aims to improve the quality of life for those who live, work or socialise in Islington by working to reduce crime and the opportunities for criminality. The Safer Islington Partnership is an amalgamation of the crime reduction partnership, the drugs and alcohol action team and the youth offending team board.

26. Licensing is not the primary mechanism for controlling anti-social behaviour away from licensed premises and beyond the direct control of operators. However, it is an important aspect of such control and licensing law is part of the holistic approach to the management of the evening and night time economies of towns and city centres.

27. Licensing Authority will continue to work with the Safer Islington Partnership to address problems of anti-social behaviour, street crime and violence, associated with licensed premises and the consumption of alcohol.

ISLINGTON STRATEGIC PARTNERSHIP

28. The Islington Strategic Partnership brings together a number of partners in the statutory, voluntary and community, business and faith sectors to share expertise and resources to address local issues that will make a difference to the quality of life for the people of Islington.

29. The Partnership has aims to deliver an agreed set of outcomes and targets over a three to five year period, known as local area agreements, namely ,

- Improving learning and attainment

- Improving health
- Improving safety
- Improving liveability
- Improving employment and prosperity
- Creating stronger, sustainable communities

30. Through the licensing regime the Licensing Authority can help deliver these targets, for example by:

- promoting responsible drinking and combating underage drinking;
- ensuring licensed venues are safe for public use;
- combating alcohol-related crime and disorder and anti-social behaviour;
- promoting live music, dancing and theatre, which reflects Islington's culture;
- supporting the local economy by reducing the regulatory burden on responsible business and encouraging visitors to the area;
- providing a voice to residents living, and businesses operating, near premises where licensable activities take place.

PROMOTING CULTURAL DIVERSITY

Licensing Policy 3

In all cases the Licensing Authority will endeavour to balance its support for community entertainment with the need to promote the licensing objectives.

31. The Licensing Authority is keen to promote live music, dancing and theatre for the wider cultural benefit of its communities. Well-regulated venues and licensable activities enhance cultural diversity, encourage the development of lifetime skills, support a healthy and fulfilled lifestyle, and provide a positive diversion for young people.

32. The borough boasts a lively multicultural community and a number of internationally renowned cultural centres and enterprises such as Sadler's Wells and the Arsenal Football Club. A wide range of businesses in Islington are actively involved in cultural activities (such as performing arts, printing, design and other forms of visual arts), and in youth and community development, bringing much pleasure and benefit to local people and increasing the overall well being of residents and visitors alike.

33. In dealing with licence applications the Licensing Authority will need to carefully balance the potential for disturbance to local neighbourhoods with the wider benefits for the community, especially for children and families. The Licensing Authority is also mindful that some conditions attached to licences can result in substantial costs and ultimately deter community entertainment.

Licensing Policy 4

The Licensing Authority will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of race, gender, disability or age, or display discriminatory signs.

Licensing Policy 5

The Licensing Authority will consult on and assess the likely impacts of this policy on race equality, and monitor the policy for any adverse impacts on the promotion of race equality.

34. The council has published its equalities policy, “Dignity for All”, and places great importance on both the need to eliminate unlawful discrimination as well as the need to promote equality of opportunity and access.

35. Under the Disability Discrimination Act 1995, managers of licensed premises have a duty to provide services without discrimination against disabled people. Applicants must assume that disabled people will form part of their clientele or audience and may also be part of their workforce. Operating schedules should indicate existing provisions or plans to provide access, egress and sanitary facilities for people who are disabled when outlining proposals to promote public safety. Where outside areas such as pavements are licensed for use as seating areas, applicants must also show consideration for the safe use of the remainder of the pavement by users of wheelchairs and others with special mobility needs. License holders will be encouraged to review arrangements and work towards providing full accessible facilities.

36. The Licensing Authority seeks to support community use of the council’s own venues, open spaces and parks. Islington has more than 127 parks, open spaces and playgrounds and the Licensing Authority The following green spaces are now licensed for regulated entertainment:

Barnard Park	Islington Green
Caledonian Park	Kings Square
Ecology Centre	Landseer Gardens
Edward Square	Newington Green
Elthorne Park	Paradise Park
Fortune Street Park	Spa Fields
Gillespie Park	Whittington Park
Highbury Fields	

37. The Licensing Authority welcomes the use of Temporary Event Notices to use other open spaces in the borough for licensable activities not covered by a premises licence. Where event organisers intend to use open spaces such as parks then they must seek permission from Islington’s Greenspace Service.

SAFER TRAVEL AT NIGHT

Licensing Policy 6

In determining applications for new licences or variations to operational hours and/or capacity limits of licensed premises, regard will be had to the availability of and secure access to late-night public transport facilities including taxis and minicabs where representations have been received about the impact of these issues on the promotion of the licensing objectives.

Licensing Policy 7

The Licensing Authority will encourage licensees to provide clear, accessible, comprehensive and up-to-date information to customers about the availability of public transport in the area, options for safe travel at night, and car parking controls and restrictions operational in the vicinity of the venue.

38. With more leisure activities’ happening at night Islington is working with its partners to make it safer and more convenient to travel late at night and in the early hours of the morning through a combination of activities such as:

- improving public transport
- providing better information on public transport
- making environmental improvements for example improved street lighting; removing 'street clutter'
- taking enforcement action to deal with illegal minicabs and anti-social behaviour.

39. Applicants for new licences and those wishing to increase their operational hours or the capacity of their premises will need to demonstrate that due consideration has been given to arrangements for the quick, safe and quiet dispersal of customers from their venues. The fact that car parking facilities are limited and heavily restricted should be communicated to prospective customers at every opportunity. Emphasis should be on the promotion of the use of public transport or other modes of transport.

40. The Licensing Authority will actively encourage the provision of registered satellite minicab offices in the foyers (or other safe and easily accessible locations in or around the premises) of late licence venues such as night-clubs. There are no fixed criteria and each application will be considered on a case by case basis.

