

Licensing Policy

2011-2014

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.

6. 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.
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7. 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.**

8. 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 some circumstances may be made from a pool of model conditions.

9. 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/

10. 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.

11. 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;
- under the Health and Safety at Work etc Act 1974;
- under the Fire Precautions Act 1971;
- 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.

12. **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;
- a **Ward Councillor**

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.

13. **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 councils’ Trading Standard’s Service;
- the Metropolitan Police;
- the London Fire and Emergency Planning Authority;
- the council’s Planning Division;
- the council’s Children’s 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.

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PART ONE – THE WIDER PICTURE

THE BOROUGH AND ITS PEOPLE

14. 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.

15. Islington, however, is undergoing a process of rapid change and this is likely to continue. The number of people living here has grown from 178,000 in 2001 to **an estimated 199,130 in 2010**. 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.

16. 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 **responsibly** 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 **responsibly** will not be subject to unreasonable restrictions.

ALCOHOL AND HEALTH IN ISLINGTON

17. It is estimated that over 90% of the adult population drink alcohol, with the majority drinking within safe levels. The Department of Health recommends drinking a maximum than 3-4 units a day for men and 2-3 units for women. Sensible drinking is defined as drinking in a way that is unlikely to cause yourself or others significant harm. However, excessive alcohol is becoming an increasing problem. Harmful consumption patterns have been divided into three categories:

- **Binge Drinking** – is defined as drinking over twice the recommended units of alcohol per day in one session. It is often associated with drinking with the intension of becoming intoxicated. Frequent binge drinking is often described as **chronic heavy drinking**.

- Hazardous – is a pattern of drinking above safe levels. However the person has so far avoided significant alcohol –related problems.
- Harmful drinking – Is drinking above safe levels (usually beyond hazardous drinking) with evidence of alcohol-related problems.
- Dependant drinking – may be diagnosed when a person three or more of the following criteria have been demonstrated in the previous 12 months.
 - difficulty controlling their use of alcohol
 - a progressive neglect of alternative pleasures or interests
 - persistent use of alcohol despite being aware of the harmful effects
 - increased tolerance for alcohol and signs of withdrawal when without alcohol

18. Local estimates based on The Health Survey for England, indicate that in Islington 23% of adults binge drink. (2007/8). Islington is likely to have in excess of 32,000 residents who are drinking at hazardous or harmful levels and more than 5,000 dependent drinkers. (Alcohol needs assessment for Islington – Hanlon Grist Associates Ltd 2009)

19. 71 young people aged under 18 were admitted to hospital with an alcohol – attributable condition in 2008/9. Although most young people do not drink, among those that do the mean consumption has more than doubled since 1990, with the increase being slightly higher for girls.

20. There were 59 specific alcohol deaths between 2006/8 and 59 attributable alcohol deaths in 2008. In addition there is increasing recognition of the range of harms to health caused by alcohol, and its impact on life expectancy.

21. Although evidence points to a benefit of reduced cardiovascular risk at very low levels of alcohol consumption, alcohol has been established as a risk factor related to over 60 different acute and chronic medical conditions, including several cancers, cardiovascular diseases (CVD), unintentional injuries, liver disease and suicide.

22. Drinking above recommended maximum limits has become much more common over the past two decades, particularly among younger and middle aged men and women of all social groups. This trend is mirrored in Islington. Most people who have alcohol-related health problems are not “alcoholics”, but people who have regularly been drinking more than the recommended levels for years, known as ‘increasing-risk drinkers’. The effects of the increase in alcohol consumption seen over the past two decades are now being seen in the significant increases in alcohol-related attendances and admissions in the NHS.

23. The Licensing Authority supports the national drive to encourage sensible drinking and it values the important role that parents, carers and others have in providing good role models for children and young people to develop sensible drinking habits.

ISLINGTON STRATEGIC PARTNERSHIP

24. 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.

25. 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

26. 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.
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SAFER ISLINGTON PARTNERSHIP

Licensing Policy 1

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 promote the prevention of crime and disorder in the borough, and support the work of the Safer Islington Partnership.

27. The Safer Islington Partnership (SIP) is the body that brings together the efforts of all relevant partners in reducing crime and disorder in Islington. The partnership exists to add value to work of individual services and agencies and works to ensure that all its investments (whatever the value) demonstrate positive impact on outcomes more cost-effectively than they would without the partnership.

28. The focus of the partnership is to ensure effective working on agreed priorities, ensuring that where partners commit to action they are held to account for it. To be most effective the SIP will work in close partnership with other

relevant boards, for example the Children's Trust Board, in order to address priorities.

29. Following a review of the Crime and Disorder Act (2004) and the Police and Justice Act (2006), a requirement was placed on Crime and Disorder Reduction Partnerships to produce an annual strategic assessment of crime and disorder. The strategic assessment aims to establish an accurate picture of the current and emerging trends through analysis, making comparisons with other like locations and proposing the control strategy for the borough.

30. The current control strategy focuses on five key priorities, with Young People / Crime as a crosscutting theme throughout the other five strands.

Islington Control Strategy



31. A series of sub-groups to the main partnership contribute to the action plan for each priority area with the SIP overseeing the performance and coordination of each.

32. 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.

33.. 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.

