

# Licensing Policy

DRAFT

2013-2017

## Licensing Act 2003

### Introduction

The Licensing Policy is intended to inform applicants and residents about the way in which the Licensing Authority will make licensing decisions and how licenced premises are likely to be permitted to operate so as to promote the licensing objectives.

As a Licensing Authority we have a duty to promote the following four licensing objectives and these objectives will underpin every decision that we undertake:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm

We have chosen to review our licensing policy earlier than we are required to because of feedback from residents, the police and other partner agencies. We have considered a wide range of evidence to help us understand the positive and negative impacts of the alcohol, entertainment and late night refreshment on our borough. We have listened to residents, the licenced trade as well as our Safer Islington Partners and the key changes we are proposing are to:

- designate areas of cumulative impact and saturation in Clerkenwell, Bunhill, Kings Cross, Upper Street, and Angel, Holloway Road and Finsbury Park, and Archway
- adopt a framework of closing times for businesses applying for new and variation applications as follows:
  - off-licenses - 11pm
  - night clubs - 1am Sunday to Thursday, 2am Friday and Saturday

- restaurants, cafes and bars - 11pm Sunday to Thursday, midnight Friday and Saturday
  - hot food and drink from takeaways- midnight Sunday to Thursday, 1am Friday and Saturday
  - 24 hour sales of alcohol to hotel residents
- make minor changes to policies designed to promote safe and well managed premises

In reviewing our Licensing Policy we have been mindful that Islington's residents suffer from high levels of alcohol-related ill health and early deaths. Alcohol consumption is increasingly identified as a major factor behind violent crime and disorder in the borough with serious consequences to victims, businesses and local communities.

The number of licenced premises continues to grow rapidly so that Islington has one of the highest densities of pubs, bars, clubs and off licences in the country and second highest in London after the City of Westminster.

With over 1300 premises licenced to sell alcohol, and nearly a third of these licenced to sell after midnight, parts of the borough have now reached saturation point. It is clear that we have now reached a watershed with the economic benefits of the night time economy starting to be outweighed by the health impacts, loss of amenity and the costs of excessive alcohol consumption, crime and disorder.

To respond to this challenge as a Licensing Authority we will continue to consider each application on its merits and through the Licensing Policy we will:

- Carefully manage the number of late night premises supplying alcohol, imposing restrictions where appropriate
- Encourage and support businesses that are unlikely to add to the cumulative impact in terms of crime, disorder and public nuisance
- Continue to 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

This policy only becomes relevant when the Licensing Authority receives representations regarding applications. Where no representations are received, applications will be granted on the terms and conditions applied for.

## **PART ONE - LOCATION, CUMULATIVE IMPACT AND SATURATION**

### **Licensing Policy 1**

**Islington has one of the highest densities of licensed premises in England and careful consideration will be given to the need to add to these numbers when applications are received. As there is no**

**delineation between residential and commercial areas careful management is required to prevent conflict between the different uses.**

**In considering applications for new licences, variations to existing licences and licence reviews the Licensing Authority will take the matters listed below into account:**

- **whether the premises is located in an area of cumulative impact;**
  - **the type of premises and their cumulative impact upon the area and the mix of premises in the area;**
  - **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 type and 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 pubwatch, adopting the Licencee's Charter and holding the Best Bar None Award;**
  - **the physical suitability of the building proposed for licensable activities, i.e. in terms of safety, access, noise control etc.**
1. Applicants should consider the general operating hours in Licensing Policy 7 and should not try to replicate later opening hours even if there are other premises nearby that currently operate for longer. The Licensing Authority will need to carefully balance the conflicting needs of residents, patrons and businesses in relation to the introduction of premises and flexible opening hours for the sale and supply of alcohol and late night refreshments.

## **CUMULATIVE IMPACT AREAS**

### **Licensing Policy 2**

**The Licensing Authority proposes to adopt a special policy relating to cumulative impact in relation to:**

- **Clerkenwell**
- **Bunhill**
- **Kings Cross**
- **Upper Street and Angel**
- **Holloway Road and Finsbury Park**
- **Archway**

**This special policy will create 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 or otherwise impact adversely on the promotion of the licensing objectives.**

2. The effect of adopting a special policy of this kind is to create a rebuttable presumption that where representations are received applications will normally be refused unless the applicant can demonstrate, in their operating schedule, that there will be no adverse cumulative impact on the licensing objectives
3. 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 representation. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.
4. This special policy is not absolute. The circumstances of each application will be considered on its merits and Licensing Authority shall permit licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives to be granted.
5. After receiving representations in relation to a new or variation application 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 of an application can be expected to be different for premises with different styles and characteristics. 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 one or more of the licensing objectives and that conditions or restrictions would be an ineffective solution.
6. Examples of applications that the Licensing Authority may consider as exceptional may include, though are not limited to:
  - small premises with a capacity of fifty persons or less who only intend to operate during hours specified in Licensing Policy 7
  - premises which are not alcohol-led and operate only within the hours specified in Licensing Policy 7 such as coffee shops
7. Examples of factors the Licensing Authority will **not** consider as exceptional include that the :
  - premises will be well managed and run
  - premises will be constructed to a high standard
  - applicant operates similar premises elsewhere without complaint
  - similar premises operate in the area

**Evidence to Support Cumulative Impact Areas.**

8. The headline statistics that underpin Islington's approach to introducing Cumulative Impact Areas are that in 2011 Islington:
  - was the second highest London Borough and well above the London average, for violent crimes attributable to alcohol per head of population
  - was above average in London for sexual offences in which the suspect

- had been drinking alcohol
  - had the highest hospital admission rates due to alcohol attributes conditions
  - had the fourth highest rate of alcohol related ambulance calls in London
  - had 40% of its ambulance calls between 11pm and 7am with a peak callout on Fridays and Saturdays from 11pm to 5am.
9. The evidence from these sources indicate that as the density of premises in Islington increases so does both the number of ambulance callouts and the level of a alcohol related crime.
10. Although it can be argued that in recent years there has been year on year reduction in the level of alcohol related crime, the levels remain significantly higher than in 2004 with the impacts extending across a greater period of the night / early morning. The Licensing Authority is determined to impose strict licensing controls until the impact of alcohol consumption on the community, emergency services and local hospitals has reduced significantly.