However, this is likely to be applied where the premises are licensed to operate after 02:00hrs with a capacity of 400 people or more.

DEVELOPMENT PLANNING

Licensing Policy 8

The council encourages applicants to ensure that they have planning consent for the intended use and hours of operation, or otherwise have lawful planning status, before making an application for a premises licence.

41. The council's planning policies are set out in its Unitary Development Plan and supplementary planning guidance such as town centre strategies, area action plans, and other planning policies.

42. The process of applying for a licence or varying an existing licence should not be a re-run of the planning process. Where premises have obtained planning permission prior to the submission of a licence application, the determination of the licence will focus on controls necessary to achieve the licensing objectives. Objectors within the planning process who are dissatisfied with the planning outcome may still object through the licensing process but their objections will only be relevant where they relate to one or more of the four licensing objectives.

43. Where appropriate (e.g. as part of planning policy and area strategy reviews), the licensing committee will report to the relevant area committee on the situation regarding licensed premises in their area, including the general impact of alcohol related crime and disorder.

NOISE

Licensing Policy 9

The Licensing Authority is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises. Where relevant representations are received, the Licensing Authority will attach appropriate conditions to licences, necessary to support the prevention of undue noise disturbance from licensed premises.

44. Complaints about noise have risen substantially over the last ten years and the considerable expansion of the night-time economy has increased noise within urban settings above the national average. It is in the context of these trends that noise disturbance from licensed premises will be considered by the Licensing Authority. The Licensing Authority will seek to balance the protection of residents from undue disturbance against noise and the activity that is the natural by-product of people going about their business, entertainment or leisure.

45. The Licensing Authority expects that premises intended for the provision of noise generating licensable activities are acoustically controlled and engineered to a degree where the noise from the premises when compared to the ambient noise level will not cause undue disturbance. The Licensing Authority recognises specific difficulties associated with other premises structurally linked to would-be licensed premises and the limit of sound insulation performance that can be achieved. In some circumstances licensed premises with amplified music adjoining residential properties may not be appropriate.

46. Where this policy becomes relevant to an application, it will fully integrate with clause ENV 17 of the council's Unitary Development Plan and Policy 76 of the Mayor's Ambient Noise Strategy in order to ensure that potential conflicts between night noise-generating and noise-sensitive uses are resolved, in terms of land use planning, building design and management.

PART TWO – STANDARDS OF MANAGEMENT

THE OPERATING SCHEDULE

Licensing Policy 10

The Licensing Authority seeks to encourage the highest standards of management in licensed premises and expects the operating schedule to describe how these standards will be achieved in relation to promoting the licensing objectives.

47. All new and variation applications will incorporate an 'operating schedule' which outlines how the premises will be operated, and arrangements for promoting the four licensing objectives. The detail of the operating schedule will be considered by responsible authorities and interested parties when deciding if the measures proposed are sufficient. The proposals contained within it will form the main body of conditions to be applied to the licence. The licence may also be subject to certain mandatory conditions, depending on the licensable activities provided, and additional conditions imposed by the licensing sub-committee, where representations have been made.

48. The operating schedule must include all information necessary to enable the Licensing Authority, responsible authorities or interested parties to assess whether the steps outlined for the promotion of the licensing objectives are satisfactory. This will mean that applicants will need to complete their own detailed risk assessments on their businesses. Where the operating schedule does not provide enough details, there is an increased likelihood that representations will be made. Where these representations are relevant to the promotion of the licensing objectives, a hearing will follow, unless all parties agree that this is unnecessary.

49. Applicants must have regard to this licensing policy when preparing their operating schedules so that they are aware of the expectations of the Licensing Authority and of the other responsible authorities. Specific requirements to be met are detailed in this policy document. Other specific requirements are detailed in relevant legislation and in guidance documents.

50. Any proposed changes to the operating schedule must be notified to the Licensing Authority and depending on the nature of the changes proposed, the Licensing Authority may require a new premises licence application or the submission of an application to vary the existing licence.

PUBWATCH

Licensing Policy 11

The Licensing Authority will encourage membership of, and full participation in local pubwatch, clubwatch and shop watch schemes.

51. The borough-wide 'pub watch' network encourages its members to work together to promote the licensing objectives in their premises by providing a forum for sharing information, disseminating best practice and meeting with representatives of the licensing authority, the police and other responsible authorities. The licensing authority actively supports these schemes and is keen to support the development of more schemes where there is a demand. The Licensing Authority is currently supporting the following pubwatch schemes:

- Angel Town Centre

- Archway
- Arsenal (pubs in the vicinity of Emirates Stadium)
- Caledonian Road
- Chapel Market
- Clubwatch (late night dance venues)
- Clerkenwell
- Exmouth Market
- Gay and Lesbian pubwatch
- St Peters.

SAFER CLUBBING AND DRUGS POLICY

Licensing Policy 012

The Licensing Authority is committed to ensuring that, where appropriate, the design and management of dance and other venues maximises the safety of customers, performers and staff. The Licensing Authority will normally expect the submission of a drug policy as part of the operating schedule for applications for new premises licences and for variations to existing licences for night clubs and similar premises. Where relevant representations are made with regards to public safety, the Licensing Authority may impose conditions to control environmental risk factors such as overcrowding, ambient temperatures, availability of drinking water, and any other factors known to increase the risks to the safety of those taking drugs.

52. The Licensing Authority has been working in partnership with the police, licensees and local communities to reduce the availability of controlled drugs in Islington for many years. It recognises that some licensed premises are often targets for the supply and use of controlled drugs, including “date rape” type drugs.

53. The Licensing Authority requires licensees of all venues to take all reasonable steps to:

- prevent the entry of drugs into licensed premises;
- prevent drugs changing hands within the premises;
- understand the signs of drug misuse in people so that practical steps can be taken to deal with any instances that occur.