DESIGNATED PUBLIC PLACE ORDERS

Licensing Policy 2

The Licensing Authority supports the use of Designated Public Place Orders, DPPOs, sometimes known as controlled drinking zones, to deal with problems of anti-social alcohol drinking in public places. The Licensing Authority expects premises that operate in areas where DPPOs have been implemented to have measures in place to ensure their customers do not contribute to problems of anti-social drinking. Examples of the measures the Licensing Authority expect to be in place include:

- A designated outside drinking areas devised in liaison with the police and licensing authority officers.**
- Measures in place to monitor customers in outside drinking areas, for example door supervisors or CCTV.**

34. Once a DPPO is in place the Police can use powers of confiscation to enforce the restriction. It is not an offence to consume alcohol within a designated area, however failure to cease drinking and or surrender alcohol on request by a police officer is.

35. At present the following areas are subject to DPPOs:

- Emirates Stadium surrounding area
- Clerkenwell Ward, King's Cross and Grimaldi Park
- Kinloch Gardens
- Elthorne Park
- Sunnyside Gardens

ISLINGTON ALCOHOL HARM REDUCTION STRATEGY

36. Islington's Health Inequality Strategy (June 2009) identified addressing sensible drinking and alcohol harm as a key priority, particularly with regard to increasing trends in levels of harm and health service use linked to alcohol. A multi agency partnership group has been meeting since July 2009 to agree a cross borough alcohol harm reduction strategy.

37. This strategy is currently (September 2010) out to public consultation, and expected to be endorsed by the 'Safer Islington Partnership' in January 2011.

38. The strategy identified key priorities for greater partnership working to combat the negative impact of alcohol and also to jointly promote the sensible drinking message for Islington.

39. A key strand in the strategy is better intelligence on alcohol misuse. Alcohol-

related A&E attendances, London Ambulance Service, and emergency admissions represent a significant pressure on staff and services and NHS resources.

40. The 'Victims of violence' project based at the Whittington hospital is collating data on alcohol related incidents of violence in the borough. It is anticipated that this data will enable the Police and Public protection teams to gather information on premises where violence and alcohol are problematic. They will then look to the new powers in the proposed licensing Act to take action.

41. The partnership will also be working with licensees to establish how the sensible drinking message can be rolled out across the borough.

ISLINGTON SAFETY ADVISORY GROUP

42. The Islington Safety Advisory Group (SAG) was established to provide expert advice, input and decision making for larger events that pose greater potential risk for public safety and community impact.

43. The group is made up of both Islington Council staff and external agency staff that all have an interest in the objective of only allowing large events in Islington that are well planned and well managed.

44. The SAG meets on a monthly basis and large event organisers are invited by the Event Coordinator to attend and present their event proposals to the SAG. The SAG committee will recommend that any event proposed to take place on council property be rejected if, through consensus, the group consider that the proposed event can not demonstrate appropriate planning and expertise to deliver a well designed, well planned and well managed event. Similarly, the SAG will support representations against any application for a premises licence for large events where they have concerns about the promotion of the Licensing Objectives.

45. Where it is intended that a large event take place at one of the Council's licensed green spaces, the SAG may recommend that the applicant apply for a separate premises licence should they have concerns regarding the use of the park under the Council's premises licence. Under these circumstances a new premises application for the park may be required. A new premises application can take up to two months so it advised that all proposals for large events are submitted to the events officer at the earliest possible opportunity.

46. The SAG Event Coordinator can be contacted via the Licensing Service on 020 7527 3031.

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.

47. Culture lies at the heart of Islington's identity and sense of place. The borough is a centre for cultural excellence. Although the second smallest borough in London, Islington has an enviable cultural infrastructure which currently includes:

- 10 Libraries
- 9 Museums and Archives sites
- An exceptional heritage offer including over 4,000 listed buildings
- Seven major council operated leisure and sports facilities
- Arsenal Football Club
- The Business Design Centre
- More than 100 local sports clubs and associations
- More than 30 Arts Council England Regularly Funded Organisations
- More than 15 theatre and dance venues
- A strong public and commercial gallery sector
- A strong community arts sector
- A strong creative industry sector
- 127 Parks, gardens and open spaces
- 12 Adventure Playgrounds
- A strong independent retail sector
- A potentially strong tourism offer

48. The borough boasts key creative hubs in the performing arts and in the performing arts training sector, most notably dance and theatre which alongside a vibrant music, literature and visual arts offer support a bustling night-time economy.

49. As the Council's cultural strategy articulates, well-regulated venues and licensable activities enhance cultural diversity and promote, community cohesion, economic prosperity, wellbeing, skills development and have a significant impact on the quality of life of local residents.

50. The Licensing Authority is keen to support the continued development of this infrastructure promoting live music, dancing and theatre for the wider benefit of its communities and visitors alike. To this end it will work pro-actively with key partners and the council's Cultural Services Division to provide ongoing support to venues, artists and community groups.

51. 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. The Licensing Authority will monitor the impact of the policy through the Equalities Impact Assessment programme.

52. 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.

53. 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.

54. 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 licensed for regulated entertainment:

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

55. . **In line with the Cultural Strategy's key objective to promote, 'Place, Space and Identity**, 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 5

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 6

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 operating in the vicinity of the venue.

