

Licensing Act 2003

Draft Southwark
Statement of Licensing
Policy 2015 -2020



LEGAL BACKGROUND TO THIS DOCUMENT

The Licensing Act 2003 came into effect on 24 November 2005. The Act repealed existing legislation relating to alcohol, entertainment and late night refreshment and introduced a new licensing regime, administered by the local licensing authority.

Section 5 of the Licensing Act 2003 requires each licensing authority to prepare and publish a statement of its licensing policy every five years. The initial Southwark Statement of Licensing Policy received formal approval on 8 December 2004. It was developed through public consultation with full regard had to the Act; the secondary regulations made under the Act; and the guidance produced by the Secretary of State for the Department of Culture Media and Sport (DCMS). The council's licensing policy has since been frequently updated and amended, in order to keep abreast of changes in law, guidance and local policy. Such amendments have been formally approved in January 2007, April and November 2008 and November 2009.

This latest draft provides the fifth revision of the statement of policy and will be developed to represent the authority's policy for the period 2015 - 2020. Again regard has been had during the preparation of this latest revision to the Act and secondary regulations and to the latest incarnation of the section 182 Guidance, issued by the Home Office in June 2014.

As is noted, revisions to the guidance are issued by the Secretary of State from time to time. When revisions are issued, there may be periods of time where the Southwark policy is inconsistent with the guidance. During such periods this council will have regard, and give appropriate weight, to the revised guidance.

It is important to note that a licensing authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.

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SECTION ONE – EXECUTIVE SUMMARY

Southwark enjoys a widespread and diverse selection of licensed premises and venues. More than 1,200 premises are currently licensed for either the sale or supply of alcohol; the provision of regulated entertainment; and / or the provision of late night refreshment. These range from pubs, bars, night clubs, members clubs, theatres, cinemas and indoor sports facilities through restaurants, cafes and take-away establishments to off-licences, supermarkets and grocers. Together they combine to help make Southwark the exciting, vibrant borough it is by providing a wide-range of leisure and cultural opportunities; supporting tourism; providing employment; and making a significant economic contribution to the local community. This authority recognises the extent of the contribution of the leisure and entertainments industry.

We believe that as long as licensed premises management act responsibly in promotion of the licensing objectives; run safe, well managed venues and facilities; and work together with the local authority, its partners and the local community; they make a positive contribution toward building community cohesion and cultural development. We also understand that alcohol plays an important and inherent role in both the leisure and entertainment industry and within our culture.

However, this authority equally recognises that negative impacts will occur if good management practices are not followed. This can include anti-social behaviour, nuisance and disturbance caused to local residents, together with serious crime and disorder problems. We recognise that the misuse of alcohol, in particular, is an important contributing factor in all of these problems. Alcohol related violence, disorder and rowdiness impact on our community, public health and the public purse through the demands made upon A&E; additional policing; additional street cleaning; and the criminal justice system. This authority does not consider that it is reasonable for the Southwark community to suffer because of the actions of irresponsible profiteering business operators or the inconsiderate few.

Our policy, therefore, seeks to provide a necessary balance between providing a platform upon which responsible business operators may thrive and contribute towards a vibrant business and night-time economy, while ensuring that the quality of life of those who live and work in the borough is protected and enhanced through the licensing system. We believe these aims are achievable if all parties concerned work together.

The opening sections of this policy help establish how we address our licensing responsibilities under the Act. Section two of our policy provides an introduction to our borough and this council. Section three sets out the scope of the policy and section four our administrative arrangements. Section five gives an explanation to the determinations process under the Act and section six sets out the background of other legislation, policies, objectives and guidance which support this policy.

Perhaps some of the most important matter, however, is contained within sections seven through to ten in which we cover each of the four licensing objectives in detail. These sections are compiled in close collaboration with relevant responsible authorities. We recommend that prospective licence applicants read these sections carefully.

Prospective licence applicants should have regard to this guidance when conducting risk-assessments of their proposed operation in advance of compiling management operation plans and operating schedules.

Within these, section seven deals with the prevention of crime and disorder. It includes explanation of how this council monitors the impact of its licensing decisions through regular statistical analysis. It details local saturation policies that have been put in place where there is evidence of detrimental cumulative impact. It also outlines general measures that can be taken to reduce the potential for crime and disorder alongside more specific measures for premises licensed for the sale and supply of alcohol for consumption upon the premises and those operating within the night-time economy. It also includes considerations around the roles of designated premises supervisors and personal licence holders.

Section eight considers the breadth of issues affecting public safety and highlights other relevant safety considerations.

Section nine considers nuisance issues. It offers guidance on reducing the potential for nuisance and disturbance outside of the premises, from inside of the premises and at outdoor events.

Section ten considers the issues around the protection of children from harm giving particular thought to preventing access to alcohol and age identification schemes.

In all, this authority is committed to working together with responsible premises management to ensure successful licensed operations. Equally this authority will take appropriate action where there is evidence of irresponsible management. To this end, section eleven of our policy sets out our approach to enforcement, examining how we aim to ensure that our enforcement actions are targeted where they are needed most and co-ordinated together with our partners. It also sets out how we aim to ensure that our enforcement actions are carried out in a fair, consistent and transparent manner.

We recommend the contents of this policy and the best practice contained within.

This draft policy is to be subject of public consultation with responses considered before the final version is agreed. It will thereafter be regularly reviewed and will be subject of public consultation at least every five years. We welcome your thoughts on its content and the manner in which we undertake our responsibilities under it.

SECTION TWO – ALL ABOUT SOUTHWARK



1. Southwark is one of the oldest areas of London, with a history that stretches back to Roman times. This densely populated, geographically small and narrow inner London borough extends from the banks of the River Thames to the beginning of suburban London, south of Dulwich.
2. Today, Southwark is a rich, exciting, diverse and vibrant borough with a relatively young, ethnically diverse population estimated at 285,600. In terms of numbers this makes Southwark London's second largest inner London borough, just behind Wandsworth. Southwark's population has increased by 37,700 over the last 10 years (ONS Mid 1991 Population Estimates) and is estimated to increase by 37,500 (13%) between 2010 and 2020. 80% of the population is under the age of fifty with a large proportion of the population aged between 20 and 45.
3. Southwark has its challenges as it strives to face the complex social, health and economic needs of an inner city population. Southwark's level of deprivation has improved in recent years but still remains the 12th most deprived London Borough (41st nationally). Deprivation is not evenly distributed across the borough but concentrated in the area between the more affluent strip close to the river and Dulwich in the south. More than 50% of local residents live in rented accommodation (42% council and 11% registered social landlord) which is more than double that in London (26%) and England (18%).
4. Unemployment in Southwark (8.9%) is higher than the London average (6.7%) and the percentage of the working population claiming benefits in Southwark is 15.6% compared to 13.9% across London. Gross weekly earning for both men and women in Southwark is lower than the London average.
5. There is also wide distribution in educational achievement, access to employment and housing quality. Whilst there have been improvements, the attainment rates for Southwark pupils at key stages 1 and 2, GCSE and A levels are below the national average. Teenage conception rates for Southwark are still one of the highest in England.
6. However, in order to meet our challenges, Southwark has a large number of physical regeneration programmes across the borough, alongside a wide range of initiatives aimed at improving educational standards, reducing crime and improving health, housing, social care and the environment. Major regeneration programmes have been underway for some time leading to significant changes in landscape and population structure and this continues to be the case. Major health indicators such as mortality and life expectancy have improved, although there remain significant inequalities in these indicators for people living in different parts of the borough.

Leading Southwark

7. Southwark is made up of 21 wards, with 63 councillors; three from each ward. These councillors sit on the council assembly, which is the "sovereign" body of the council. The assembly is chaired by the Mayor of Southwark and is responsible for approving the budget and policy framework. Currently labour holds 48 seats; the liberal democrats 13 seats; and the conservatives 2 seats.