### **CLERKENWELL**

11. 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 thousands of people in the evening and at weekends.
12. 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
13. In response to these concerns the Licensing Authority has undertaken various initiatives, in partnership with other agencies and the licensed trade, to tackle these issues which involved:
- Introducing the Clerkenwell Licensees Charter in partnership with relevant stakeholders.
  - 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.
- Enhancing the street cleaning services by providing
  - additional mechanised sweeps
  - additional jet washes
  - installation of extra litter bins
  - additional emptying of bins
- Promotion of Best Bar None and Pubwatch schemes.
- Applying for and successfully attaining a “Purple Flag” award
- Carrying out robust enforcement visits.
- Working with late operating venues to improve queue management.
- Providing gating to deter public urination and drug dealing.
- Introduction of a Designated Public Places Order (DPPO) for the area.

14. While some of the licensed premises in Clerkenwell represent some of the best examples of good practice among licensed premises available in the borough, concerns continue to be raised by residents about public nuisance.

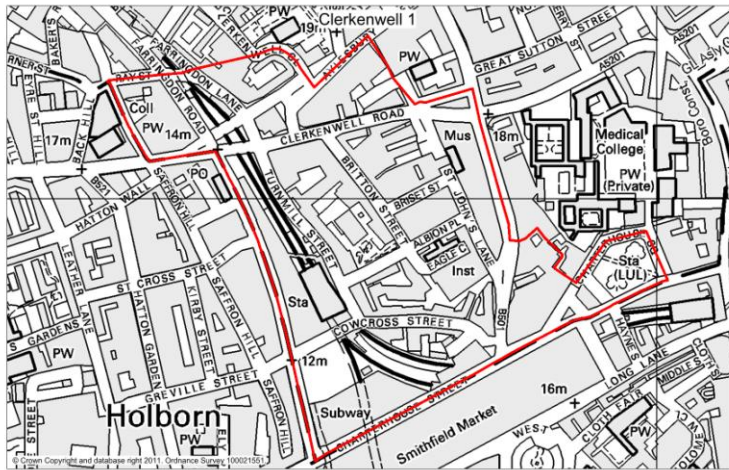
15. Recent independent research commissioned by the council concerning the impact of licensed premises on Clerkenwell has indicated that “the impact of licensed premises is a major issue affecting the daily lives of the residents we spoke to”.

16. Whilst improvements have been made the council continues to receive complaints from local residents about the negative impacts of the night time economy in Clerkenwell.

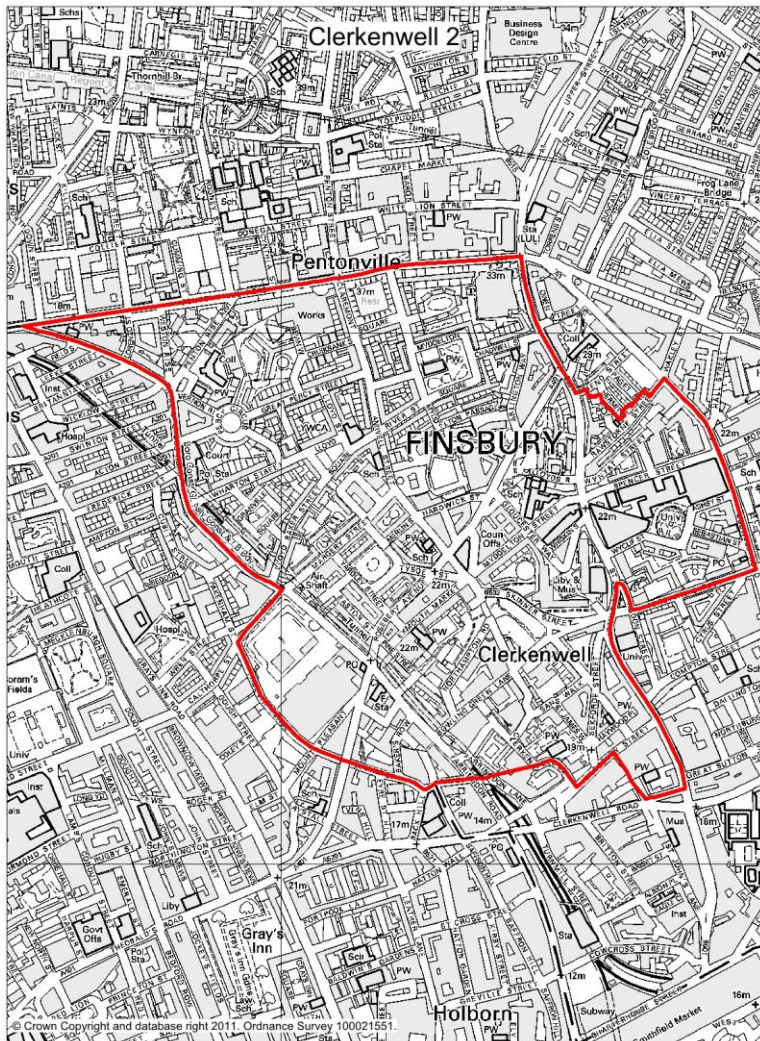
17. The Farringdon area of Clerkenwell has been a cumulative impact area since January 2011 and the Licensing Authority has been very effective using the policy to ensure that the number of premises is controlled and night time economy in the area is managed to expand the wide entertainment offer it has rather than a reliance on alcohol.