Licensing Policy 7

The Licensing Authority encourages licensees of late night venues to make facilities available for customers to contact a local taxi firm. Where possible, it is recommended that:

- Contact details for a minimum of three local taxi firms should be made available to help reduce customer waiting time.**
- Facilities should be provided to allow patrons to wait in a secure environment, and**
- Arrangements should be made to manage the impact of waiting customers on the local neighbourhood.**
- Toilet provision should be made available to patrons waiting for transport.**

56. 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.

57. 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.

58. 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 expects 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.

59. *The council's planning policies are set out in the Unitary Development Plan, the emerging Core Strategy, the Development Planning documents, the Supplementary Planning Documents and local planning guidance, together with national and strategic policies and guidance.*

60. 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.

61. Where appropriate (e.g. as part of planning policy), 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.

62. 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.

63. 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.

64. 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.

Licensing Policy 10

The Licensing Authority wants to promote small scale live music dancing and theatre in licensed premises for the wider cultural benefit of communities generally. It is aware of the need to avoid unnecessary or disproportionate measures that could deter live music, dancing and theatre by imposing indirect costs of a substantial nature. To this end the Licensing Authority will:

- **Not require the licensing of the provision of facilities for making music, such as pianos, stages, microphones, and the like when they are being used for incidental music.**
- **Support the use of minor variation applications where possible to allow venues to apply to add live music to their licence quickly and at low cost.**
- **Be available to discuss with operators, measures to mitigate the potential for noise complaints.**
- **Consider suggesting noise control measures where noise complaints are received as an alternative to automatic use of enforcement powers.**
- **Consider the following factors when dealing with Minor Variation applications relating to the provision of live music:**
 - **The proximity of the premises to residential areas.**
 - **Whether licence conditions are already in place to mitigate the impact of the music offering.**
 - **Has the applicant volunteered any new conditions when applying to add/alter/extend the live music provision, for example measures to limit noise?**

- On which nights will there be music - weekend only or also during the week? What time of night will the music finish?
 - The track record of the premises – both positive and negative.
 - Where the premises is only looking to extend the hours for its existing live music provision, are there other licensable activities already taking place at the premises during that extended period?
- Will use only necessary, proportionate and reasonable conditions

Noise and Deliveries/Collections:

Licensing Policy 11

Licence holders and applicants are encouraged to consider whether early morning deliveries and collections to their premises could potentially result in a public nuisance and to introduce measures to minimise the impact where appropriate. The Licensing Authority recognises that refuse collection times can sometimes be outside the control of the premises licence holder. When written representations have been received from residents in the vicinity of licensed premises stating that they are being awoken by early morning collections and deliveries the applicant or premises licence holder is encouraged, whenever possible, to renegotiate different times with the relevant contractor..

LONDON OLYMPICS 2012

Licensing Policy 12

The Council is fully committed to a safe and successful Olympic and paralympic games in London in 2012. The Council recognises that the resources of the police and emergency services will be planned out and prioritised for the security of major events before, during and after the games from 1 May 2012 until 31 October 2012. Due consideration will be given by the Council to representations from the Police in relation to licence applications for activity during the games time on the grounds of public safety and security when police and other emergency services resources are insufficient to deal with the risks presented. Where, as a result of representations from a responsible authority, it is identified that a licence or proposed event presents a risk that the licensing objectives will be compromised, it is likely that such applications will not be granted.

STREET PARTIES AND COMMUNITY FETES

65. The Council supports the view that street parties and fetes are a traditional part of community life. These events are a simple way for neighbours to meet and help build stronger communities. The Council recognises that people may be put off organising these types of events by concerns relating to the legal requirements, for example obtaining a licence or securing a road closure. The Council wishes to help reduce the bureaucratic burden on organisers of community type events and recommends that organisers consult the guidance document: "Your guide to organising a street party or fete" available via <http://www.communities.gov.uk/publications/communities/streetpartyguide>.

66. Organisers of events may also wish to contact the Licensing Service on 020 7527 3031 for further advice.

STREET TRADING AND MARKETS

67. The Council recognises that Islington Markets offer an experience that is diverse and vibrant, and adds value to the economic, social and cultural fabric of Islington.

68. As well as our established markets, visiting and occasional markets offer an opportunity for consumers to purchase a range of products that are not normally found locally. The sale of alcohol from market stalls is not normally encouraged, but it is recognised that specialised or localised products can be attractive to consumers and can enhance the appeal of a market.

69. A person wishing to sell alcohol from a market stall would at first be encouraged to discuss their proposal with the Council's Street Trading section. For a street trading licence application to be successful, the applicant will need to satisfy the Street Trading section that the product would add value to the market and enhance the shopping experience for the consumer

70. In addition to a street trading licence, stall holders wishing to sell alcohol will need to obtain authorisation from the Licensing Authority by way of a premises licence or temporary event notice.

PART TWO – STANDARDS OF MANAGEMENT

THE OPERATING SCHEDULE

Licensing Policy 13

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.

71. 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.

72. 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.

73. 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.

74. 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 14

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

75. 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:

- Archway
- Arsenal (pubs in the vicinity of Emirates Stadium)
- Caledonian Road/King's Cross
- Central (Angel, Chapel Market, Essex Road, Liverpool Road and Upper Street areas)
- Clubwatch (late night dance venues)
- Clerkenwell
- Gay and Lesbian pubwatch
- Stroud Green

SAFER CLUBBING AND DRUGS POLICY

Licensing Policy 015

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.