8. The council operates a strong leader / cabinet model. The cabinet is headed by the leader and deputy leader, with eight members holding portfolios of
 - Communities, Employment & Business
 - Environment, Recycling, Community Safety & Volunteering
 - Regeneration, Planning & Transport
 - Housing
 - Public Health, Parks and Leisure
 - Adult Care, Arts and Culture
 - Finance, Strategy and Performance
 - Children and Schools
9. The cabinet is responsible for leading the community planning and consultation process, drafting the budget and policy framework, and taking most decisions on resources and priorities.
10. Scrutiny committees take a close look at council decisions and activities and call for the council to be open and accountable. They examine services provided by the council and review the council's budget and policies. Scrutiny can look at, or 'call-in' decisions made by the cabinet and recommend decisions are changed or reconsidered.
11. A licensing committee is established to consider licensing policy with contested licence applications being considered by sub-committees of the main committee as set down in table 1 in section 4 of this document. Licensing matters fall under the responsibility of the cabinet member for environment, recycling, community safety & volunteering.
12. Community councils form part of the council's decision making processes and are a focal point for discussion on local matters. Local councillors, elected to represent the area, sit on the community councils and take decisions in key areas that have a direct impact on the local area. Currently there are 5 community councils established in the following areas:
 - Bermondsey and Walworth
 - Borough and Bankside
 - Camberwell and Walworth
 - Dulwich
 - Peckham and Nunhead

Fairer future principles

13. The council has recognised that in times of reduced funding from central government, there is a need to focus our resources on the areas where it is felt the most impact can be made.
14. The council plan identifies a number of principles that would underline our Fairer Future for all vision and guide the promises and objectives agreed through the plan. The five core principles are:
 - Treating residents as we would wish members of our own families to be treated

- Being open, honest and reliable
- Spending money as if it were coming from our own pocket
- Working for everyone to realise their potential
- Making Southwark a place to be proud of

Southwark and the leisure and entertainment industry

15. Southwark offers a wide-range of leisure and cultural opportunities. The north of the borough is recognised as one of London's fastest growing tourist quarters and a thriving business location. The borough also encompasses some of London's top attractions (including the Ministry of Sound; The International Shakespeare Globe; the Tate Modern), creative hotspots, scenic villages and acclaimed green spaces.
16. Southwark, has in excess of 1250 premises licensed for the sale and supply of alcohol and / or regulated entertainment and late night refreshment. Over 1000 of these are licensed for the sale and supply of alcohol. Between 90% and 100% of licensed premises are open between 1100 and 2300. Additionally, around 800 small occasional community events take place under temporary event notices each year.
17. Our licensed premises make a significant contribution to making Southwark the borough it is.

The partnership analysis of alcohol related violence 2013

18. The partnership analysis of alcohol related violence for Southwark 2013 notes that crime can cause a significant cost to individuals, businesses and society in general. The Home Office has published estimates of the economic and social costs of crime since 2000. Using the formula produced by the Home Office the estimated cost of alcohol related violence in Southwark was £9,309,902.
19. This figure is falling, reduced from the recent high in 2009 of £11,282,841. While this continuing fall is welcomed and is representative of the resources and attention dedicated to dealing with this issue, the figure remains far too high.
20. The improvements achieved should be recognised however. The analysis reports that in 2013:
 - Overall, Southwark experienced very positive decreasing levels of both alcohol related violence against the person (VAP) and calls to the police regarding disorder and rowdiness (CAD). Figures are currently at their lowest levels since the monitor began in 2007
 - Alcohol related VAP reduced by 17% (from 1375 offences to 1147 offences) between 2012 and 2013. The highest level of reduction (25%) was experienced in the night-time period between 0000 and 0559. Daytime alcohol related violence (between 0600 and 1759) reduced by 14%. Evening / night-time alcohol related violence (between 1800 and 0559) reduced by 18%
 - CAD / ASB data also saw a significant decrease between 2012 and 2013 with 18% fewer calls received
 - The cost to Southwark of alcohol related violence consequently also saw a reduction in 2013 from 2012 of some £351,342 (approximately 3.6%)

- Balanced against this, however, the London Ambulance Service (LAS) experienced a 10% increase in alcohol related calls across Southwark when comparing 2013 with 2012. Although this level of increase is consistent across London, Southwark remains high in the borough rankings, fourth behind Westminster, Lambeth and Camden
- Elsewhere, while figures for Southwark alcohol specific mortality for both males and females are not significantly different from national and regional averages and Southwark has significantly better figures than the national averages for alcohol specific hospital admissions in the under 18 age group some other statistics do not compare so favorably

Alcohol and public health

21. Alcohol related harm is of particular public health importance at this time due to the significant mortality and morbidity associated with alcohol use (locally, alcohol related harm reduces life expectancy by 10.9 months for men and 4.2 months for women) and the high cost of treating alcohol related conditions (estimated at over 2.7 billion a year in England).
22. The Southwark Alcohol Needs Assessment quantifies the prevalence of alcohol related behaviours, the impact of alcohol on health in Southwark and assesses the services provided to reduce alcohol related harm. The assessment has been conducted alongside the Adult Drug and the Young People's Substance Misuse Needs Assessments and is used to guide Southwark drug and alcohol action team commissioning plans, the Southwark alcohol action plan, the work of the Alcohol Steering Group and future Southwark public health activity to minimise alcohol related harm. It states that:
 - In Southwark there are an estimated 35,265 to 42,459 people at increased risk, 11,026 to 13,918 people at higher risk and 35,030 to 53,133 people binge drinking (2009)
 - There are an estimated 6348 dependent drinkers in Southwark
 - The 2006 Health Survey for England estimates suggest that 45% of Southwark residents drink more than the recommended daily alcohol intake on one or more days of the week
 - Information on alcohol use in specific populations shows that rates of drinking are high amongst those with a housing need, those with diagnosed mental health problems and those known to the probation system
 - Alongside this, national survey data suggests that we can expect those of white ethnicity, men, under 65s and those employed in managerial and professional roles to drink more
23. These figures go some way toward demonstrating why it is so important to ensure that the sale and supply of alcohol on the high street is handled in a controlled and responsible manner.

SECTION THREE – PURPOSE AND SCOPE OF THE LICENSING POLICY

Purpose of the policy

24. This policy has five main objectives:

- To reinforce to elected members on the licensing committee, the powers and constraints placed upon the local authority as licensing authority by the 2003 Act
- To set out, for the benefit of prospective applicants, responsible authorities; local residents; and licensed operators, the parameters under which this authority will make its licensing decisions
- To inform prospective licensees how a licensed premises is likely to be able to operate within an area
- To inform local residents and licensed operators how their needs will be addressed
- To minimise the number of licensing decisions that may be challenged in a court of law

Scope of the policy

25. The Licensing Act 2003 regulates the following activities

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of “regulated entertainment”
- The provision of “late night refreshment”

Types of authorisation

26. The Act provides for four different types of authorisation as follows

- Personal licences – to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence
- Premises licences – to use a premises for licensable activities
- Club premises certificates – to allow a qualifying club to engage in qualifying club activities
- Temporary event notice (TENs) - to carry out licensable activities at a temporary event

27. The scope of the policy covers new applications for licences, renewals, transfers and variations, including time-limited premises licences. It also covers the review and possible revocation of licences and certificates.

28. In general a reference in this policy to a premises licence will also include a club premises certificate.

Definitions – ‘Regulated entertainments’

29. Subject to the conditions, definitions and exemptions set out in the Act, “regulated entertainments” includes:

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A contest, exhibition or display which combines boxing or wrestling with one or more martial arts (“combined fighting sports”)
- A performance of live music
- Any playing of recorded music
- A performance of dance
- Entertainment of a similar description to a performance of live music, and playing of recorded music or a performance of dance

where the entertainment takes place in the presence of an audience and is provided at least partly to entertain that audience.