18. Having considered all the evidence the Licensing Authority is of the opinion that an extension of the cumulative impact area to cover the entire ward of Clerkenwell is appropriate for promoting the Licensing Objectives.

The map below shows existing cumulative impact area in Clerkenwell:



The map below shows the proposed extension to the Clerkenwell Cumulative Impact Area

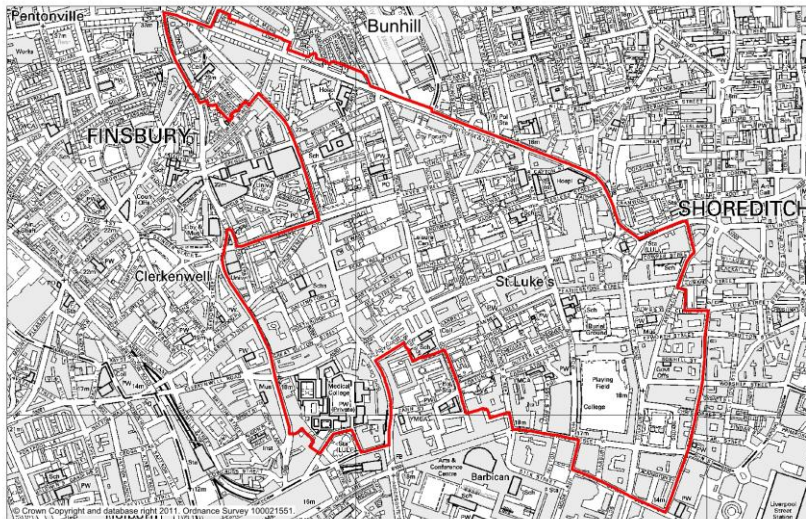


## BUNHILL

19. Bunhill has been identified as an area of special interest in previous Licensing Policies due to its unique position in the borough in that it borders the Shoreditch Cumulative Impact area adopted by Hackney Council in the east, the City of London in the south and the Clerkenwell Cumulative Impact Area in the west.
20. The area has experienced significant change in recent years in terms of increasing population and employment and this trend is expected to continue over the next 15 years. Bunhill and Clerkenwell is the only part of Islington that meets the criteria for having an Area Action Plan, known as the Finsbury Local Plan, to manage future population and economic growth in the area.
21. To respond to these challenges the Finsbury Local Plan encourages mixed use neighbourhoods within the area but acknowledges that this approach could cause conflict, particularly where licensed premises are adversely impacting on local residents. Furthermore the vision to grow the visitor economy to improve access to the cultural and heritage offer in the area will also attract a corresponding growth in licensed premises.
22. The area has seen a significant increase in late night licensed premises over the last 10 years and the expected growth in this sector needs to be carefully managed to avoid conflict with residents. The special policy on cumulative impact in the Farringdon area of Clerkenwell introduced in 2011 is one of the initiatives that has been implemented to respond to this challenge but the Licensing Authority wants to build upon the success of this approach by extending the cumulative impact area to cover the entire wards of Clerkenwell and Bunhill to ensure that any expansion in the night time economy is carefully managed and to consider the needs of residents in order to ensure that the licensing objectives are met.

The map below shows the proposed Bunhill Cumulative Impact Area:





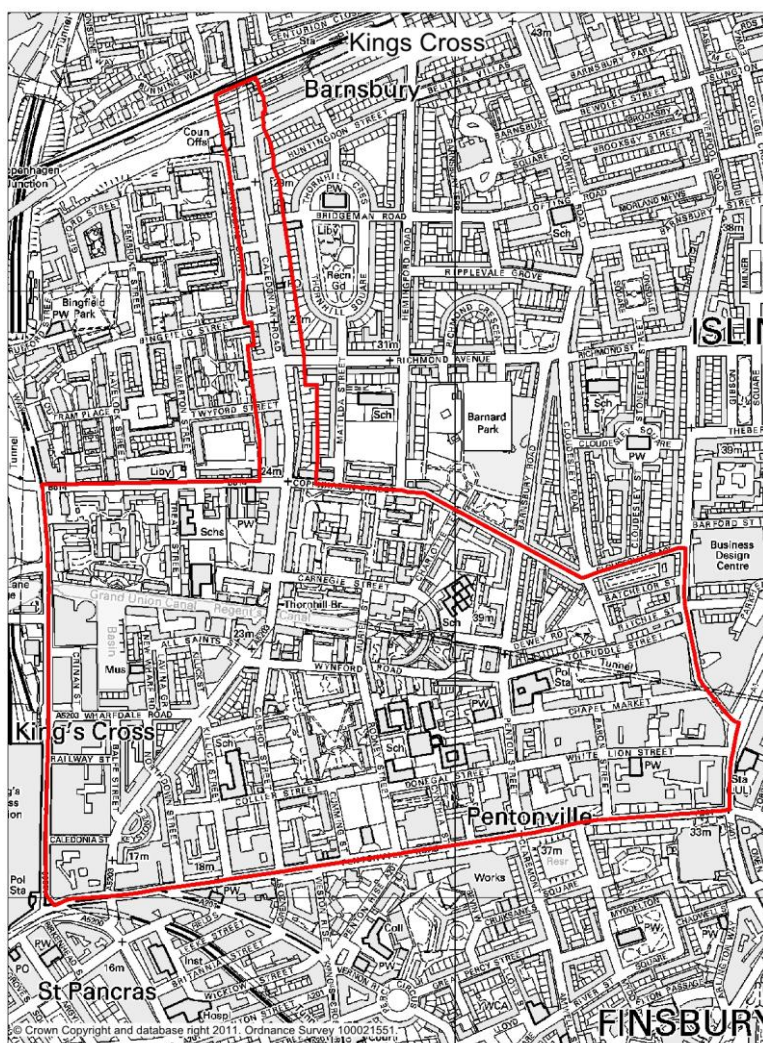
## KINGS CROSS

23. King's Cross has undergone some radical changes in recent years and this change is set to continue as the Kings Cross railway land in Camden re developed. The Regent 's Quarter has seen the refurbishment of the old Georgian and Victorian buildings and construction of new modern buildings to create mixed use developments of residential and commercial units. Further north, along York Way, King's Place provides exhibition space, dining facilities, performance space, offices and conference facilities.
24. 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.
25. These recent changes, as well as the proposed developments in the area, have already led to an increase in the numbers of licence applications. It is anticipated that this trend will increase.
26. 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.
27. Furthermore, the area is regularly used by football fans on their way 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.

28. As with other stress areas in the borough the Licensing Authority believes that it is essential to manage any potential conflicts arising from an extension to the night time economy on local residents though introducing a cumulative impact area. This approach will allow the Licensing Authority to promote and encourage new and variation applications where there is no negative cumulative impact on the licensing objectives.

The map below shows the proposed Kings Cross Cumulative Impact Area:



### ANGEL AND UPPER STREET AREA

- 29. As Islington's most significant town centre the Angel has a thriving night time economy providing a wide cultural and entertainment offer. Upper Street is well renowned for its extensive choice of restaurants and cafes and the whole area has seen an increase in the 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 and the Old Red Lion also make important contributions to the cultural vitality of the area.
- 30. Contained within the Angel and Upper St Cumulative Impact Area is the Angel Business Improvement District which has been instrumental in developing and promoting the retail and leisure economy in the area and securing resources to improve the look and feel of the Town Centre.

31. The Core Strategy proposes to strengthen the Angel as a cultural destination, to protect and encourage the arts and entertainment offer and to provide retail employment led mixed use growth.
32. Notwithstanding the Core Strategy for the area the council is determined that any expansion in the night time economy will not adversely affect the quality of life for residents. The adoption of a cumulative impact area will give the Licensing Authority the ability to carefully manage the impact on residents through making decisions on any proposed expansion of the night time economy which are consistent with the licensing objectives.

The map below shows the proposed Angel and Upper Street Cumulative Impact Area:



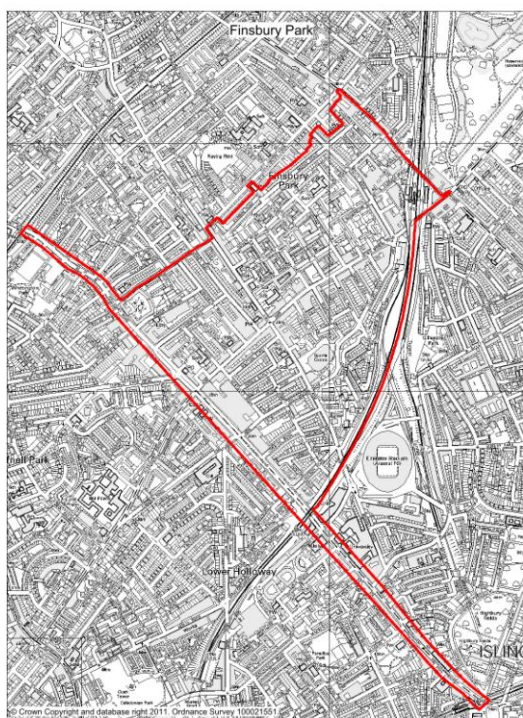
### **HOLLOWAY AND FINSBURY PARK**

33. This commercially busy area of Islington includes Holloway Road, Nags Head Town Centre and Finsbury Park Town Centre as well as areas of high density housing. The area features prominently in alcohol related crime datasets and the three underground stations in the area are transport hub crime hotspots.
34. The council has been working with partners and treatment services to tackle street drinking in the area and although its intervention strategies have been largely successful in reducing the scale of the problem, it is a recurring issue. Whilst previous approaches to tackle street drinking in the area have focused on dispersal and treatment, the Licensing Authority believes it is appropriate to

consider the supply of alcohol in order to minimise the impact of public nuisance arising from street drinking. Any further increase in the ease of access to alcohol in terms of the number of premises and the hours of operation needs to carefully consideration in this part of the borough.

35. The Licensing Authority's expectation that only well managed venues should operate late at has not been realised in this area. A combination of the economic viability of some businesses operating in the area and the high turnover of proprietors has impacted on management standards and licenced businesses operating in the area have made a disproportionate demand on the Licensing Authority's enforcement resources.

The map below shows the proposed Holloway Road and Finsbury Park Cumulative Impact Area:



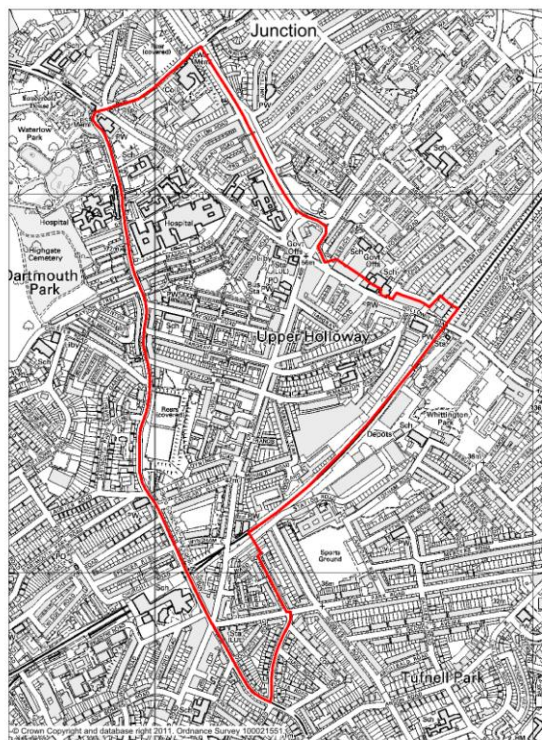
## OFF LICENCES IN ARCHWAY

### Licensing Policy 3

**The Licensing Authority proposes to adopt a special policy relating to cumulative impact in relation to the sale of alcohol in the Junction area of Archway. 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.**