76. 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.

77. 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.

78. 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 16

All licensees, or managers of licensed premises, applicants for premises licences and premises users intending to use Temporary Event Notices that intend to allow music events which are:

- **promoted/advertised to the public any time before the event, and**
- **predominantly feature DJs or MCs performing to a backing track, and**
- **run anytime between the hours of 22:00 and 04:00, and**
- **is in a nightclub or a large public house,**

are recommended to undertake a comprehensive risk assessment to ensure that the four licensing objectives are identified and addressed prior to the event.

79. 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.

80. 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'

81. 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 17

The Licensing Authority seeks to encourage the use of toughened glassware and polycarbonate on a risk based approach 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.

82. 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.

83. 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.

84. 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 18

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.

85. 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.

86. 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.

LICENSEES' CHARTER

Licensing Policy 19

The Licensing Authority promotes the use of Licensees' Charters to help manage the impact of the night time economy on the local environment. The Licensing Authority is keen to encourage all licensees operating in areas of Islington where Charters have been adopted to sign up.

87. The Charter is one of a number of measures the Council has introduced in consultation with local residents, licensees and partner agencies, such as the police, to help successfully manage the impact of the night time economy. Initially the Charter was introduced to the Farringdon area and now we would like to extend this initiative to other parts of the borough.

88. Essentially the Charter is a set of aims that you would expect a well run premises to aspire to. Licensees and managers of licensed premises who are in agreement with the promotion of these aims are asked to sign a copy of the Charter and put it in on display where it can be easily seen by all those who come into your premises.

- Compliance with the Charter is not a legal requirement.
- It demonstrates licensed premises commitment to having a well run premises that respects its neighbours and customers.
- The Council will publish all premises that have signed up to the Charter on the Council's website.

A copy of the Charter can be obtained by

- Visiting our website www.islington.gov.uk
- Email to licensing@islington.gov.uk
- telephoning 020 7527 3031

SMOKING, DRINKING AND EATING OUTSIDE

Licensing Policy 20

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 that relate to the licensing objectives, 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

89. 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.

90. 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.

91. Following the implementation of the Smokefree Regulations, patrons may no longer smoke inside licensed premises and consequently must go outside to smoke. Applicants and existing licence holders are encouraged to assess whether the noise from such patrons could potentially disturb nearby residents and whether there is potential for smoke to drift to nearby residential properties. As the licensed trade can only be responsible for matters within their control it is recommended that licence holders focus on the effects of smoking in beer gardens, patios and the pavement directly outside the premises.

92. 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.

93. 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 21

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.

94. 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.

95. 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 22

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.

96. 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.

97. 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.

98. 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.

100. 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 23

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:

- **whether the premises is located in an area of cumulative impact;**
- **whether the premises is located in an area of special interest;**
- 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, for example through active participation in:**
 - a pub or club watch scheme;
 - **Best Bar None;**
 - **the local Licensees' Charter if applicable; 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.**

101. 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.

102. Applications for late night premises will be expected to demonstrate a commitment to a very high standard of management and that the operation of the premises will not create a public nuisance nor result in additional crime, disorder and antisocial behaviour in the area.

Licensing Policy 24

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 **and variation applications.**

103. 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 serious 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.

SHOPS SELLING ALCOHOL

Licensing Policy 24a

The Licensing Authority is concerned about the increasing numbers of shops selling alcohol for consumption off the premises and intends to explore the possibility of adopting a cumulative impact policy in relation to premises applying for new licences and variation applications to extend hours of operation.

103a. The current policy of the Licensing Authority is to permit 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. This approach has seen a huge increase in the number of licences in the borough and a corresponding increasing the hours during which alcohol is available for sale particularly in local shopping areas. The council is concerned that this approach is having a detrimental impact on local communities in terms of noise, disturbance and antisocial behaviour due to the increasing ease of access to alcohol.