54. In determining whether the premises have adequate arrangements to prevent the supply and use of controlled drugs, the Licensing Authority will expect the licensees to have considered best practice guidance, especially those contained in publications such as:

- **“Safer Clubbing” Guide** - The Home Office
- **Controlled Drugs and Weapons in Licensed Premises** – Metropolitan Police Service (MPS)
- **Safe and Sound – Helping you to manage the threat posed by Drugs and Weapons** - MPS
- **Annexe E** of the Secretary of State’s *Guidance* under Section 182 of the Licensing Act 2003.

RISK ASSESSMENTS FOR SIGNIFICANT EVENTS

Licensing Policy 13

All licensees that have live performers, either musicians, DJ’s MCs or other artistes will be expected to undertake a comprehensive risk assessment to ensure that crime, disorder and public safety matters are identified and addressed prior to the promotion or event.

55. The Licensing Authority recommends that the Metropolitan Police Promotion/Event Risk Assessment Form 696 and the After Promotion/Event Debrief Risk Assessment Form 696A be

used for this purpose. Where the risk assessment forms are used to assess the likely risks from any promotion or event, the Licensing Authority anticipates that these will be completed in consultation with the Metropolitan Police. Risk assessments should be submitted to the Metropolitan Police and the Licensing Authority within 14 days of any proposed event and debrief forms submitted within 14 days of the conclusion.

56. Forms 696 and 696A are available from the Metropolitan Police Service. It is recommended that electronic completion and transmission of the forms is undertaken by licensees. E-mail addresses for submission are ClubsFocusDesk-CO14@met.police.uk, licensing@islington.gov.uk and 'ni_licensing@met.police.uk'

57. The majority of venues have regular repeat artistes and DJs. Only one risk assessment and subsequent debrief is required for an artiste at the venue concerned. Where venues have promotions with different artistes or DJs on each occasion, it is anticipated that the risk assessment forms will be completed for each of these occasions.

USE OF TOUGHENED GLASS AND POLYCARBONATES

Licensing Policy 14

The Licensing Authority seeks to encourage the use of toughened glassware and polycarbonate where appropriate in licensed premises. Where a relevant representation is received the Licensing Authority will consider imposing a condition prohibiting the sale of alcohol in annealed_glass containers and require the use of polycarbonate or other safer alternatives.

58. Statistical evidence indicates that the majority of incidents with lacerations from annealed glass occurring inside licensed premises are accidents. However some are malicious and cause horrific injuries and lifetime scarring. In recent years there have been a number of high profile cases where people have suffered serious injuries resulting from glass attacks.

59. The Licensing Authority believes that the use of safer alternatives to annealed glass will help promote public safety and the prevention of crime and disorder in licensed venues.

60. The Licensing Authority will take into account the nature of the venue when considering imposing conditions restricting the use of glass. Considerations will include:

- the type of venue;
- the customer base
- the hours of operation;
- the standard of management demonstrated by the current licensee
- the history of alcohol related crime and disorder associated with the premises
- the licensee's risk assessment ;
- the views of the local police ;

BEST BAR NONE

Licensing Policy 15

The Licensing Authority supports the Best Bar None Award scheme and recognises that there are many licensed premises in Islington operating to the Best Bar None standard. The Licensing Authority is keen to encourage all licensees operating bars, clubs and pubs to apply for the award.

61. Islington has a reputation for its vibrant nightlife and the council, along with its partners the Metropolitan Police and London Fire Brigade recognise that many people are working hard to ensure that Islington's clubs, pubs and bars provide a safe and attractive venue for customers.

62. Best Bar None is a national accreditation scheme for clubs, pubs and bars that are able to demonstrate, through high standards of management, their commitment to providing safe and enjoyable venues for their customers. Many venues in Islington are already meeting the standard and the council hopes that they will apply for the Best Bar None award and inspire other venues who do not yet meet the standards to improve.

SMOKING, DRINKING AND EATING OUTSIDE

Licensing Policy 016

The Licensing Authority recognises that where gardens and tables and chairs are provided for smoking, drinking or eating outside, users can cause nuisance.

Where outside facilities are provided, the Licensing Authority expects applicants to provide details in their application of:

- **the location of outside areas to be available for use, and**
- **how the outside areas will be managed to prevent noise, smell, or obstruction nuisance to neighbours and the public.**

Where the Licensing Authority receives relevant representations, or where a responsible authority or an interested party seeks a review, the Licensing Authority will consider imposing conditions to improve the management of the outside area or prohibiting or restricting the use of these areas in order to promote the public nuisance objective

63. The provision of tables and chairs outside the premises, either on the highway or on private land, and the provision of beer gardens, can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture and family friendly venues. However, late at night, tables and chairs and beer gardens can cause significant public nuisance to residents whose homes overlook these areas. In some premises these facilities can encourage patrons and passers-by to loiter rather than disperse and in many cases, noise control measures are not feasible.

64. More recently the introduction of the new 'smoke free public places' law in July 2007 has led to an increase in the number of people outside licensed venues. In some cases, premises which previously had good relations with their neighbours are now becoming the focus of complaint from local residents and business.

65. The use of such areas, especially pavements, should take account of potential access problems for disabled people and the safe use of wheelchairs and other access equipment.

66. The placing of items such as tables and chairs on or adjacent to the highway needs to be licensed by the Council's Street Management Division and applicants will usually be expected to hold that licence when their application is made.

PART THREE – SPECIFIC LICENSING POLICIES

LICENSING HOURS

Licensing Policy 17

The Licensing Authority supports the principle of flexibility in its approach to licensing hours and will consider the merits of each individual application. Nothing in this policy will oblige the holder of a premises licence or club premises certificate to remain open for the entire period permitted by the licence or certificate. The Licensing Authority will normally require all licensed premises to be cleared of patrons within a reasonable period after the end of the time permitted for licensable activities. Proposals for clearing the premises or a dispersal policy should be included in the detail of the operating schedule.