30. It should be noted that following the introduction of the Live Music Act 2012, unamplified live music is exempt from licensing and amplified live music normally only requires licensing in alcohol licensed premises or other workplaces from 2300 – 0800.

Definitions – ‘Late night refreshment’

31. “Late night refreshments” constitutes the supply of hot food or hot drink to members of the public from or in the premises, including a vehicle or moveable stall, between the hours of 2300 and 0500 for consumption on or off the premises.

The licensing objectives

32. In carrying out its licensing functions the council will promote the four licensing objectives set out in the Licensing Act 2003 (2003 Act). They are:

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

33. Each objective is of equal importance. There are no other licensing objectives, so these four objectives are paramount at all times. It is the responsibility of all parties involved in the licensing process to work together toward these licensing objectives at all times. The four objectives are considered in more detail in sections 7 to 10 of this document.

34. However, the legislation supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed operators
- Giving the police and local authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems

- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business encouraging innovation and supporting responsible premises
 - Providing a regulatory framework for alcohol which reflects the needs of our local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area
 - Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them
35. Each licence application will be considered on its own merits in the context of the four licensing objectives.

General information

36. Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act.
37. Conditions attached to the various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity. This will include the direct impacts of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
38. However, this authority recognises that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour caused by individuals once they are away from licensed premises and, therefore, beyond the direct control of the individual, club or business, holding the licence. Nevertheless, it is a key aspect of such control and licensing law will always be a part of the holistic approach to the management of the evening and night-time economy in town and city centres.
39. The council will use its full range of powers, engage all relevant responsibilities and work with all partners to deliver the licensing objectives.
40. Other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises include:
- Planning controls;
 - The co-ordinating and tactical resourcing roles played by the likes of the partnership tasking group (PTG) and the Tactical Tasking Co-ordination Group (TTCG) with the support of the partnership analyst;
 - Ongoing measures such as the council's community wardens; the safer neighbourhood teams; and street leader schemes, all of which aim to create a safe, clean and green environment through partnerships between the council and the community;
 - The provision of CCTV surveillance across the borough; improved street lighting; late night public conveniences; street cleaning and litter patrols;
 - The introduction in November 2006 of the alcohol control area, (designated public protection order DPPO) across the whole of the borough (excepting of

areas of Dulwich), which brings greater powers to penalize and confiscate alcohol from nuisance drinkers;

- The introduction within the Borough and Bankside footprint in 2011 of the partnership police and council night-time economy team and its extension across the borough in 2014;
 - Enforcement powers under the Environmental Protection Act 1990 to deal with statutory nuisance arising from noise, odours and artificial light;
 - Enforcement powers to curb disorder and anti-social behaviour including the issue of fixed penalty notices;
 - Enforcement powers to prosecute personal licence holders or members of staff who sell alcohol to persons who are drunk or sell alcohol to under-age children;
 - Enforcement powers to close down instantly, for up to 24 hours, any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or nuisance emanating from the premises causing a nuisance. This together with the ability to extend the closure via the magistrates' court and initiate a review hearing where appropriate;
 - Campaign work undertaken in conjunction with other partners (such as the Drugs and Alcohol Action Team (DAAT)) under the Safer Southwark Partnership such as previous "safe world cup"; "safety glasses"; "talking signs" campaigns;
 - 'Conflict resolution training' provided by the council's health and safety team intended for retail staff, aimed at dealing with violence and aggression at work;
 - The 'Revealed' training programme run by the council aimed at helping community event organisers provide safe, well managed events;
 - The development of partnership arrangements intended to take forward schemes that are of benefit to the local community such as the Business Improvement District in Bankside and London Bridge;
 - The establishment of local pub-watch, club-watch and similar schemes. Information about pub-watch can be obtained through their web site on www.nationalpubwatch.org.uk;
 - Encouragement of socially responsible licensed operations through schemes such as the Southwark Safer Womens Charter;
 - The best practice demonstrated and supported by the Purple Flag, Best Bar None and other similar award schemes.
41. While this statement sets out the council's general approach to the making of licensing decisions, nothing in this statement undermines the right of any individual to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered upon its individual merits.
42. Similarly, this statement of policy does not override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act. Absolute weight will be given to all representations. However, this will not include those that are frivolous, vexatious or repetitious.
43. The council may depart from this policy in the interests of promoting the licensing objectives, if the individual circumstances of any case merit such a decision.

Where such decision is taken, full reasons for the departure from the policy will be given.

SECTION 4 – ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTION

44. This policy does not set out to explain the circumstances under which any one of the available authorisations may be required, nor does it attempt to explain the licensing processes. Separate guidance is available from the licensing service which can be viewed on, or downloaded from http://www.southwark.gov.uk/info/200127/apply_for_a_licence/519/licensing_act_2003 . Guidance provided includes;

- “Guidance to personal licences”
- “Guidance to premises licences”
- “Guidance to club premises certificates”
- “Guidance to temporary event notices”
- “Guidance to representations”
- “Guidance to licence reviews”
- “Guidance to fees and charges”
- “Guidance to designated premises supervisors”
- “Public hearings procedure”

45. Contact details for the licensing service are provided in section 12 of this document.

Applications for licences and consents

46. Applications for all licences and consents available under the 2003 Act must be made on the relevant form prescribed under secondary regulations. Applications will not be progressed until the form has been completed in full and received, together with the relevant fee and all other required information, by the licensing authority and the relevant responsible authorities.

47. Applications will be progressed in accordance with procedures laid down by the Act. Prospective applicants should refer to the separate relevant guidance documents for further details.

Applications for club premises certificates

48. Club premises certificates may be issued to qualifying clubs, formerly registered members clubs. To be eligible for a club premises certificate the members of the club must have joined together for a particular social, sporting or political purpose and to purchase alcohol in bulk, for supply to members and their guests. Qualifying conditions are specified in Section 61 of the Act and the council must be satisfied that these conditions have been met. This authority will require evidence to be submitted with any application that supports that the club is non-profit making and that there is a minimum of a two-day interval between the application and the acceptance of new members.

Provision of scale plans

49. Applicants should note that this council will normally require that a current scale plan of the premises be submitted with each new application for a premises licence

and a scale plan of the proposed layout for any application for a variation of a premises licence affecting approved layout arrangements. Plans should normally be submitted in scale 1:100 unless otherwise agreed by this authority in writing. Plans need not be professionally drawn but must be clear and legible in all material respects and provide sufficient detail for this authority to determine the application. Applicants are asked to note that plans should detail not only the arrangement of internal areas of the premises but also external areas intended to be used as part of the licence. This includes patio or garden areas and any temporary structures such as marquees or smoking shelters.

Variations & new applications

50. Where a premises licence holder wishes to amend their licence the Act allows, in most cases, for an application to vary the licence to be made rather than requiring an application for a new premises licence. A minor variations process exists for proposed variations to a licence that do not impact upon the licensing objectives. A separate major variations process supplements this for variations that carry potential impacts. It should be noted, however, that some proposals to extend the current physical licensed area of the premises concerned may require a new premises licence application to be made. Applicants should discuss their proposals with the licensing team before submitting an application in order to ensure that the correct route is taken.

Provisional statements

51. While applications for a full premises licence may be made in respect of a premises that is not yet complete, this council would prefer to see provisional statements sought in the first instance in cases where the responsible bodies are not yet able to confirm that works have been carried out in compliance with agreed schedules and to standard. However, the council acknowledges that any person falling within section 16 of the Act can apply for a premises licence before new premises are constructed, extended or changed, as long as clear plans of the proposed structure exist and the applicant is in a position to complete an operating schedule. The schedule will need to contain details of:

- The activities to take place there
- The time at which such activities will take place
- The proposed hours of opening
- Where the applicant wishes the licence to have effect for a limited period, that period
- The steps to be taken to promote the licensing objectives
- Where the sale of alcohol is involved, whether supplies are proposed to be for consumption on or off the premises (or both) and the name of the designated premises supervisor the applicant wishes to specify

Temporary event notices (TENs)

52. The Act provides a system by way of “temporary event notices” for the temporary carrying on of any licensable activity outside of the terms of a premises licence or club premises certificate. Under this system no authorisation as such is required from the licensing authority. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event.