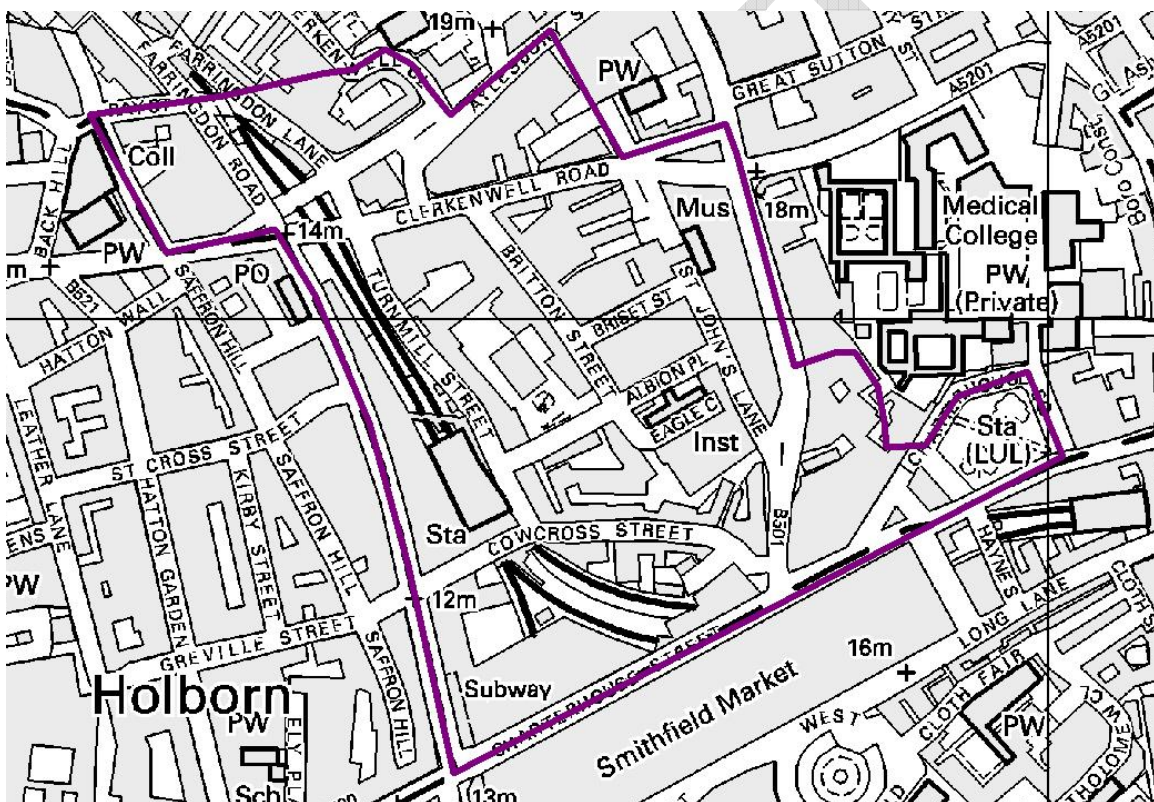
103b The Licensing Authority has started working with the police to explore the impact of off licences on crime and antisocial behaviour by examining the relationship between youth congregation points, youth crime hotspots and the incidence of underage sales. It will build on this work to develop a new policy approach to dealing with off licence applications.

THE FARRINGDON, CLERKENWELL AND CHARTERHOUSE AREA

Licensing Policy 25

The Licensing Authority is considering the adoption of a special policy relating to cumulative impact in relation to the south Clerkenwell Area (see map below). This special policy creates a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact.

Map



104. 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. The area now has one of the highest concentration of late licensed premises in the borough, with 10% of Islington's "on licensed" venues located within this small geographical area. As a consequence the area sees an influx of many 1000s of people in the evening and at weekends.

105. In more recent years the Licensing Authority has seen an increase in concerns raised by local residents, Councillors and local businesses about the impact that the night time economy is having on the local environment in this area. Typical issues of concern include:

Public urination
Litter
Noise nuisance from patrons of licensed premises
Drug dealing
Thefts
Damage to property and vehicles
Obstruction of the public highway

106. In response to these concerns the Licensing Authority set up a cross agency working party involving Police and Council Officers from Street Environment Services, Licensing, Transport Planning and Street Trading in 2008. The team formulated an action plan to tackle these issues, which involved:

- Identifying the licensed premises within the area of concern. Over 70 licensed premises were identified within the area bordered by Turnmill Street, Charterhouse Street, St John Street, Clerkenwell Road, Clerkenwell Green and Farringdon Road.
- Risk assessing the licensed premises in the area and carrying out robust enforcement visits.
- Officers meeting with late operating venues to discuss their queuing arrangements.
- Formulation of the Clerkenwell Charter in partnership with relevant stake holders.
- Hosting seminars for both businesses and local residents, with relevant stakeholders and agencies present.
- Installing temporary urinals and a permanent “pop-up” urinal on the junction of St John Street and Charterhouse Street.
- Working with the borough’s CCTV team to monitor the area.
- Working with the Public Carriage Office to tackle illegal minicabs.
- Police operations targeting drug dealing and public urination.
- Street Environment Services carrying out:
 - additional mechanised sweeps
 - additional jet washes
 - installation of extra litter bins
 - additional emptying of bins
 - enforcement and advisory visits to all licensed premises.
- Commissioning a film to record the impact of the night time economy.
- Promotion of Best Bar None and Pub Watch schemes.
- Applying for and successfully attaining a “Purple Flag” award.
- Fitting a gate to Faulkner’s Alley to deter public urination and drug dealing.
- Introduction of a DPPO for the area.

107. While some of the licensed premises here represent some of the best examples of good practice among licensed premises available in the borough, concerns continue to be raised by interested parties about public nuisance.

108. Recent independent research commissioned by the Council concerning the impact of licensed premises on Clerkenwell has indicated that “The impacts of licensed premises is a major issue affecting the daily lives of the residents we

spoke to”.

109. Council Officers have carried out regular monitoring visits and have found that while there have been noticeable improvements; there are still clear public nuisance issues, specifically around public urination, litter and drunkenness.

110. Having considered the available evidence, and (subject to the outcome of the consultation on this policy), the Licensing Authority considers that it is necessary to control the cumulative impact caused by licensed premises in the area.