67. The planning consent, where it includes conditions on operational hours, sets the timeframes for operating a business from premises. The premises licence or club premises certificate sets the timeframes for the carrying on of licensable activities at that premise. Although these are two separate regimes, the Licensing Authority intends to reflect a degree of consistency in the way it makes its decisions. The Licensing Authority will not normally grant licences, which have the effect of extending the hours contained in the planning consent, where relevant representations have been received from the Local Planning Authority.

68. The general principle will be that the carrying on of licensable activities at premises should cease some time before the end of the operational hours granted by planning consent to allow for the premises to be cleared of patrons in a gradual and orderly manner. The Licensing Authority recognises that the time required for clearing premises of patrons will differ from business to business depending on the type of licensable activities provided and the nature of the clientele. It is for applicants themselves to judge what time scale is reasonable. However, the Licensing Authority recommends that between 30 minutes and one hour would be sufficient for the majority of businesses. Operating schedules should detail the applicant's proposals for clearing the premises or their dispersal policy which could include arrangements such as:

- the provision of food;
- the management of the lighting as well as the nature and tone of the music;
- the balance between the continued sale of alcoholic drinks and the availability of non-alcoholic beverages;
- arrangements for accessing transport for customers.

Licensing Policy 18

Where relevant representations are received from responsible authorities and/or interested parties, the Licensing Authority may seek to restrict the operational hours of premises where this is necessary to promote the licensing objectives. The Licensing Authority may impose further limitations in hours upon review of the licence, particularly where the premises is shown to be the focus or cause of nuisance or anti-social behaviour.

69. The Licensing Authority is mindful of the argument that in some situations, longer licensing hours for the sale of alcohol can help to minimise the impact of large concentrations of customers leaving premises simultaneously. Restricted licensing hours can encourage binge drinking; create

noise and disturbance at fast food outlets, bus stops, train and underground stations; encourage the use of illegal taxi touts and generally produce peaks of disorder and disturbance.

70. In Islington, many premises are already open for the sale of alcohol and late night refreshment and the provision of entertainment into the early hours of the morning. It is the intention of the Licensing Authority to permit licensing hours which enhance the development of a thriving and safe evening and night-time economy, as this is important for local investment and employment, and for providing consumers with greater choice and flexibility.

71. The Licensing Authority recognises that in some areas longer opening hours can be adequately controlled through stricter conditions with regard to noise and disturbance but in other areas, further restrictions may be required. Where relevant representations are received, stricter controls with regard to noise will be applied in areas which have a denser residential use, compared with mixed use and commercial areas.

72. The Licensing Authority will normally allow shops, stores and supermarkets to sell alcohol for consumption off the premises during the hours that they are open for trading. The Licensing Authority will consider restricting the licensing hours where representations are received, and these controls would promote the licensing objectives.

73. Where relevant representations have been received, the Licensing Authority will, in making decisions about licensing hours, give special consideration to:

- the views of the responsible authorities
- the views of people living in the vicinity of the premises
- the views of other interested parties
- any proposals for minimising crime and disorder, and public nuisance
- the proposals for minimising noise and disturbance to people living in the vicinity of the premises.

LOCATION, CUMULATIVE IMPACT AND SATURATION

Licensing Policy 19

In considering applications for new licences, variations to existing licences and licence reviews, following the receipt of relevant representations, the Licensing Authority will take the matters listed below into account. These criteria will apply in different ways, to different types of premises and licensable activities, in the following order:

- **the location of the premises and character of the area**
- **the views of responsible authorities**
- **the views of interested parties**
- **past compliance history of current management**
- **the proposed hours of operation.**

The Licensing Authority will also take into account the following considerations:

- **the type of premises and mix of premises in the area**

- **the type of customers at the time of the application or type intended**
- **the numbers of customers likely to attend the premises**
- **whether the applicant is able to demonstrate commitment to a high standard of management, e.g. through active membership of a pub or club watch scheme or in the case of off-licences, a shop watch scheme**
- **the physical suitability of the building proposed for licensable activities, i.e. in terms of safety, access, noise control etc.**

74. With regards to the location of proposed licensed premises and their impact on residents and businesses in the vicinity of these premises, each application will be dealt with on its merit. Islington is a densely occupied area, with no clear delineation between residential and commercial premises and the Licensing Authority will need to carefully balance the conflicting needs of residents, patrons and businesses in relation to the introduction of flexible opening hours for the sale and supply of alcohol and late night refreshments.

75. Applications for late night premises in predominantly residential areas will be expected to reflect commitment to a very high standard of management.

Licensing Policy 20

The Licensing Authority will keep potential areas of saturation (areas where we believe that no further licensed premises can be accommodated) under review. Where representations from responsible authorities or interested parties indicate that saturation is reached, it will consider introducing a special saturation policy for the area that will create a presumption for the refusal of all new applications.

76. The Licensing Act 2003 allows the Licensing Authority to consider the cumulative impact of licensed premises where the grant of a new licence would undermine one or more of the licensing objectives. Representations from a responsible authority or interested party that the cumulative impact of a new licence may result in the area becoming saturated, resulting in exceptional problems of nuisance and disorder which are beyond the control of individual licence holders will be considered. Such representations must be evidence-based and be related to the style and character of the proposed new premises. As with all applications the Licensing Authority will consider the application on its own merits.

77. At the present time the Licensing Authority, after consulting with the police, is not of the view that there are areas of the borough where we should seek not to grant any further licences. We will keep this under review, and will be expecting that in key areas of the borough where there is a particular concentration of premises, licence holders exercise high standards of management, and work in collaboration with other licence holders in the vicinity.