36. The Junction ward in Archway has one of the highest concentrations of off licences of any ward in the borough with an average of one off licence per 317 residents.
37. It is widely recognised that as the density of licenced premises increases, so does the number of alcohol related ambulance call outs and incidents of alcohol related crime and disorder.
38. Residents continue to report problems of street drinking and other alcohol related crime and nuisance in the area and they have actively been campaigning to control the number of off licences in the area.
39. By way of a response to these concerns the Licensing Authority is of the opinion that it is appropriate to establish a cumulative impact area to manage the sale of alcohol so as to avoid any further expansion in the area causing a negative effect on the licensing objectives.
40. The cumulative impact policy is not absolute and the Licensing Authority will consider each application on its merits. Where it can be demonstrated by the applicant that the proposed use and operation of the premises is unlikely to add to the cumulative impact on the licensing objectives the Licensing Authority shall be justified in departing from this special policy in the light of the individual circumstances of the case.

The map below shows the proposed Archway Off Licences Cumulative Impact Area:



## SHOPS SELLING ALCOHOL

### Licensing Policy 4

- 41. The Licensing Authority is concerned about the adverse impact on the licensing objectives arising from the increasing numbers of shops selling alcohol for consumption off the premises. The Licensing Authority will consider restricting the number of premises and the licensing hours in locations where representations are received and that longer hours will undermine the licensing objectives.**
42. The previous policy of the Licensing Authority was to permit shops, stores and supermarkets to sell alcohol for consumption off the premises during the hours that they are open for trading. This approach was consistent with the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003, but this approach has seen a huge increase in the number of licences in the borough and a corresponding increase in the hours during which alcohol is available for sale. The council is extremely 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 and concentration of premises with off-sales licences in a local area.
43. The council has been working with the police and other partners 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.
44. Evidence from the Caledonian area of the borough showed that that over 40% off licences sold to underage children and that these underage sales were causing the crime and disorder in surrounding residential estates.
45. Whilst the Caledonian Community Alcohol Partnership has demonstrated that it is possible for the licensed trade and local community to work with the police and the council to reduce the impact of crime and disorder associated with alcohol sales, this approach is not sustainable due to the resources required, and the Licensing Authority intends to use Licensing Policy to restrict the sale of alcohol for consumption off the premises where it is appropriate to promote the licensing objectives.

### DESIGNATED PUBLIC PLACE ORDERS

46. The Council has adopted a borough wide Designated Public Place Order (DPPO), sometimes known as a controlled drinking zone, to deal with problems of anti-social alcohol drinking in public places.
47. The DPPO gives the police the ability to deal with alcohol related anti-social

behaviour as it gives them the power to confiscate alcohol or require a person to stop drinking in public if they are causing a nuisance. The powers do not prohibit drinking in public places and it can only be used where it is associated with negative behaviour.

### **Licensing Policy 5**

**The Licensing Authority expects licenced premises to have measures in place to ensure that their customers do not contribute to problems of anti-social drinking in the street for example:**

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

## **DEVELOPMENT PLANNING**

### **Licensing Policy 6**

**The Licensing Authority 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. The Licensing Authority will only grant licences for premises without planning consent in exceptional circumstances.**

48. The Planning Consent for a premise determines its use and the hours of operation. If this is not in place at the time the licensing application is heard, there may be a conflict between the two and the applicant will be required to comply with any planning consent granted. It is expected that the necessary planning consent will be in place to ensure that this conflict does not arise and applicants receive a decision from the licensing process which they can immediately implement.
49. Where the terminal hour has been set as a condition of planning permission and these hours are different to the licensing hours, applicant must observe the earlier closing time. The granting of a licence by the licensing committee does not mean the applicant will not need to apply for planning permission. Premises operating without the necessary planning permission will be liable to prosecution under planning law.
50. Planning permission is usually granted for the permitted opening hours of the premises and will include the time it takes customers to leave the premises. This time will normally be later than the time when licensing activities cease so that there is sufficient time for customers to leave the premises gradually to minimise



impact on nearby residents.

51. 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 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.
52. The council's planning policies are set out in the Core Strategy, Development Management Policy, Site Allocations and the Finsbury Local Plan. Together with other council policies, they set out the overall strategy for shaping the future of the borough.

## **PART TWO - LICENSING HOURS**

### **Licensing Policy 7**

**The Licensing Authority supports the principle of flexibility in its approach to licensing hours and will consider the merits of each individual application however it is mindful that Islington has become saturated with late night premises selling alcohol and it is concerned about the cumulative impact that the proliferation of late night venues and retailers in the borough is having on the promotion of the licensing objectives.**

**Where representations are received from responsible authorities or interested parties the Licensing Authority may seek to restrict hours of opening where it is appropriate 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.**

53. 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. In Islington, many licenced premises are already open into the early hours of the morning and this has contributed to the development of a thriving evening and night-time economy.
54. Balanced against this is the evidence in Islington that extended opening hours has seen increased levels of crime and anti social behaviour such as noise and disturbance to local residents living near licenced premises, fast food outlets, bus stops, train and underground stations that continues through the early hours of the morning. Later opening hours also impact on the response times for the Police, Fire and Ambulance Service as peak demand for their services

now extends across a longer period of the night / early hours of the morning, correlating with the increase in late opening. The number of late night premises is now at a level where to allow more would adversely impact on this balance.