EFFECT OF SPECIAL POLICY

111. The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives

112. It must be stressed that the presumption created by this special policy does not relieve responsible authorities or interested parties of the need to make a relevant representation, referring to information which had been before the licensing authority when it developed its statement of licensing policy, before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

113. This special policy is not absolute. The circumstances of each application will be considered on its individual merits and the Licensing Authority shall permit licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives to be granted. After receiving representations in relation to a new application for or a variation of a licence or certificate, the licensing authority will consider whether it would be justified in departing from this special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that necessary conditions would be ineffective in preventing the problems involved

114. This special policy will not be used:

- as a ground for revoking an existing licence or certificate when representations are received about problems with those premises to justify rejecting applications to vary an existing licence or certificate except where those modifications are directly relevant to the policy (as would be the case with an application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly necessary for the promotion of the licensing objectives.

- to include any provisions for a terminal hour in any particular area which might impose a fixed closing time akin to that under the 'permitted hours' provisions of the Licensing Act 1964
- to impose quotas - based on either the number of premises or the capacity of those premises - that restrict the consideration of any application on its individual merits or which seek to impose limitations on trading hours in particular areas. Quotas have no regard to individual characteristics of the premises concerned. Proper regard will be given to those differences and the differing impact they will have on the promotion of the licensing objectives.

115. This special policy will be reviewed regularly to assess whether it is still needed or should be expanded to other parts of the borough.

ALCOHOL INDUCED CRIME AND DISORDER AND ANTISOCIAL BEHAVIOUR

Licensing Policy 26

The Licensing Authority expects licensees to operate to the highest standards of management, and to cooperate with responsible authorities, to prevent:

- the sale of alcohol to underage children;
- drunkenness on premises;
- irresponsible drinks promotions.

Where the Licensing Authority receives representations from responsible authorities that the management of a premises is supporting such activities, or that there is strong evidence linking patrons with alcohol related crime, disorder or antisocial behaviour the Licensing Authority will consider imposing additional restrictions and controls to prevent or minimise the impact.

ADULT ENTERTAINMENT

Licensing Policy 27

The Licensing Authority expects all applicants and licensees intending to provide adult entertainment to include the relevant details in their operating schedule, including any controls they intend to put into place and to apply for a licence under the Local Government (Miscellaneous Provisions) Act 1982 if required.

Licensing Policy 28

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. Also the Licensing Authority must be satisfied that the licensing objectives are being promoted, particularly in relation to the protection of children from harm and the prevention of crime and disorder.

116. The location of the premises will be an important factor as it can impact on all four of the licensing objectives. The licensing authority will consider very carefully whether applications for new and variation premises licences that are located in close proximity to sensitive premises, such as:

- residential accommodation,
- schools,
- children's and vulnerable persons' centres,
- youth and community centres,
- religious centres and public places of worship,

should be granted. Each application will be decided on its own merits and will depend upon the type of adult entertainment that is proposed and the applicant's ability to demonstrate the highest standards of management.

117. 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. The activities may be considered relevant when considering the promotion of the licensing objectives.

118. 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.

119. Were appropriate, the Council will also take into account the cumulative effect of the number of such premises on the character of the area in question.

CHILDREN AND LICENSED PREMISES

Licensing Policy 29

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 safeguarding children 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.

120. 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.

121. 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.

122. 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.

123. 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 5 of this policy) are taking place;
- the need 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;
- a safeguarding children policy;
- all staff to have hold an up to date Criminal Record Bureau (CRB) check .

124. 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.

125. 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.

126. The Licensing Authority has identified the Child Protection Team, Children's Services, as the responsible authority for assessing child protection issues arising from licensing matters.

127. 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.

Children and Alcohol

Licensing Policy 30

The Licensing Authority is committed to tackling the illegal sale of alcohol

to children and expects licensees to implement measures to reduce the likelihood of underage sales from their premises.

128. A 2010 government consultation reviewing current licensing laws reported that the quantity of alcohol consumed by children has increased significantly in the past decade. The 2008 Smoking Drinking and Drug Use Survey found that the average weekly intake for pupils aged 11-15 who had drunk alcohol in the week before they were surveyed was 14.6 units, this figure has more than doubled since 1990.

129. It is important that this issue is tackled as high levels of alcohol consumption are associated with a range of health issues and high risk behaviours, including unprotected sex and offending. Currently the UK has one of the highest rates in the EU of admission to hospital or A&E due to alcohol use by 15-16 year olds.

130. The Council's approach to this is to work in partnership with local businesses, the Police, and other relevant local statutory and voluntary sector agencies .

131 Restricting access to alcohol to children under 18 had been a high priority area of work in Islington for many years to help reduce the anti social behaviour and health issues associated with under age drinking.

Advice

132. To assist businesses identify the age of children and young people the Council:

- Provides a business guidance pack on age restricted products, including training record and refusals booklet and a whole range of posters
- Promotes Challenge 25 which gives a margin of error when assessing age
- Runs regular business seminars
- Carries out individual advisory visits

Enforcement

133. Council Officers carry out regular test purchasing exercises, using volunteers under eighteen years of age. These exercises are organised in accordance with Home Office and Local Government Regulation guidance.