53. There are two types of TENs. A standard TEN and a late TEN. All TENs must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act, together with the relevant fee, and be copied to the police and this authority's environmental protection team (see contact details in section 12).
54. A standard TENs must be given with at least 10 clear working days notice before the event. A late TENs (intended to assist premises users in situations that are outside of their control) can be given no earlier than nine working days but still with a minimum of five clear working days notice before the event. These stated timescales are not negotiable and no notice will be progressed unless all parties have been correctly notified.
55. The 10 and 5 clear working days notice periods will be calculated exclusive of the day on which the event is to start and the day on which the notice is given. So, for instance, if a standard temporary event is intended for a Saturday or Sunday night, the notice must be given three Fridays before the event date at the latest. If a bank holiday should fall within the period then an additional working day must be allowed for each bank holiday day that occurs.
56. In general, only the police (on crime and disorder grounds) or the environmental protection team (on grounds relevant to any of the licensing objectives) may intervene to prevent such an event taking place. However, this licensing authority will also intervene if the notice given is incorrect or if the limits set out in the Act on the number of events that may be given are exceeded.
57. In a significant number of events it is anticipated that the minimum notice period will not provide sufficient time for proper consideration to be given to any concerns that may arise. For this reason, while this authority will accept notifications given with only the statutory minimum notice, it is requested that 28 days notice of an intention to stage a temporary event is provided, together with as much supporting information as possible, in order to prevent unnecessary objections having to be raised.
58. It should also be noted that in cases where there is any element of doubt as to whether the premises user has the consent of the premises owner to use the premises concerned for the purposes given; this authority will wish for both the police and itself to be provided with evidence to this effect.
59. Furthermore, it should be recognised that many temporary events will still have potential to give rise to concerns, particularly around health and safety or protection of children. For this reason applicants should understand that the licensing service may share information on temporary events taking place with other "responsible authorities". This does not provide those responsible authorities with the opportunity to raise representations, but will allow any matter of concern to be followed up under other powers. This action does not, however, absolve any premises user from their own responsibility to ensure that any other necessary consent (including planning permission or temporary structures consent) is obtained or that their event does not give rise to any crime and disorder, public safety, nuisance or harm to children issues. Further guidance is available in the

separate document "Guidance to Temporary Event Notices" available from the licensing service.

Major art and pop festivals, carnivals, fairs and circuses

60. We encourage organizers of major festivals and carnivals to approach the council at the earliest opportunity to discuss arrangements for the licensing of their events. Larger events will require a time-limited premises licence. This will involve the preparation of a substantial operating schedule, full public consultation and a longer lead in period.
61. The Southwark events team co-ordinates a Safety Advisory Group (SAG) with membership comprising all the emergency response authorities which can provide support to event organisers on event planning if good time is allowed. Contact details for the events team are provided in section 12

Consultation arrangements

62. Southwark council considers it important that the local community is fully aware of local licensing applications being made within its area. Regulations governing the advertising of applications for the grant, variation or review of premises licences and club premises certificates require a public notice to be published in the local press and a brief summary of the application to be displayed immediately on or outside premises concerned. Failure to comply with the requirements in full will result in the progression of the application being delayed.
63. This authority understands that regulations to the Act require public notices to be of a size equal or larger than A4; of pale blue colour; and printed legibly in black ink or typed in black in a font of a size equal to or larger than 16. It also recognises that applications may not be rejected on the basis of improper notification if public notices comply with this minimum standard. However, in order to ensure that the notice of application displayed at the premises may be clearly seen and easily read by passers by, this authority recommends that public notices be of A3 size in pale blue colour printed legibly in black ink in a font of size equal to or larger than 20. This authority also asks that the notice summarises the proposed licensable activities and the proposed hours of opening and remains clearly displayed in a position where it may be readily seen by passers by for the period during which representations may be made. Checks will be made to ensure that the summary is properly displayed.
64. The licensing service supports the consultation process by maintaining a public register at <http://app.southwark.gov.uk/licensing/licenseregister> . This details all current applications (alongside detail of current licensed premises). It is open to any person who wishes to be kept up to date with the latest applications in their area, to subscribe to "licensing alerts". E-mail notifications are sent to subscribers when a new licence application is received within their local ward. The licensing service will also notify local ward councillors of all new applications in their area.

Responsible authorities

65. Contact details for responsible authorities are given in section 12 of this policy. The responsible authorities must be notified of, and are entitled to lodge representations about, applications for premises licences or club premises certificates or variations. They may ask the licensing authority to review a premises

licence or club premises certificate. Responsible authorities will also provide advice and information on established best management practice. Some information on preparing an operating schedule is contained within this policy but applicants may also wish to consult with the authorities directly.

66. This authority advises that it recognises the Southwark Safeguarding Children's Board as the body competent to advise on matters concerning the protection of children from harm.
67. It should be noted that the Director of Public Health is added as a responsible authority. While health is not included as a licensing objective, the Guidance to the Act recognises that health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions.

Representations

68. It is open to any "responsible authority", as defined under the Act, or other person to lodge representations concerning a premises licence or club premises certificate application during the set consultation period.
69. A representation will only be "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. A representation that fails to do this is not "relevant" for the purposes of the 2003 Act. It is for the licensing authority to determine on its merits whether any representation by an interested party is frivolous or vexatious.
70. Representations must be received in writing at the licensing service office by the last date for representations. Representations must be signed, dated, provide the grounds of representation in full and include the name and address of the person / body making the representation.
71. It should be understood that applicants are entitled to information regarding those who have lodged representations so as to understand the case made against the application.

The licensing authority acting as responsible authority

72. Licensing authorities are included within the list of responsible authorities. This role will be undertaken within the authority's licensing service. This authority will determine when it considers it appropriate to act in its capacity as a responsible authority in accordance with its duties under section 4 of the 2003 Act.
73. Where it is decided to act within the responsible authority role, a separation of duties will be maintained to ensure procedural fairness and eliminate conflicts of interest.

Determination of applications

74. In accordance with the provisions of the Act, this authority has established a licensing committee with a maximum of 15 members and provision for sub-committees of three members to be drawn from the overall pool of the main committee membership.

75. In doing so, the council has sought to establish an efficient and cost-effective system for determinations of licences. Where the Act carries a presumption of grant for applications to which no objection has been made, the administration of the grant will be delegated to officers. All such matters will be periodically reported for information only to the full licensing committee.
76. Where matters are subject of representations, the licensing service will normally attempt to reach a negotiated conclusion through a conciliation process. This process is operated in recognition of the fact that the most workable solutions are normally ones that all parties concerned can sign up to and in order to attempt to save the time and costs associated with holding a public hearing. Conciliation can be agreed up until 24 hours before a hearing takes place. Where this is not possible the application and representations to it will be considered by the sub-committee at a public hearing.
77. Table 1 sets out the schedule of delegation of decisions and functions to licensing committee, sub-committees and officers. This form of delegation is without prejudice to the council's right to redirect an application as appropriate in the circumstances of any particular case.