ADULT ENTERTAINMENT

Licensing Policy 21

The Licensing Authority expects all operators of premises intending to provide adult entertainment to include the relevant details in their operating schedule and include any controls they intend to put into place.

Licensing Policy 22

When considering applications for adult entertainment, and where relevant representations have been received, the Licensing Authority will take into account the nature of the area and the marketing, advertising arrangements and external views of the premises together with other factors proposed by the proprietor to mitigate concerns.

78. The Licensing Authority considers adult entertainment to include activities such as topless waitresses, striptease and table dancing or any activity performed partially clothed or naked.

79. There are no longer any specific provisions in legislation to control or prohibit adult entertainment with a sexual content in licensed premises. The activities may however be relevant when considering the promotion of the licensing objectives.

80. Following the receipt of relevant representations, the Licensing Authority will not normally grant a licence unless:

- the premises operating schedule specifies adequate arrangements for prohibiting children under the ages of 18 from entering the premises
- the premises operating schedule specifies adequate arrangements for preventing crime and disorder and preventing public nuisance
- the adult entertainment cannot be seen from the street
- the adult entertainment is in a designated area of the premises with segregation from the audience
- the adult entertainment is in a position where the performers will have direct access to a dressing room without passing through or coming into close proximity to the audience
- there is no external advertising of adult entertainment either at the premises or in its immediate vicinity.

CHILDREN AND LICENSED PREMISES

Licensing Policy 23

The Licensing Authority will require consideration of measures to protect children from harm to be reflected in the operating schedule where applicants identify the need, having regard to their type of premises or licensable activities. Applicants for premises licences and club premises certificates authorising the admission of children without accompanying responsible adults will be required to submit a child protection policy detailing the steps to be taken to ensure that children in their charge will be protected from harm when on licensed premises or engaged in activities relating to the licence.

81. The Licensing Authority is keen to promote family-friendly licensed premises and to encourage premises where families are welcomed and where suitable entertainment is provided. Although conditions requiring the admission of children cannot be imposed, the Licensing Authority supports the provision of entertainment specifically for children, and wishes to encourage both occasional events for children and licensees making their premises available for hire to organisations for this purpose.

82. The Licensing Authority also recognises that children are one of the most vulnerable groups in our society and that some activities associated with licensed premises are not appropriate for children. The Licensing Authority will be looking for management arrangements to be in place to

address this. Following relevant representations, it will consider the imposition of additional controls by way of licence conditions where activities that take place on the premises may present a risk of physical, moral or psychological harm to children. It will also look for strict controls in place to prevent the sale of alcohol to under age children especially in relation to off-licence premises.

83. The following circumstances are considered to present a risk to children, and therefore may be subject to additional controls following relevant representations:

- where the current management have been associated with convictions for serving alcohol to under age children or have a reputation for allowing under age drinking
- where there are concerns about drug taking or drug dealing on the premises
- where there is a strong element of gambling on the premises
- premises where events in which entertainment of an adult or sexual nature is provided
- premises where the supply of alcohol for consumption on the premises is the exclusive or primary purpose.

84. Requirements may include:

- limitations on the hours when children, or children under certain age limits, may be present
- limitations on the parts of premises that children will be allowed to access
- limitations or exclusions when certain activities are taking place
- full exclusion of people under 18 from the premises when any licensable activities (as defined in paragraph 4 of this policy) are taking place
- requirements for accompanying adults at all or various times
- the requirement for proof of age cards or other age identification to prevent the purchase of alcohol by minors.

85. Applicants' premises licences and club premises certificates authorising the exhibition of a film should highlight arrangements to ensure compliance with the age restrictions of the appropriate British Board of Film Classification (BBFC) in their operating schedules. In relation to specialist film festivals or other screenings where the intention is to show films not classified by the BBFC, the Licensing Authority will require the submission of the film intended to be shown at least 28 days before the proposed screening so that it can apply an appropriate classification. To achieve consistency and the protection of children, we will use the guidelines published by the BBFC.

86. When considering applications from premises intending to offer public entertainment, where it will be lawful and not contrary to this policy for children to be admitted without an accompanying responsible adult, the licensee will be required to provide adequate numbers of adult staff to ensure the safety and well-being of the admitted children during an emergency. Details of the licensee's arrangements must be included in the operating schedule.

87. The Licensing Authority has identified the Child Protection Team, Social Services Department as the responsible authority for assessing child protection issues arising from licensing matters.

88. Where appropriate, operating schedules must detail steps to be taken to limit unobserved contact between employees and children and to limit or prevent access to inappropriate websites where Internet access is offered.

TEMPORARY EVENTS

Licensing Policy 24

Where events qualify for a Temporary Events Notice applicants are encouraged to submit notifications at least four weeks prior to, but not more than 12 weeks before the date of the proposed event.

89. The Licensing Act 2003 provides for certain occasions when events organised for less than 500 people at a time and each lasting for no more than 96 hours can take place following the notification of such events to the Licensing Authority and the police. It is only open to the police to object to the temporary event notice if they are of the opinion that the event is likely to undermine the crime prevention objective.

90. Although the statutory legal minimum time required for notification of a temporary event to the Licensing Authority and the police is 10 working days, it is essential that adequate notice is given to allow for proper consideration of the proposed event in order to ensure that all the legal requirements for the authorization have been met. Statutory guidance allows the Licensing Authority to publicise its preferred time-scale for notification and this is indicated in the policy statement above. The increased timescale will allow more time to resolve issues rather than see organisations faced with the cost of cancelling late because there is insufficient time to address representations.

91. "Ten working days" notice means ten working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given.

ENFORCEMENT

Licensing Policy 25

The Licensing Authority will use relevant legislation to ensure compliance with the Licensing Objectives. Compliance with enforcement action may be material to determining applications and reviews.