134. In most circumstances if a sale of alcohol is made to a young person the following action is taken:

- First sale – the seller will be issued with an on the spot fixed penalty notice by the Police. The licensee will be called before an Officers Panel comprising of senior officers from the Police, Trading Standards Service and the Service Director (Public Protection). They are asked to account for why the sale took place and asked to explain what measures had been put in place since the sale to prevent further occurrences.

- Second and subsequent sales –licensees will face a review of their licence which will be initiated by the Trading Standards Service in their role as a “responsible authority” under the Licensing Act. The Trading Standards Services may ask the Licensing Sub-Committee who consider the review application to add extra conditions to the licence, remove the Designated Premises Supervisor and/or to suspend or revoke the licence.

135. This approach has found to be successful and the majority of businesses who have made a first sale do not sell again following attendance at an Officers Panel.

136. In exceptional circumstances, for instance if there are other problems with the business, such as the supply of counterfeit alcohol, evidence of underage sales of products other than alcohol or other licensing infringements, the officer panel process may be by-passed and a review or prosecution considered instead.

Alcohol Education

137. It is recognised that the work with business tackling the commercial supply side of alcohol to young people under eighteen is only a small but significant part of helping reduce the amount of young people who are drinking. The Council also supports all secondary schools to provide alcohol education through Personal, Social, Health & Economic (PSHE) lessons.

138. Good PSHE education develops pupils’ knowledge, attitudes and skills and the alcohol education lesson scheme was developed to address all these aspects. It covers

- Knowledge about the effects of alcohol on the body (long term and short term effects) and how the laws about alcohol relate to them.
- Attitudes towards drinking alcohol and the range of influences (including the media and parents’ views) that affect what we think about it.
- Peer pressure with drinking – understanding this and developing strategies about how this might be resisted.
- Risks and consequences when drinking alcohol and practical ways they could be reduced.

TEMPORARY EVENTS

Licensing Policy 31

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.

139. 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.

140. 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.

141. "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.

Licensing Policy 32

When having regard to an objection notice from the police, the Licensing Authority will take the following factors into account:

- **History of the premises**
- **The track record of the applicant**
- **Circumstances of the objection**
- **Any proposed control measures to mitigate the objection**
- **The risk that the event will undermine the prevention of crime and disorder objective**

This list of factors is not exhaustive and the particular circumstances of the objection may require other factors to be taken into account.

142. In accordance with licensing law, only the police may make an objection to a Temporary Event Notice, and only in circumstances where they believe the crime prevention objective would be undermined. In these circumstances generally the Licensing Authority will hold a hearing to decide whether or not to allow the event to go ahead.

ENFORCEMENT

Licensing Policy 33

The Licensing Authority will use the full range of enforcement action to ensure that the licensing objectives are promoted. The type of enforcement action taken may include the use of statutory powers in serious cases, but a less formal approach through education and partnership working is also promoted by the Licensing Authority to help prevent problems before they occur.

143. 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 all relevant legal requirements, including licence conditions where applicable.

144. Where evidence arises to suggest that the licensing objectives may be being undermined, enforcement action will be taken. Enforcement action will be taken in accordance with the principles of the *Cabinet Office's Enforcement Concordat for Regulatory Bodies* and the Licensing Authority is committed to following the Better Regulation and Hampton Principles. Where appropriate, the licensing authority will work with other responsible authorities to promote the licensing objectives.

145. The Licensing Authority monitors compliance with the licensing objectives through a programme of inspection visits. A risk based approach to inspections is adopted targeting high-risk premises for more frequent inspections and providing a light touch inspection regime for low risk premises. Proactive visits are made to those premises where concerns have been raised concerning the licensing objectives.

146. The Licensing Authority prefers to adopt a partnership approach to enforcement, which includes use of the following options:

- Providing verbal or written advice
- Assistance with conciliation meetings between licensees and concerned residents
- Supporting Pub Watch
- Hosting Licensees' Seminars and providing training
- Encouraging best practice through Best Bar None, Charters, and other schemes

147. In more serious circumstances, or where the partnership approach has been unsuccessful, the Licensing Authority will consider more formal enforcement options, including:

- Issuing verbal warnings
- Sending out written warnings
- Requesting attendance at the Licensing Officers panel
- Use of closure orders
- Issuing 'Simple Cautions'
- Prosecution
- Imposing additional conditions, removing a licensable activity, removing the designated premises supervisor from the licence or revoking the licence when considering a review application.

148. 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.

Licensing Policy 34

The Licensing Authority will take into account compliance with enforcement action when determining applications for licences and reviews.

PROVISIONAL STATEMENTS

Licensing Policy 35

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.

149. 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.

150. 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.

151. 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 36

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.

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

153. 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.

154. 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.

COUNTERFEIT AND SMUGGLED GOODS

Licensing Policy 37

The Licensing Authority may consider licence review applications where there is evidence that counterfeit or smuggled alcohol has been offered for sale on the premises. Where other counterfeit or smuggled goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management should matters directly related to the licensing objectives arise.

155. By virtue of Schedule 4 of the Licensing Act offences under S92 of the Trade Marks Act involving alcohol are relevant when considering a personal licence. Such offences can lead to the suspension or forfeiture of a personal licence. Previous convictions must be declared.