Table 1 – Table of delegations of licensing functions			
Matter to be determined	Full committee	Sub-committee	Officers
Licensing policy issues	& assembly		
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence / club certificate		If a relevant representation made and not conciliated	If no relevant representation
Application for a provisional statement		If a relevant representation made and not conciliated	If no relevant representation
Application for a 'major' variation of a premises licence / club certificate		If a relevant representation made and not conciliated	If no relevant representation
Application for a 'minor' variation of a premises licence / club premises certificate			All cases
Application to vary the designated premises supervisor		If a police objection	All other cases

Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authority		If a police objection	All other cases
Application to review premises licence / club certificate		All cases unless application and representations are withdrawn	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc			All cases
Decision to object when a local authority is a consultee and not the lead authority			All cases
Determination of an objection to a temporary event notice		All cases	
Determination of an application to vary premises licence at community premises to include alternative licence condition		If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases

Licence reviews

78. At any stage following the grant of a premises licence, a responsible authority or other persons, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
79. In addition, a review of the licence will normally follow any action by the police to close down a premises for up to 24 hours on grounds of disorder or nuisance, as a result of a magistrate's court's direction sent to the licensing authority. A licence review can have several outcomes, ranging from no action being found necessary to the temporary suspension or revocation of a licence.
80. Where a review of a premises licence is sought this must relate specifically to a particular premises licence relating to an individual premises. The licensing authority may also reject an application made by an interested party if it determines that the ground for the review is repetitious, that it is substantially similar to an earlier review, following which a "reasonable interval" has not elapsed since the earlier application or alternatively since the grant of the premises licence.

Annual maintenance fee payments

81. An annual maintenance fee is payable in respect of all premises licences and club premises certificates.
82. Under the Act the authority is required to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. Where a licence is to be suspended the holder will be notified in writing giving at least two working days notice. The police and other responsible authorities will be informed.
83. This authority requests that the subsequent payment of the outstanding fee be made in such manner as would most expeditiously bring it to the attention of the authority.

SECTION 5 – DETERMINING APPLICATIONS FOR PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

How this policy works

84. All applications for new premises licences or variations need to be supported by an operating schedule. The schedule must specify (among other things) the steps which the applicant proposes to promote the licensing objectives.
85. If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other persons, the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions. The licensing authority will have no discretion to refuse the application or to alter or add to the conditions arising from the operating schedule.
86. Where relevant representations are made, then (unless the concerns raised within the representations are conciliated) a hearing of the opposed application before the licensing sub-committee will normally follow. At the hearing, each application will be considered upon its own merits with all relevant matters taken into account.
87. Having had regard to all relevant matters, the sub-committee will take such steps as it considers appropriate to promote the licensing objectives. This may include the refusal or part grant of the application, or adding to or modifying the conditions proposed in the operating schedule.
88. In exercising its discretion, the licensing sub-committee will have regard (amongst other things) to the content of this licensing policy. Therefore, in drawing up their operating schedule, applicants would be well advised to read this policy carefully. Where an operating schedule complies with this policy, it is generally less likely that a responsible authority or other person will object to it, or that any representation will succeed. Therefore, compliance with this policy is likely to assist the applicant to avoid the delay and expense of a contested licensing hearing, and the risk of a refusal or the addition of unwanted licence conditions.
89. This is not to say that an opposed application which complies with the policy will necessarily be granted or that an opposed application which does not comply with it will necessarily be refused. Where there have been relevant representations, the licensing authority will always consider the merits of the case, and interfere with the operating schedule only when, and to the extent, considered appropriate to promote the licensing objectives. So, for example, following receipt of relevant representations the licensing authority will not interfere with an operating schedule which does not comply with this policy where the steps proposed are sufficient to meet the licensing objectives in the individual circumstances of the case.
90. However, the policy represents the licensing authority's view of the best means of securing the licensing objectives in most normal cases. It has been drawn up in consultation with other expert bodies and responsible authorities, together with business operators and community stakeholders. While the contents of the operating schedule are a matter for the applicant, in cases where there is objection

to a schedule which departs from the policy, the licensing sub-committee hearing the opposed application will normally expect to be given good reason for the departure if it is to be asked to make an exception to the policy.

91. In this policy, there are a number of references to the licensing authority's expectations of applicants. As explained above, the policy is only engaged where the licensing authority has a discretion following the receipt of objections. In such cases, the licensing authority will not apply the policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.
92. One particular expectation of applicants is that they conduct a risk assessment in relation to the licensing objectives before completing an operating schedule. It is emphasized that there is no statutory requirement for this under the Licensing Act 2003. However, where no such risk assessment has been conducted, then if there are relevant representations leading to a hearing, the licensing sub-committee may take a more precautionary approach than if the applicant can demonstrate that a particular risk has been properly evaluated and either discounted or mitigated in the operating schedule.

Conditions

93. Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. This authority will aim to ensure that conditions attached to licences will:
 - Be appropriate for the promotion of the licensing objectives
 - Be precise and enforceable
 - Be unambiguous and clear in what they intend to achieve
 - Not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation
 - Be tailored to the individual type, location and characteristics of the premises and events concerned
 - Not be standardised
 - Not replicate offences set out in the 2003 Act or other legislation
 - Be proportionate, justifiable and be capable of being met
 - Not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff
 - Be written in a prescriptive manner

SECTION 6 - OTHER RELATED LEGISLATION AND STRATEGIES

94. This policy recognises and intends to complement the broad range of other relevant legislation and council and government policy, strategy, responsibility, and guidance.

Other relevant legislative requirements

95. The council has other general statutory requirements relating to crime and disorder, anti-social behaviour, health, nuisance, human rights, disability discrimination and race relations. These are briefly outlined below.

The Anti-Social Behaviour Crime and Policing Act 2014

96. The Anti-Social Behaviour, Crime and Policing Act 2014 defines 'anti-social behaviour' as "conduct that has caused, or is likely to cause, harassment, alarm or distress to any person"; "conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises"; or "conduct capable of causing housing-related nuisance or annoyance to a person".
97. The Act contains a range of powers intended to support local authority and partner bodies deal with anti-social behaviour. These include powers of premises closure in cases of nuisance or disorder which may support primary legislation.

The Clean Neighbourhoods and Environment Act 2005

98. This provides local authorities with additional powers to tackle poor environmental quality and anti-social behaviour. In particular, the Act includes sections on nuisance and abandoned vehicles, litter, graffiti, waste, noise and dogs. The Act gives local authorities powers to issue fixed penalty notices to any licensed premises emitting noise that exceeds the permitted level between the hours of 11pm and 7am.

The Crime and Disorder Act 1998

99. Section 17 of the Crime and Disorder Act 1998 is aimed at giving the vital work of crime and disorder reduction a focus across the wide range of local services and putting it at the heart of the local decision-making. It places a duty on key authorities, including local authorities and the police and fire and rescue authorities, to do all they reasonably can to prevent crime and disorder in their area.
100. All local authorities must fulfil their obligation under section 17 of the Act when carrying out their functions as licensing authority under the 2003 Act. The council as licensing authority must consider how the exercise of its functions impacts upon and contributes toward the prevention of crime and disorder within its area.
101. This statement of licensing principles is intended to support the work of the local Crime and Disorder Reduction Partnership, the Safer Southwark Partnership through measures under both the **Crime and Disorder Reduction Strategy**; the **Violent Crime Reduction Strategy** and the **Alcohol Strategy**.

The Environmental Protection Act 1990

102. The Act provides the fundamental structure and authority for waste management and control of emissions into the environment.
103. The management of statutory nuisance is set out in Part III of the Act. The Act places a duty on a local authority to investigate complaints of statutory nuisance from people living within its area.

The EU Services Directive

104. The EU Services Directive is a flagship European Directive intended to develop the single market for services by breaking down barriers to cross-border trade within the EU and making it easier for service providers within scope to set up business or offer their services in other EU countries. The Directive requires that all notices and authorisations in scope are able to be completed electronically and via a 'single point of contact'. The Directive was implemented by the Provision of Services Regulations in December 2008. The UK point of single contact is the Electronic Application Facility (EAF) which is part of the www.businesslink.gov website.
105. Although only regulated entertainment is a 'service' as defined under the Directive, the Government has extended the electronic application process to all regulated activities under the 2003 Act and to all authorisations and notices with the exception of applications for, and renewals of personal licences, reviews and representations.