## **LICENSING POLICY 8**

**When dealing with new and variation applications the Licensing Authority will give more favourable consideration to applications with the following closing times:**

**Public Houses and Bars**                      **11pm - Sunday to Thursday**  
**Midnight - Friday and Saturday**

**Nightclubs**                                      **1am - Sunday to Thursday**  
**2am – Friday and Saturday**

**Restaurants and Cafes**                      **11pm - Sunday to Thursday**  
**Midnight - Friday and Saturday**

**Off Licences**                                      **11pm – Monday to Sundays**

**Hot food and drink supplied by takeaways, fast food premises**  
**Midnight - Sunday to Thursdays**  
**1am - Friday and Saturday**

**Hotels**    **Residents only: 24 hours sale of alcohol**

55. The above hours are intended to guide applicants on the Licensing Authority's expectations when preparing their Operating Schedules and each application will be considered on its merit.
56. Applicants for premises licence applications outside the above hours are expected to fully explain in their operating schedule the arrangements that they will put in place to ensure that the premises doesn't add to the cumulative impact. Operating schedules with insufficient detail are more likely to be refused, attract limitations in hours, or have conditions imposed on them by the Licensing Authority.
57. For applications within the above hours there is no presumption that the application will automatically be granted in all cases where relevant representations are made. If no representations are received, the application will be granted by the Licensing Authority under delegated powers.
58. The Licensing Authority has set this policy having considered statistical evidence on alcohol related crime, disorder and antisocial behaviour, the density of licenced premises in its borough as well as the views of local residents and the Safer Islington Partnership. All this evidence indicates that the borough has

reached saturation point in terms of late night licenced premises and the Licensing Authority is seeking to control further expansion of the late night economy unless it can be demonstrated that any additional late night premises will not add to the cumulative impact.

59. A comparison of alcohol related violence prior to deregulating licensing hours in 2004 with 2011 shows that in 2004 alcohol related crime peaked between the hours of 11pm and midnight. By 2011 the peak hours for alcohol related crime had expanded and shifted to midnight to 5am with a corresponding 600% increase in alcohol related crime.
60. Furthermore the Licensing Authority considers that the possibility of disturbance to residents is more likely to occur at night and in the early hours of the morning and despite the best efforts of businesses to manage the dispersal of patrons it can be very difficult to eliminate that any such disturbance to residents when patrons have left the vicinity of a licenced premises.
61. Applicants who wish to provide licensable activities outside the hours specified above should ensure that the operating schedule specifies detailed measures to mitigate against crime, disorder and public nuisance taking into account:
- a. the location of the premises and the character of the area in which they are situated
  - b. the proposed hours during which licensable activities will take place
  - c. the adequacy of the applicant's proposals to prevent crime and disorder and prevent public nuisance
  - d. whether customers have access to public transport when arriving at or leaving the premises
  - e. the proximity of the premises to other licensed premises in the vicinity and the hours of operation of those other premises policies and proposals for the orderly dispersal of customers.

## **PART THREE – STANDARDS OF MANAGEMENT**

### **THE OPERATING SCHEDULE**

#### **Licensing Policy 9**

**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.**

**Where representations have been received, the Licensing Authority will impose restrictions and conditions that are appropriate for promoting the licensing objectives.**

62. 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, including by the Licensing Authority. Where these representations are relevant to the promotion of the licensing objectives, a hearing will follow, unless all parties agree that this is unnecessary.
63. 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.
64. 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.

### **Licensing Policy 10**

**When assessing the applicant's or licensee's ability to demonstrate a commitment to high standards of management the Licensing Authority will take into account whether the applicant or licensee:**

- **can demonstrate comprehensive knowledge of best practice**
- **has sought advice from the responsible authorities**
- **has implemented any advice that been given by the responsible authorities**
- **is able to understand verbal and written advice and legal requirements**
- **can demonstrate knowledge of the licensing objectives, relevant parts of the Licensing Policy and their responsibilities under the Licensing Act 2003**
- **is able to run their businesses lawfully and in accordance with good business practices**
- **is able to demonstrate a track record of compliance with legal requirements**

**Where there is a history of non-compliance associated with the premises the Licensing Authority is unlikely to a grant new and variation application unless there is evidence of significant improvement in management standards.**

### **Licensing Policy 11**

**The Licensing Authority seeks to promote mixed used premises with alcohol sales being offered to customers alongside entertainment and**

**food. Applications for premises providing a seated environment for customers are encouraged. Applications for premises whose predominant offer is vertical drinking are not encouraged but if made, the operating schedule will be expected to demonstrate robust arrangements for promoting the licensing objectives.**

65. Islington already has a large number of licensed premises operating in a densely populated area. Our experience has shown that the design and offer within a premises has a strong influence on levels of drinking and behaviour. The desire is to expand the offer available at night and therefore the encouragement is for mixed use premises that will appeal to a wider range of users.

## **LICENSING POLICY 12**

**The Licensing Authority promotes and supports a number of best practice schemes and is keen to encourage:**

- **participation in local pubwatch schemes**
- **licensees operating bars, clubs and pubs to apply for Best Bar None Awards**
- **licensees to adopt the Licensees Charter**

## **PUBWATCH**

66. The borough-wide pubwatch network encourages licensees to work together 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.