92. The Licensing Authority expects licensed premises to operate in ways consistent with community interests as expressed earlier in this statement of licensing policy and not to undermine the licensing objectives. In exchange for allowing greater freedom for businesses to sell and supply alcohol, provide entertainment or supply hot food and drink after 11pm, the Licensing Authority expects businesses to comply with legal requirements, licence conditions and the premises operating schedule.

93. Enforcement action will be taken in accordance with the principles of the *Cabinet Office's Enforcement Concordat* and the *Enforcement Policy for Public Protection*. The Licensing Authority has established enforcement protocols with the police and the fire authority to provide for the most effective methods of monitoring and enforcing compliance with licensing requirements. The Licensing Authority will work closely with these and other agencies to ensure that these powers are effectively used where necessary for the promotion of the licensing objectives.

PROVISIONAL STATEMENTS

Licensing Policy 26

In considering an application for a provisional statement the Licensing Authority will, as far as is reasonably practicable, apply the same standards as required for the grant of a premises licence.

94. Provisional statements provide limited assurance to prospective proprietors of licensed premises that an application for a premises licence in respect of specific premises or licensed activities will be likely to succeed. The Licensing Authority recognises that these may be necessary for the promotion of investment and employment opportunities in the borough. Applications for provisional statements must include the particulars of the premises (including plans), describe the works to be done and the licensable activities planned.

95. The granting of a provisional statement has the effect of precluding representations from being made to the subsequent premises licence application save in very exceptional circumstances. Although a provisional statement does not have limited duration, an indefinite provisional statement may come into effect as a premises licence several years after the provisional statement was granted, when material changes may have occurred, with the effect that the type of premises or licensable activity proposed is no longer appropriate to the location. Applicants are encouraged to seek to convert their provisional statements to premises licences at the earliest opportunity. The longer the delay before a premises licence is applied for the greater the potential for representations made in respect of an application for a premises licence not to be excluded.

96. Where premises are being constructed, extended or substantially altered to be used for licensable activities, the granting of a premises licence will be considered where detailed plans of the proposed structure exists and a detailed operating schedule covering the proposed activities can be completed. Such premises licences will have effect from a date to be specified on the licence.

REVIEW OF LICENCES

Licensing Policy 27

The Licensing Authority will apply the full range of powers available to it when a review of a premise licence becomes necessary. It will however be mindful of the need to prevent the review process being used as an opportunity by responsible authorities and interested parties to re-run earlier representations without due cause.

97. The power to review premises licences represents a crucial protection for the community, especially with regards to the promotion of the four licensing objectives.

98. Reviews of licences may be triggered at any stage by responsible authorities or interested parties because of a matter arising at the licensed premises and relating to one of the four licensing objectives. Reviews may also become necessary following the service of a closure order by the police or any formal enforcement action by officers of the local authority. It is the Licensing Authority's belief that the promotion of the licensing objectives is best achieved in an atmosphere of mutual co-operation between all stakeholders. Reviews will therefore be mainly reserved for circumstances where early warnings of concerns and the need for improvement have gone unheeded by the management of the licensed premises.

99. Representations must be made in writing and must be relevant, and not vexatious, repetitious or frivolous. The Licensing Authority must arrange a hearing, which will be held in accordance with provisions set out by the Secretary of State in regulations.

PART FOUR – AREA SPECIFIC ISSUES

Licensing Policy 28

The Licensing Authority recognises that there are several areas within the borough, which already support a large number of licensed premises. These include:

- **the areas surrounding the Emirates Stadium**
- **the Angel Town Centre**
- **the Farringdon, Clerkenwell and Charterhouse Area**

Premises located or intending to locate in these areas will attract special consideration. In relation to the premises used by football supporters on match days the Licensing Authority may impose conditions to control the sale and supply of alcohol on match days.

100. The Licensing Authority's policy in respect of the cumulative impact of a concentration of licensed premises in an area and its approach towards dealing with areas that have reached saturation is detailed in part 3 of this statement of licensing policy. There are however, parts of the borough which warrant special consideration at this stage because:

- the medium-term to long-term impacts of large-scale land use changes that have already received planning approval are unclear, with respect to the evening and night-time economies of these areas
- they form part of a designated borough town centre, under the Unitary Development Plan, where the strategic policy is to enhance the roles of these areas as the focus of retail, business, leisure and community life, implying a presumption towards leisure and evening/night-time economy uses
- they form part of an established evening and night-time entertainment quarter with the potential for further expansion
- the type of use and special considerations appropriate to the customers of particular premises in an area necessitates the consideration of special measures which may need to be retained or reviewed for the future.

AREA SURROUNDING EMIRATES STADIUM

Licensing policy 29

Where the police make relevant representations the Licensing Authority will consider imposing sanctions on premises that sell alcohol on match days to people

- **in open containers or**
- **who are drunk or**
- **who cause antisocial behaviour**

101. As part of the joint strategy to create a safe environment on match days the Licensing Authority, working in partnership with the Metropolitan Police, intends to consult residents, businesses and visitors about setting up a controlled drinking zone around the Emirates Stadium. The controlled drinking zone will not ban the consumption of alcohol in public areas but it will give the police additional powers to deal with the minority of people who cause antisocial behaviour whilst consuming alcohol.

THE ANGEL TOWN CENTRE AREA

102. Recent developments in this area such as the increase in the numbers of restaurants and bars within the town centre and along Upper Street as well as the building of the N1 centre have

led to an expansion of the evening and night time economy in the area. These developments have seen a predominance of bars targeting younger people which impact on the character of the area. Established venues such as the Islington Academy, Sadler's Wells, the Almeida theatre, the Screen-on-the-Green, and smaller theatres such as the King's Head also make important contributions to the cultural vitality of the area.

103. The development strategy for the area has identified scope for the growth of established night-time economy areas and the opening up of new areas linked to the provision of non-sensitive residential accommodation. There are however, concerns about the level of night-time transport provision in the area.