The Gambling Act 2005

106. An Act designed to control all forms of gaming and betting. Under this legislation local licensing authorities are made responsible for licensing gambling venues and are provided with a range of enforcement powers.

The Health Act 2006

107. The Health Act 2006 introduced the ban on smoking in all enclosed workplaces and public spaces, including smoking in pubs, restaurants and members' clubs where bar or other staff are employed. The law is enforced by local authorities.

The Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1999

108. These set the standards that must be met to ensure the health and safety of all employees and others who may be affected by any work activity. See section 8 of this document.

The Human Rights Act 1998

109. The Human Rights Act 1998 incorporates the European Convention on Human Rights, making it unlawful for a local authority to act in any way that is incompatible with a convention right. The council will have particular regard to the relevant provisions of the European Convention of Human Rights –

- Article 1 of the first protocol that every person is entitled to the peaceful enjoyment of his possessions, including for example the possession of a licence

- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law
- Article 8 that everyone has the right to respect for his home and private life

Equality Act 2010

110. The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations.
111. The Act also imposes a public sector equality duty. This means that public bodies, including this licensing authority, must consider all individuals when carrying out their day to day work – in shaping policy: in delivering services; and in relation to their own employees.
112. It also requires that public bodies
- Have due regard to the need to eliminate discrimination
 - Advance equality of opportunity
 - Foster good relations between different people when carrying out their activities
113. This Authority recognises Southwark's diversity as one of it's strengths and is committed to creating a more inclusive community. Our aim is to ensure that nothing within this Statement of Licensing Policy discriminates against any group within the community and will pursue any opportunity to promote equality of opportunity and good community relations. To this end, the authority will undertake equalities impact assessments of the policy at regular intervals to identify the effects the policy may have had for different groups and take appropriate action to prevent direct and indirect discrimination which may have been the result of the policy statement.
114. As will be noted from the information provided in section 12 of this document, contact can be made with our licensing and related services in a number of ways. Our customer contact centre is available 24/7. Our services can receive telephone; email and postal communications. Advice and information is provided on our web site or direct from our offices. Officers will make personal calls by appointment. If you require our services and have difficulties using our services please talk to us and explain exactly what your needs are to help us understand what adjustments may be necessary to the way we provide our services.
115. We also recognise that other service providers providing licensable activities including shops, hotels, pubs, theatres and more hold similar responsibilities. Service providers have an obligation to make reasonable adjustments to premises or to the way they provide a service. Sometimes it just takes minor changes to make a service accessible.
116. While access for people with disabilities is not one of the four licensing objectives, this council expects that responsible licensees will comply with the requirements of

the Equality Act 2010. As such the licensing service will work closely with the Southwark Disablement Association (SDA) to ensure that disabled people are not treated less favourably than other people for a reason related to their disability. As part of this arrangement this authority will inform the SDA of new licence applications and will support the SDA and licensees in improving access to services. The SDA can provide advice to any licensee on reasonable adjustments – contact details are provided in section 12 of this policy.

117. Alternatively, the Directgov website provides advice on access to services at http://www.direct.gov.uk/en/DisabledPeople/Everydaylifeandaccess/Everydayaccess/DG_4018353 . The web site also includes links to DisabledGo and Direct Enquiries, which are online directories with detailed access information about venues across the UK. You can search the database, and filter results so that you can check whether a venue is suitable for your own individual needs.

The Regulatory Fire Safety (Reform) Order 2005

118. The Regulatory Fire Safety (Reform) Order 2005 covers general fire safety in England and Wales. In the majority of premises, local fire and rescue authorities are responsible for enforcing this fire safety legislation. Note: See Section 8 of this document.

Other strategies and policies

119. This authority will look to secure the proper integration of this policy with other council and government policies, strategies, responsibilities, and guidance documents issued. In this context this policy is informed by the following strategies and policies.

Alcohol Harm Reduction Strategy

120. Southwark's local Alcohol Harm Reduction Strategy, prepared in response to the National Alcohol Harm Reduction Strategy ("Safe. Sensible. Social. The next steps in the National Alcohol Strategy" (June 2007)) explores the relationships between alcohol and crime alongside health impacts.

121. In preparing this statement the council is particularly aware that the national strategy has identified a number of priorities that should be considered when taking decisions in connection with licensing matters.

- To reduce the problems arising from under-age drinking;
- To reduce public drunkenness; and
- To prevent alcohol related violence.

Southwark Cultural Strategy 2013-2018

122. Southwark Cultural Strategy considers the role that the Council has to play in the cultural life of the borough.

123. As part of implementing local cultural strategy, the council will actively encourage and promote the performing arts (particularly live music, dancing and theatre), creative programming and the performance of traditional and cultural entertainments.

124. While this authority is naturally concerned that local community events do not cause disturbance in the local neighbourhood, it also recognises the wider benefits of cultural events for local communities. As such, this authority will be aware of the need to avoid measures which deter live music, dancing and theatre by imposing indirect costs of a disproportionate nature under licensing controls. Live performance is central to the development of cultural diversity and vibrant and exciting communities, where artistic freedom of expression is a fundamental right and greatly valued. Traditional music and dancing are parts of our cultural heritage. Music and dancing helps to unite communities and particularly in ethnically diverse communities, new and emerging musical and dance forms can assist in the development of a fully integrated society. It should also be noted that the absence of cultural provision in an area can itself lead to the young people being diverted into anti-social activities that damage communities and the young people themselves.
125. The council has also pursued a policy of seeking premises licences for its open spaces in its own name. Where such licences are in place, performers and entertainers may not need to obtain a licence or give a TENs themselves in order to perform. Instead they would require permission from the council as premises licence holder. Details of licences held by community venues may be viewed at <http://licensing.southwarksites.com>

Southwark Enforcement policy

126. All enforcement actions taken by the licensing service are governed by the council's enforcement policy, which has been drafted with reference to the Principles of Good Regulation as stated in the Legislative and Regulatory Reform Act 2006 and the Regulators Code as published by the Better Regulation Delivery Office.

Southwark Violent Crime Reduction Strategy

127. This strategy sets out the underlying causes and impacts of violent behaviour and makes recommendations as to how the council and its partner authorities can make the best use of our resources at a time when those resources will significantly reduced.

Other regimes

128. This Authority will look to ensure consistency, as far as is possible within law, with other licensing and consent regimes.

Planning & building regulations regimes

129. However, it must be made clear that the planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency.
130. It is recognised that licensing applications should not be a re-run of the planning application and should not cut-across decisions taken by the local authority planning committee or permissions granted on appeal. Similarly, the granting by the licensing committee of any variation of a licence which involves a material alteration to a building would not relieve of the need to apply for planning permission or building control where appropriate.

131. It is anticipated that applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. Where this is not the case the council would expect the applicant to address the reasons why planning permission had not been granted and provide reasons as to why licensing consent should be.
132. While the licensing authority understands that there is no legal basis for a licensing authority to refuse a licence application solely because it does not have planning permission, it recognises that it may be inconsistent for the authority to give a licence for an activity when it has refused planning permission for the same activity to take place. The Home Office guidance (June 2014) to local authorities on considering cases where licensing and planning applications are made simultaneously is noted. This states that 'Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of getting mutually acceptable operating hours and scheme designs.
133. Irrespective of this, there may be circumstances when as a condition of planning permission, a terminal hour has been set for the use of the premises for commercial purposes which carries different hours to the licensing hours. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to enforcement under planning law.
134. Borough-wide and area based planning guidance exists through the **Southwark Plan** and supplementary planning guidance. Where relevant representations are made on applications, the Licensing Authority will have regard to the appropriate relevant guidance.
135. Proper integration with the planning regime will therefore be assured. This will include, where appropriate, the provision of regular reports to the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder.