156. Guidance issued by the Department for Culture, Media & Sport in June 2007 also covers the possibility of reviews that arise in connection with crimes not directly linked with licensable activities. The guidance states the licensing authority should ensure that the crime prevention objective is promoted. The guidance goes on to say the Secretary of State considers certain offences should be taken seriously. These include the supply of smuggled tobacco and alcohol and copyright matters.

PART FOUR – AREA SPECIFIC ISSUES

Licensing Policy 38

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 area of Clerkenwell; and
- **King's Cross 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.

157. 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 39

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.

158. **As part of the joint strategy to create a safe environment on match days the Islington Council, working in partnership with the Metropolitan Police, have**

introduced a Designated Public Place order, or controlled drinking zone, around the Emirates Stadium. The zone was introduced in 2009 following extensive consultation with local residents, businesses and visitors. The controlled drinking zone does not ban the consumption of alcohol in public areas but gives the police additional powers to deal with the minority of people who cause antisocial behaviour whilst consuming alcohol.

159. Officers of the Licensing Authority and Metropolitan Police have agreed designated drinking areas outside licensed premises on match days. These areas are clearly marked and the DPPO will not be enforced on customers drinking alcohol within these areas.

THE ANGEL TOWN CENTRE AREA

160. 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.

161. 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.

162. 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;
- applicant's intention to adopt the Licensees' Charter.

THE FARRINGDON, CLERKENWELL AND CHARTERHOUSE AREA

163. The Licensing Authority is considering the adoption of a special policy relating to cumulative impact in relation to the Farringdon Area of Clerkenwell. See policy 20A.

KING'S CROSS

164. King's Cross has undergone some radical changes in recent years. For example the new Regent Quarter development, has seen the refurbishment of the old Georgian and Victorian buildings opposite King's Cross Station, combined with new modern buildings, to create a mixed use development of residential and commercial units. Further north, along York Way, is the newly built King's Place, a several story building housing exhibition space, dining facilities, performance space, offices and conference facilities.

165. King's Cross is continuing to undergo one of the largest and most complex programmes of planning and development led regeneration in Europe. There are a number of major projects currently underway, or at the planning stages. By 2020, an estimated 60 million passengers a year will pass through the King's Cross transport interchange, almost the same current passenger numbers as at Heathrow airport. There are two areas in the King's Cross Central development, called the Main site and the Triangle site: the main site, which is in the London Borough of Camden, and the Triangle site, which falls in both Camden and Islington boroughs.

166. These recent, as well as the proposed developments in the area have already led to an increase in the numbers of licence applications. In the two years proceeding July 2008 there were 15 applications for new premises licences in Caledonian Ward. It is anticipated that this trend will increase.

167. The Licensing Authority has already seen an increase in representations lodged by local residents and Ward Councillors citing problems with cumulative impact issues such as noise disturbance, drunken fights and crime due to intoxicated persons in the area.

168. Furthermore, the area is regularly used by football fans on route to or from the Emirates Stadium. While it is recognised that the overwhelming majority of fans are well behaved, a small minority are associated with problems of public nuisance and crime and disorder. The Licensing Authority has received complaints concerning antisocial behaviour such as littering, noise nuisance, fighting, vandalism and obstruction of the public highway arising from football fans visiting the licensed premises in the area.

169. The Council adopted a Designated Public Place Order, or controlled drinking zone, for the King's Cross area of Islington, in June 2010. The order gives the Police powers to confiscate alcohol from people drinking in public. It is not an offence to consume alcohol within the designated area, however failure to

cease drinking and or surrender alcohol on request by a police officer is.

170. As with the Angel, in order to reduce the potential negative impacts of increasing development on the licensing objectives, applicants must demonstrate detailed consideration of the need to promote the licensing 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;
- where premises are used for the reception of football fans, the steps the applicant intends to take to minimise the potential negative impacts caused by the congregation of large groups of people, such as litter, noise nuisance and obstruction of the highway.;
- applicant's intention to adopt the Licensees' Charter.

LICENSING ACT 2003 MODEL POOL OF CONDITIONS

This pool of conditions has been provided mainly to help smaller businesses prepare their operating schedule. 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 schedules. 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).

Applicants should also be aware that premises licences are granted subject to certain mandatory conditions. A list of the mandatory conditions are provided following the pool of conditions.

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.

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 licensee shall adopt the Challenge 25 and the BII National Standards Proof of Age Scheme
- The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The licensee shall keep records of training and instruction given to staff.
- The licensee should regularly monitor staff to check how they are dealing with young people who ask for alcohol and other age restricted products.
- The licensee shall put arrangements in place to ensure that before serving alcohol to young persons, staff ask to see accredited proof of age cards e.g. Citizencard, a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.
- The licensee and staff should note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection by the licensing team, police or trading standards
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MANDATORY CONDITIONS

Mandatory Conditions

1. No supply of alcohol may be made under the premises licence
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. All door supervisors shall be licensed by the Security Industry Authority.
4. The admission of children to the exhibition of a film shall be restricted in accordance with the recommendation of a film classification body as defined in the Video Recordings Act 1984 or Islington Council acting as the licensing authority where it has given notice in section 20(3) of the Licensing Act 2003.

Additional Mandatory Conditions

5. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
8. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
9. The responsible person shall ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

NB 5, 6, 7 and 9 do not apply to “off licence” premises.

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.

Incidental Music

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.

Minor Variations

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 5 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.

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