104. In order to reduce the potential negative impacts on the licensing objectives of increasing development, applications must demonstrate detailed consideration of the need to promote these objectives in their operating schedules. Where appropriate, operating schedules should show evidence of the consideration of:

- steps to prevent crime and disorder emanating from the premises and escalating in the area
- steps applicants intend to take to educate their customers and prevent public nuisance arising from illegally dumped waste and litter, and prevent the use of alleyways, street corners, and open pavements in the vicinity of their premises as urinals
- how applicants intend, through the provision of licensed door staff, to assist in the control of illegal minicab touting which is associated with the serious crimes of abduction, rape and other sexual assaults and is becoming an issue of growing concern for the police
- applicants' intention to be active members of the pub watch, or shop watch schemes operating in this area
- a regard for the nature of the area and provision of premises that will be welcomed by the wider community.

THE FARRINGDON, CLERKENWELL AND CHARTERHOUSE AREA

105. This area of the borough, bordered by Farringdon Road, Charterhouse Street, Clerkenwell Road and Goswell Road/Aldersgate Street is a unique part of the entertainment map of the borough. Some of the roads above form the borough's borders with the London Borough of Camden and the City of London.

106. The last ten years have seen an increase in the intensity of the night-time economy in this area. This has been characterised by an increasing concentration of licensed premises.

107. Regeneration activity in the nearby Kings Cross area has led to the displacement of many of the crime and disorder issues formerly associated with the night-time economy in the Kings Cross area to the Farringdon/Charterhouse area. This has led to an increase in the incidence of crime and disorder and heightened the fear of crime amongst local residents and businesses.

108. In spite of all of these issues, the larger licensed premises here represent some of the best examples of good practice among licensed premises available in the borough. The local pub watch group is well established and very active and works closely with the police and council officers to enhance the area and combat crime and disorder, and environmental problems. In the light of this, premises intending to open in this area or intending to vary their hours of operation should carefully consider how their activities will enhance the area. The proposals in their operating schedules should include:

- how they will work with the police to control the use and supply of illegal drugs on their premises and to prevent their premises becoming a focus for people dealing in illegal drugs
- the steps they intend to take to educate their customers and prevent public nuisance arising from illegally dumped waste and litter, and prevent the use of alleyways, street corners, and open pavements in the vicinity of their premises as urinals
- proposals to tackle unlicensed street traders selling fast food from unregulated temporary structures within the grounds of their premises
- how they intend, through the provision of licensed door staff, to assist in the control of illegal minicab touting which is associated with the serious crimes of abduction, rape and other sexual assaults and is becoming an issue of growing concern for the police a regard for the nature of the area and provision of premises that will be welcomed by the wider community
- how they will work with other licensees in the area to combat nuisance caused by night time visitors urinating in the streets and depositing litter and waste and other issues identified by pub watch.
- their intention to be active members of the pub watch, operating in this area.

LICENSING ACT 2003 MODEL POOL OF CONDITIONS

This pool of conditions has been provided mainly to help smaller businesses prepare their operating schedules. The list of conditions is not exhaustive but it does give an indication of some of the suitable measures and procedures to include in an operating schedule. If you are considering using these conditions you may find it useful to use the tick boxes provided.

The list does not cover every possibility and there may be other requirements necessary to meet the licensing objectives. Further advice on preparing operating schedule is contained in the Department for Culture, Media and Sport's (DCMS) "Guidance issued under section 182 of the Licensing Act 2003". A copy of the guidance document is available from the DCMS web site: www.culture.gov.uk.

Applicants for premises licences preparing an operating schedule can volunteer any measure, such as those described here as steps they propose to take to promote the licensing objectives. When incorporated into the licence or certificate as conditions, they become enforceable under the law and a breach of such conditions could give rise to prosecution.

Applicants for licences should note that the following are illegal (and therefore do not need to be included in the operating schedule):

- a. To sell or supply alcohol to a person who is drunk (section 141)
- b. To knowingly allow disorderly conduct on licensed premises (section 140)
- c. Keeping or allowing smuggled or otherwise unlawfully imported goods on licensed premises (section 144)
- d. Allowing children under 16 to be present without an accompanying adult between midnight and 5am at any premises licensed for the sale alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol (section 145)

The attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999, and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control them. Conditions enforcing these requirements are therefore unnecessary.

PREVENTION OF CRIME AND DISORDER

- ✓ Tick relevant conditions
- All instances of crime and disorder shall be reported to the police.
- An incident book shall be used to record all instances of public disorder.
- The holder of the premises licence shall subscribe to and participate fully in the local pub/club/shop watch scheme.
- The licensee shall provide a sufficient number of door supervisors to prevent the admission of, and ensure the departure from the premises of drunk and disorderly people or other people displaying signs of other substance abuse, without causing further disorder.
- When alcohol and/or regulated entertainment is provided by way of music and dancing and continues past 2 am, then SIA registered door supervisors will be employed from 9 pm until closing time at the rate of one door supervisor for every one hundred customers.
- CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.
- The use of regular glass cups will not be permitted on the premises. All drinks must be served in plastic or paper cups, or cups made from toughened glass.
- Alcoholic and other drinks purchased from the premises may not be taken away from the immediate curtilage of the premises in open containers such as glasses or opened bottles.
- No customers carrying open or sealed bottles shall be allowed to enter the premises at any time that the premises are open to the public.
- Alcoholic drinks may only be consumed within the premises. The premises license holder must ensure that no alcohol is consumed outside the premises at any time.
- Clear and prominent notices shall be displayed on the premises warning customers of the need to guard their property and to be aware of the operation of pickpockets, bag snatchers etc. The notices shall advise customers to report concerns to the designated premises supervisor or the person in charge of the licensed premises.