Guidance documents

136. This policy is also mindful of the direction provided under the following guidance documents:
- **The Home Office Safer Clubbing Guide** issued to ensure the health and safety of anyone who attends dance events, with a particular emphasis on those who also take controlled drugs
 - The **Better Regulation Delivery Office's Code of Practice on Age Restricted Products** which deals with the involvement of children in the enforcement of legislation concerning the sale of age-restricted goods
 - Furthermore, the objectives of the **Private Security Industry Authority (SIA)** will be taken into account in all issues relating to the provision of door supervision at licensed operations
137. This policy will also be checked for consistency with all current legislation, strategy, policy and guidance on an annual basis.

SECTION 7 – THE FIRST LICENSING OBJECTIVE – THE PREVENTION OF CRIME AND DISORDER

138. The council recognises that well run licensed premises can make a valuable and positive contribution to the local community through the local economy, tourism, and cultural development. However, poorly managed licensed premises, especially those offering late night alcohol and / or entertainment, or late night refreshment for large numbers of people, can become a serious source of crime and disorder or anti-social behaviour problems.
139. This authority will expect applicants for premises licences and club premises certificates to have made relevant enquiries about the local area and prepare their operating schedule on the basis of a risk assessment of the potential sources of crime and disorder associated with the premises operation. The operating schedule should demonstrate an understanding of the level of risk of crime and disorder and include positive proposals to manage any potential risk.
140. Relevant issues might include:
- Underage drinking
 - Drunkenness on the premises
 - Public drunkenness
 - Drugs use
 - Violent behaviour, including the possession of weapons
 - Anti-social behaviour
 - Counterfeit goods
 - Theft of personal property
 - Prostitution, lewd acts and similar offences
 - Tax evasion
 - Maintenance of smoke-free environments
141. Applicants are recommended to seek advice from the council's licensing team, the police and trading standards when carrying out their risk assessments and in preparing their operating schedules.
142. While it is recognised that there is no requirement in the 2003 Act to do so, applicants may find that it helps the licensing process to provide a copy of the completed risk-assessment upon which the operating schedule is based to the relevant responsible bodies for consideration at the time of application.
143. The main part of this section of the strategy is intended to provide a guide to prospective licence applicants as to the types of controls that may be appropriate for the promotion of the prevention of crime and disorder licensing objective. It is neither intended to provide a definitive list of preventative measures nor will the controls listed be appropriate in every circumstance. They are provided to be considered and modified to fit the proposed business operation.
144. Where its discretion is engaged following consideration of relevant representations, the licensing authority will consider attaching relevant conditions to licences and

permissions to deter crime and disorder, both inside and immediately outside the premises. As far as possible these will reflect local crime prevention strategies.

145. As an additional aide to good management, this authority recommends the range of qualifications designed to support the licensing objectives, available from the British Institute of Innkeeping (BII). Further information is available by contacting the BII by e-mail at the following address info@bii.org

Mandatory conditions

146. A number of mandatory licence conditions are set out in the Act. The following mandatory conditions will apply to all premises licences authorising the retail sale of alcohol (with the exception referred to in paragraph 147 below).

- (a) Where a premises licence authorises the sale of alcohol, every supply of alcohol is to be made or authorised by a person who holds a personal licence; and
- (b) Where a premises licence authorises the supply of alcohol, no supply may be made if no designated premises supervisor has been specified in the licence, or at a time when the designated premises supervisor does not hold a personal licence, or his or her licence has been suspended.

147. Note: The Legislative Reform Order (Supervision of Alcohol Sales in Church and Village Halls) Order 2009 allows for certain community venues to apply for an alternative licence condition – the effect of which will be that the licence holder (i.e. the management committee) becomes responsible for the supervision and authorisation of all sales.

148. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out security activities, the licence must contain a condition that such individuals must be licensed by the Security Industry Authority (SIA).

149. Furthermore, five additional mandatory licence conditions have been introduced under Orders made from 2010 - 2014. The further mandatory conditions cover:

- The prohibition of irresponsible drinks promotions (on sales only) – Requiring the responsible person to ensure staff do not carry out, arrange or participate in any irresponsible promotion carried on for the purpose of encouraging the sale of alcohol on the premises. Irresponsible promotions incorporate drinking games; provision of unlimited or unspecified quantities of alcohol for free or fixed or discounted prices which undermine the licensing objective; promotional posters; and dispensing alcohol directly into the mouth of a customer by a member of staff
- The provision of free potable water (on sales only)
- Requirements for age verification policies to be established in relation to the sale and supply of alcohol, including photo-identification for persons appearing to be under 18 years of age (on and off sales)
- Requirements for alcohol, where sold or supplied for consumption upon the premises) to be made available in the following measures - beer or cider –

half pint; gin, rum, vodka or whisky – 25ml or 35ml; and still wine in a glass – 125ml

- A ban on the sale of alcohol below the cost of VAT and duty

All premises

150. When compiling operating schedules applicants are advised to give consideration to:

- **The setting of a safe capacity limit** – While often necessary on public safety grounds, this is equally important in order to prevent overcrowding giving rise to risk of crime and disorder
- **Use of crime prevention notices** – For use in circumstances where it would be helpful to warn customers of prevalence of crime which may target them, for instance, to warn of pickpockets or bag snatchers
- **Publicise details of the premises operation** – Display details of the premises opening and closing times
- **Install CCTV** – The presence of CCTV cameras can be an important means of deterring crime both inside and outside of the premises. It can also help to provide valuable evidence in the event that an incident does occur. CCTV should be maintained in good working order and used at all times with a 31 day library of recordings maintained at all times
- **The removal of low cost high strength alcohol from offer** – To help reduce street crime and violence and anti-social behaviour from public drunkenness
- **Develop a drugs policy in conjunction with the police** – Establish a clear written anti-drugs policy and publicise this to customers
- **Use bond fide suppliers** – Only source alcohol, tobacco and other products from authorized or bona fide suppliers
- **Deny access to hawkers** – Prevent counterfeit products, such as alcohol, tobacco, DVDs, CDs and other goods from being offered for sale upon the premises

Premises providing alcohol for consumption upon the premises

151. Consideration should be given to

- **Maintain control over the removal of open containers** – To prevent the use of containers as weapons in the street
- **Use of plastic containers and toughened glass** – Consideration should be given to the use of safer alternatives to glass which would inflict less severe injuries if used as weapons. Note: That any glass alternatives used for measuring draft beer and cider must be lawful for trade use under weights and measures legislation
- **Introduce bottle bans** – Decant drinks into glasses before being handed across a bar
- **Provide seating for customers** – sufficient to ensure that the majority of customers do not have to stand
- **Ensure good availability of soft drinks and food**

Premises providing alcohol for consumption upon the premises and regulated entertainment in the night-time economy

152. Consideration should be given to

- **Employment of appropriate number of SIA registered door supervisors** – Valuable for maintaining orderly behaviour in queues; searching and excluding those suspected of carrying offensive weapons, or illegal drugs; keeping out banned individuals; or controlling admissions and departures
- **Make personal searches by door supervisors a condition of entry** – Including the provision of signage and female SIA for personal searches conducted on female customers and performers
- **Provide door supervisors with search wands / search arches** – Maintained in good working order and used on all occasions
- **Provide a drugs and weapons box** – Kept under the direct control of premises management with all seized drugs and weapons to be handed over to the police in accordance with the police code of practice
- **Install ID scanning and recording equipment** – Requiring all patrons to provide ID and agree to being recorded. Provide notices to this effect in conjunction
- **Establish a last admissions policy** – For both admissions and readmissions. Publicise this at the premises
- **Establish a dispersals policy** – Helping to reduce the potential for disturbance to local residents
- **Co-operate with the police and council on venue hire agreements** – Provide good notice (at least one month) of all internal and external promoters engaged at the premises. Also comply with requests from the police not to engage a specific promoter where this is recommended by the police for crime and disorder reasons
- **Avoid certain performances and exhibitions** – That no film be exhibited or performance given that is likely to stir up hatred or incite violence against any section of the public on grounds of colour, race or ethnic or national origin, disability religious beliefs, sexual orientation or gender

Cumulative effect

153. This authority will not consider the issue of “need” in determining any licence application, as this is a matter for planning control and the market. Thereby, this council will not impose quotas of premises or licences.