67. The Licensing Authority encourages all licences to actively participate in their local pubwatch scheme and is keen to support the development of more schemes where there is a demand.

## **BEST BAR NONE**

68. 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.

69. 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.

70. 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**

71. The Charter is one of a number of measures the Council has introduced in consultation with local residents, licensees and partner agencies, to help successfully manage the impact of the night time economy on the local environment.
72. The Licensing Authority is keen to encourage all licensees to adopt the Charter.
73. 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.
74. Compliance with the Charter is not a legal requirement but it demonstrates a licensee's commitment to managing well-run premises that respects its neighbours and customers.

## **ALCOHOL INDUCED CRIME AND DISORDER AND ANTISOCIAL BEHAVIOUR**

### **Licensing Policy 13**

**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 premise 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 reviewing the licences to as a minimum, impose additional restrictions and controls to prevent or minimise the impact.**

75. Licensing enforcement is a strong, multi-agency activity and it is important that work is coordinated between agencies to deliver solutions. The need for intervention will be risk-based and take full account of data, intelligence and information available to both the Council and partners.
76. Where appropriate the Licensing Authority will consider imposing controls on products sold where representations indicate localised problems. This provision could include banning the sale of super strength beer, larger and cider in premises as part of a package of measures to deal with problems associated

with street drinking.

## **PUBS AND BARS ON MATCH DAYS**

### **Licensing policy 14**

**All pubs and bars that are frequented by football spectators on Arsenal Home Match days are expected to:**

- **Refrain from selling alcohol until 11 am on Monday to Saturday and midday on Sunday, unless otherwise agreed with the police.**
- **Sell alcohol in plastic containers, save in an area set aside from the main bar area for the consumption of food commencing 4 hours before advertised start of the game and until 1 hour after the game finishes.**
- **Manage any patrons drinking outside the premises in designated areas using registered door supervisors.**

**Where relevant the Licensing Authority expects applicants to include these arrangements in their operating schedules. If the Licensing Authority receives a representation or review from the Police or Licensing Authority it will consider imposing the above requirements as licence conditions.**

77. As part of the joint strategy to create a safe environment on match days, Islington Council, working in partnership with the Metropolitan Police, have introduced a Designated Public Place Order (DPPO), or controlled drinking zone.
78. 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.
79. 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.

## **RISK ASSESSMENTS FOR SIGNIFICANT EVENTS**

### **Licensing Policy 15**

**All licensees or managers of licensed premises, applicants for premises licences and premises users intending to use Temporary Event Notices are required to undertake a comprehensive risk assessment to ensure that the four licensing objectives are considered and addressed prior to any music event which is:**

- **in a nightclub or a large public house**
- **run anytime between the hours of 22:00 and 08:00**
- **promoted/advertised to the public any time before the event**
- **predominantly feature DJs or MCs performing to a backing track**

80. 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.

81. 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'

82. 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 16**

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

**The Licensing Authority will consider imposing a condition prohibiting the sale of alcohol in annealed glass containers (glasses and bottles) and require the use of polycarbonate or other safer alternatives where :**

- **local needs dictate**
- **a relevant representation is received**
- **the premises is operating beyond midnight**
- **the licence permits drinking outside**

83. 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.

84. Outside premises, glass containers, as well as being potential weapons, add to street debris, pose risks to street cleaners and pedestrians and generally



undermine the objective to minimise public nuisance.

85. 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.
86. The Licensing Authority will take into account the nature of the venue when considering imposing conditions restricting the use of glass, including the uses of bottled drinks. 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 extent to which drinking is permitted outside
  - the licensee's risk assessment
  - the views of the local police

## **NOISE**

### **Licensing Policy 17**

**The Licensing Authority is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises, particularly when late hours have been sought. Where relevant representations are received, the Licensing Authority will impose appropriate restrictions or controls on the licence to support the prevention of undue noise disturbance from licensed premises.**

87. Complaints about noise in Islington 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.
88. The Licensing Authority expects that premises intended for the provision of noise-generating licensable activities are acoustically controlled and engineered to a degree whereby 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 above the volume level of acoustic musical instruments adjoining residential properties may not be appropriate.

### **Noise and Deliveries & Collections:**

## **Licensing Policy 18**

**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 disturbed by early morning collections and deliveries the applicant or premises licence holder is encouraged, whenever possible, to renegotiate different times with the relevant contractor and to liaise with local residents where appropriate to seek agreement on acceptable hours.**

## **SMOKING, DRINKING AND EATING OUTSIDE**

### **Licensing Policy 19**

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

**Where smoking, eating and drinking takes place outside the Licensing Authority expects applicants to provide comprehensive details in their operating schedule on:**

- **the location of outside areas to be available for use**
- **how the outside areas will be managed to prevent**
  - **noise**
  - **smell**
  - **pavement obstructions**

**Where the Licensing Authority receives representations or a review application regarding the use of an outside area it will impose restrictions or conditions that are appropriate for preventing a public nuisance.**

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. 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.

91. The placing of items such as tables chairs and barriers 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.

92. Applicants who wish to provide drinking facilities on or adjacent to the pavement will need include this in their operating schedule along with the proposed management controls to minimise the risk of public nuisance and be mindful of the borough wide Controlled Drinking Zone.

## **DISPERSAL POLICIES**

### **Licensing Policy 20**

**The Licensing Authority will normally require all licensed premises to be cleared of patrons within a reasonable period, usually 30 minute, after the end of the time permitted for licensable activities. An application for a new late night premises licence or variation application will not normally be granted unless a proposed dispersal policy is included in the operating schedule.**

93. 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;
- issuing customers leaving the premises with lollipops and boiled sweets;
- 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.