4. PROMOTION OF PUBLIC SAFETY

- Safety checks shall be carried out before the admission of the public. Details of safety checks shall be kept in a Log-book on the premises. The Log-book shall be made available for inspection by authorised officers.
- All exit routes shall be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified.
- Where chairs and tables are provided, internal gangways shall be kept unobstructed.
- All exits doors shall be maintained easily openable without the use of a key, card, code or similar means.
- Exit doors shall be regularly checked to ensure that they function satisfactorily and a record of the check shall be kept.

- Any removable security fastenings must be removed whenever the premises are open to the public or occupied by staff.
- The edges of the treads of steps and stairways must be maintained so as to be in good condition and be conspicuous.
- When disabled people are present, there must be sufficient numbers of staff and adequate arrangements must be in place to enable their safe evacuation in the event of an emergency. Disabled people on the premises must be made aware of such arrangements by staff and by the use of appropriate signage.
- In the absence of adequate daylight, the lighting in any area accessible to the public shall be fully in operation when they are present.
- Emergency lighting batteries are fully charged before the admission of the public.
- Access for emergency vehicles must be kept clear and free from obstruction.
- Adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times.
- There must be at least one suitably trained first-aider on duty when the public are present, and if more than one suitably trained first-aider is available, their respective duties must be clearly defined.
- Special effects must not be used without the prior consent of the licensing authority.

PREVENTION OF PUBLIC NUISANCE

- Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties.
- Regulated entertainment shall not be provided in outside areas after # hours.
- The beer garden/outside drinking area shall be cleared of customers by #.
- Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, which may include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music from the premises. The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, prior to the premises being used for regulated entertainment.
- If a noise limiting device or devices are installed then the entertainment noise control system shall be monitored, checked and calibrated as necessary, so that the approved levels by the Council, are not exceeded.
- The controls for the entertainment noise control system shall be located in a secure, lockable cupboard or similar location. The entertainment noise control system is to be

independent of control by persons other than the licensee. Access to the entertainment noise control system is to be restricted to the Licensee or a designated manager.

- Doors and windows to the premises will be kept closed, so far as practicable, at all times when noise generating regulated entertainment is taking place i.e. live and recorded music.
- A dedicated licensed taxi/mini cab service shall be available with the premises for customers.
- Bottling out from the premises is prohibited between # hours and # hours.
- Refuse such as bottles must be placed into receptacles outside the premises at times that will minimise the disturbance to nearby properties.
- The contact telephone number for the premises licence holder/designated premises supervisor/duty manager shall be displayed inside the premises or immediately outside the premises such that it is clearly visible from outside without the need to enter the premises.

PROTECTION OF CHILDREN FROM HARM

- The premises license holder shall ensure that there is an effective policy in place to control sale or supply of alcoholic drinks to children under the age of 18 years. The policy must require the production of a “proof of age” before such sales are made. The proof of age required/ acceptable (such as “proof of age” cards such as PASS (Proof of Age Standards Scheme) cards, photo driving licences, or passports) should be clearly set out in the policy.
- The “Challenge 21” policy shall be adopted at the premises.
- A refusals log book shall be maintained at the premises. The refusals book shall be made available to an authorised officer or a police officer on request.

GLOSSARY OF TERMS

These definitions are provided to aid understanding of the policy for residents and applicants. They do not replace the meaning given to the terms in the Act or the statutory guidance. Reference should therefore be made to these publications to clarify any of these terms for legal purposes.

Alcohol includes spirits, wine, beer, cider, or any other fermented, distilled, or spirituous liquor of or exceeding 0.5% alcoholic strength at the time of sale.

Club Premises or Qualifying Clubs can supply alcohol to members or guests and can provide regulated entertainment. These clubs must comply with general and specific conditions in relation to size, membership and the nature of their operations.

Designated Premises Supervisor is a personal licence holder who is for the time being specified in the premises licence as the Premises Supervisor. This may be the premises licence holder or another person.

Grandfather Rights is a system of rights for the transfer of existing licences to premises licences and personal licences by the licence holders under the terms of their existing licence. The police can object to this transfer in certain circumstances.

Licensing Committee is a committee of 10 to 15 councillors, appointed by the council.

Licensing Sub-Committee is a committee of three councillors appointed from the licensing committee to whom the functions of the licensing committee can be delegated under the Act. The usual practice has been to have area based subcommittees dealing with matters in different areas of the borough.

Personal Licence permits individuals to supply, or to authorise the supply of alcohol. The licensing of individuals separately from the licensing of premises permits the movement of personal licence holders from one premises to another, allowing greater flexibility. It ends the outdated regime where publicans are tied by licence to the premises they manage.

Regulated Entertainment is entertainment that is provided to the public, or exclusively to members of a qualifying club and their guests, or entertainment provided for profit/personal gain. See list in paragraph 4 of this policy.

Representations are complaints or comments on applications by responsible authorities (e.g. police) or interested parties (e.g. residents). They must be made in writing and will only be relevant if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. Representations by interested parties will not be relevant if they are considered by the licensing authority to be frivolous (i.e. not serious) or vexatious (i.e. arising out of unrelated disputes).

Temporary Events are relatively small-scale events held in or on any premises involving no more than 499 people at any one time. Each event, which must be covered by a Temporary Event Notice, can last up to 96 hours, and no more than twelve events can be held at any particular premises in a year.

Vicinity can usually taken to mean the area immediately around the licensed premises but where there is reasonable evidence to suggest that problems are directly linked to licensed activity or customers of a particular premises, can be extended. Although the licensing authority will have to consider whether a residents or business would be directly affected by the carrying on of licensable activities on licensed premises the issue of whether premises are in the vicinity of licensed premises will ultimately be decided in the courts.

Variation – changes in the operation of a premises, club or event, including variation of operating hours and modification of the premises or the specification of another person as the Designated Premises Supervisor.