## **SAFER TRAVEL AT NIGHT**

### **Licensing Policy 21**

**In determining late night applications the Licensing Authority will consider the availability of and secure access to late-night public transport facilities including taxis and minicabs.**

**The Licensing Authority expects late night venues to**

- **provide clear, accessible, comprehensive and up-to-date information to customers about the availability of public transport in the area**
- **make facilities available for customers to contact a local taxi firm.**
  
- **Where appropriate applicants should demonstrate their ability to provide:**
- **contact details for a minimum of three local taxi firms to help reduce customer waiting time.**
- **facilities to allow patrons to wait in a secure environment**
- **arrangements to manage the impact of waiting customers on the local neighbourhood.**
- **toilet provision for patrons waiting for transport**
- **adequate supervision of customers waiting outside the premises**

94. The Licensing Authority is concerned about the impact of mini cabs waiting outside licensed premises on nearby residents. It expects licensees to support the work of the enforcement agencies dealing with illegal mini cabs by adopting the measures listed above to proactively manage demand for mini cabs and minimise their impact on residents.

95. 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.

96. 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.

97. 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.

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.

## **ADULT ENTERTAINMENT**

### **Licensing Policy 22**

**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.**

**When considering applications which include adult entertainment the Licensing Authority will take into account the nature of the area, the marketing, and advertising arrangements and external views of the premises together with other factors proposed by the proprietor to mitigate against concerns.**

98. 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 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.

99. 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.

100. 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.

101. Where 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 23**

**The Licensing Authority will require consideration of measures to protect children from harm to be reflected in the operating schedule where applicants identify the need, having regard to their type of premises or licensable activities. Applicants for premises licences and club premises certificates authorising the admission of children without accompanying responsible adults will be required to submit a 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.**

102. 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.

103. 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 underage children especially in relation to off-licence premises.

104. 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, personnel working at the premises or the licensee have been associated with convictions for serving alcohol to underage children or have a reputation for allowing underage 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.

105. 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 hold an up to date Criminal Record Bureau (CRB) check.

106. 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.

107. 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.

108. 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.

109. 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 24**

**The Licensing Authority is committed to tackling the illegal sale of alcohol to children, including proxy sales when adults buy alcohol for children, and expects licensees to implement measures, to Challenge 25 standard, to reduce the likelihood of underage sales from their premises.**

110. Restricting access to alcohol to children under 18 had been a high priority area in Islington for many years to help reduce the anti social behaviour and health issues associated with underage drinking. The Licensing Authority expects licences to have robust management arrangements in place to prevent staff making underage sales. Licensees supplying alcohol to underage young people can expect the Licensing Authority to impose additional controls and sanctions and repeat offenders run the risk of their licence being reviewed.

## **ILLICIT GOODS**

### **Licensing Policy 25**

**The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives.**

111. The Licensing Authority's approach, which is consistent with the Guidance issued by the Home Office and DCMS, is that the supply of illicit goods will be taken seriously as these matters undermine the licensing objectives. Licensees supplying illicit goods can expect the Licensing Authority to impose additional controls and sanctions and run the risk of losing their licence.

## **TEMPORARY EVENTS**

### **Licensing Policy 26**

**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.**

### **Licensing Policy 27**

**When considering objections to temporary event notices from the Police or Environmental Health, the Licensing Authority will take the following factors into account:**

- **Circumstances of the objection**
- **The applicant's willingness to comply with the conditions attached to the premises licence**
- **History of complaints**



- **The track record of the applicant**
- **Any other proposed control measures to mitigate the objection**

112. 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 168 hours can take place, following the notification of such events to the Licensing Authority and the police. It is only open to the police and environmental health to object to the temporary event notice if they are of the opinion that the event is likely to undermine the licensing objectives.

113. Although the statutory legal minimum time required for notification of a temporary event to the Licensing Authority and the police is 10 working days, or 5 days for a late temporary event notice, 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.

114. “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.

## **PROVISIONAL STATEMENTS**

### **Licensing Policy 28**

**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.**

115. 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.

116. 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. 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.

## **PART FOUR - ENFORCEMENT**

117. The majority of license holders are compliant and ensure that their business does not impact negatively on the local community. In those situations where this is not the case, the Licensing Authority will not hesitate to 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 may also be adopted by the Licensing Authority to help prevent problems before they occur.

118. 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 beyond midnight the Licensing Authority expects businesses to comply with all relevant legal requirements, including licence conditions where applicable.

119. The Licensing Authority has established enforcement protocols with the key responsible authorities to provide the most effective methods of monitoring and enforcing compliance with licensing requirements.

The Licensing Authority is committed to the principles of better regulation and has adopted the Regulators Enforcement Code. Enforcement for non-compliance with licensing requirements will be consistent with both the Code and the Public Protection Enforcement Policy.

The Licensing Authority is committed to investigating the options to introduce a late night levy, early morning restriction orders and locally set fees once the police and Social responsibility Act 2011 is fully enacted.

120. The Licensing Authority will use the full range of enforcement options to deal with non-compliant premises including:

- Verbal or written warnings
- Attending the Licensing Officers Panel
- Closure Notices
- Simple Cautions
- Prosecution

## **121. REVIEW OF LICENCES**

### **Licensing Policy 29**

**The Licensing Authority will apply the full range of powers available to it when a review of a premise licence becomes necessary, including:**

- **Restricting hours of operation**
- **Removing licensable activities from the premises licence**
- **Imposing additional conditions**
- **Requiring the removal of a designated premises supervisor**
- **Suspending a licence**
- **Revoking a licence**

122. The Licensing Authority believes 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.
123. 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.
124. 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.
113. Where a licence is revoked, any new application for the premises will be considered against the policy – there will be a full consideration of the applicant and the operating schedule with no assumption that a licensed premises can continue in that location.