154. However, the authority recognises that in areas where the number, type and density of premises selling alcohol are high or exceptional, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from licensed premises. Guidance to the Act sets out that the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider within its licensing policy and that local authorities may adopt special local saturation policies. However, there should be an evidential basis for a decision to include a special policy within the statement of licensing policy.

155. In summary, the steps to be followed in considering whether to adopt a special policy within the policy are

- (a) Identification of concern about crime and disorder or public nuisance or protection of children from harm
 - (b) Consideration of whether there is good evidence that crime and disorder or nuisance are occurring; or whether there are activities which pose a threat to public safety or the protection of children from harm
 - (c) If such problems are occurring, identify whether these problems are being caused by customers of licensed premises, or that the risk of cumulative impact is imminent
 - (d) Identifying the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise
 - (e) Consultation with those specified by section 5(3) of the 2003 Act and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement
156. 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, or subject to certain limitations, following relevant representations. This, 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. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.
157. However, it should be stressed that this presumption 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 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. Once adopted the policy will be reviewed regularly.
158. The Council will not use such policies solely
- As the grounds for removing a licence when representations are received about problems with existing licensed premises
 - To refuse modifications to a licence, except when the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits

Local saturation policies

159. Since the introduction of the Licensing Act 2003, the council's licensing committee has been monitoring the impact of licensed premises operation across the local Southwark community.
160. On 5 November 2008, council assembly agreed that it was appropriate and necessary to introduce a local policy dealing with the cumulative impact of licensed premises within the Camberwell and Peckham areas of the borough. The assembly added a third policy area, covering Borough and Bankside, on 4 November 2009

while also extending the Peckham saturation area. The Borough and Bankside area was itself subject of an extension on 6 April 2011.

161. In each case decisions to introduce local policies have been taken having had regard to statistical analysis of recent figures for
- Analysis of statistics, prepared in conjunction with the partnership analyst, of alcohol related violence against the person (VAP) and calls to the police regarding disorder and rowdiness associated with licensed premises (CAD)
 - Analysis of complaints received by the council's environmental protection team regarding nuisance associated with licensed premises
 - Analysis of figures provided by the London ambulance service of alcohol related ambulance pick-ups
 - Responses to local consultation carried out in accordance with section 5(3) of the Licensing Act 2003
 - Submissions made directly to the committee from the local community
162. Details of the boundaries of the three saturation areas and also the categories of premises to which the policies apply are set out below. Full information on the current position (updated annually) within each policy area (including up to date analysis of statistics, summary of submissions and a map of each area) is available from the licensing team.
163. All applicants for new premises licences or for variation of existing premises licences, in respect of classes of premises affected by the policy, within these areas, must address the saturation concerns within their application and operating schedule. Applicants are advised to discuss their application and how this may be affected by the policy with the licensing team in the first instance. Where relevant representations are received this authority must consider whether it would be justified in departing from its special policy in the individual circumstances of the case. The licensing service, acting in its role as responsible authority, will review each application in the light of the special policies and will make representations where the application is likely to add to the existing cumulative impact.
164. The effects of each policy will continue to be monitored and reported to the licensing committee periodically. A policy will be removed when no longer needed.

Camberwell saturation policy

165. The boundary of the area is defined as follows – From Camberwell New Road at the junction with Wyndham Road progressing via Camberwell Road / Bowyer Place / Edmund Street / Benhill Road / Wilson Road / Graces Road / Graces Mews / Camberwell Grove (via alley) / Grove Lane / De Crispigny Park / Denmark Hill following the Lambeth boundary to Coldharbour Lane / Denmark Road / Flodden Road and Camberwell New Road returning to the start.
166. The classes of premises to which the policy applies is defined as follows – night clubs; pubs and bars; off-licences, grocers, supermarkets, convenience stores and similar premises

Peckham saturation area

167. The boundary of the area is defined as follows – Commencing on Peckham High Street at the junction with Kelly Avenue progressing to Gatonby Street / Sumner Road / Jocelyn Street / cross Peckham Hill Street / Goldsmith Road / Meeting House Lane / Consort Road / Heaton Road / Sternhall Lane / McDermott Road / Maxted Road / Bellenden Road / Chadwick Road / Lyndhurst Way / Peckham Road to junction with Talfourd Road and back to start.
168. The classes of premises to which the policy applies is defined as follows – night clubs; pubs and bars; off-licences, grocers, supermarkets, convenience stores and similar premises

Borough and Bankside saturation area

169. The boundary of the area to which the policy applies is defined as follows – Commencing at the Lambeth border on the Thames and moving southward to Waterloo Road then St George's Circus / Borough Road / Borough High Street / Long Lane / Crosby Row / Snowsfields / Bermondsey Street directly north to the river frontage and then westward back to the Lambeth border.
170. The classes of premises within the area to which the policy shall apply will be night-clubs / public houses & bars / restaurants & cafes / off-licences, supermarkets and grocers.

Licensing hours

171. This authority recognises that prior to the introduction of the Licensing Act 2003, the Government believed that fixed and artificially early closing times were one of the key causes of rapid binge drinking prior to closing times; and one of the causes of disorder and disturbance when large numbers of customers were required to leave premises simultaneously. It is understood that the aim, through the promotion of the licensing objectives, was to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times.
172. However, this authority notes that the latest Guidance to the Act states that the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of its implementation of the licensing policy and licensing authorities are best placed to make such decisions based on local knowledge and in consultation with other responsible authorities.
173. While this authority will consider each application on its own merits there will be no presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times. Thereby, where objections are received to an application and the council's licensing committee believes that granting the hours sought would undermine the licensing objectives, the committee may reject the application or grant it with appropriate conditions and / or different hours from those requested. Furthermore, relevant saturation policies will be borne in mind where applicable. This authority recognises that all areas are not the same and decisions on opening times must be taken accordingly.

174. Where applications relate to premises that are located within more densely populated areas, stricter controls with regard to noise control may be necessary. For guidance please see section 9 on the prevention of public nuisance.
175. Shops, stores and supermarkets selling alcohol will normally be permitted to provide sales of alcohol for consumption off the premises, at any time when the retail outlet is open for shopping. However, a restriction on the hours during which alcohol sales may be permitted will be considered where relevant representations are received and there are good reasons, based on the licensing objectives, for limiting those hours.

Designated premises supervisor / personal licence holders and authorisations for the retail sale of alcohol

176. This authority recognises that neither the Act nor the mandatory conditions outlined elsewhere in this chapter require either a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold or supplied. Nor does the fact that every sale or supply of alcohol must be made under the authority of a personal licence holder mean that only personal licence holders can make such sale or supply or that they must be personally present at every transaction.
177. However, this authority wishes to emphasise that the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the Licensing Act and conditions attached to the premises licence to promote the licensing objectives.
178. This authority considers it reasonable to expect therefore that either the designated premises supervisor or another personal licence holder will normally be present upon the premises at all times that alcohol is either sold or supplied or that proper arrangements are in place for authorisation of staff in their absence and for their monitoring. This authority does recognise that there may be occasions when it is not possible for the designated premises supervisor or another personal licence holder to be present but this authority considers that this should not occur for any extended period and emphasises that there can be no abdication of responsibility in their absence.
179. Furthermore, this authority expects that authorisations of other staff to sell and supply alcohol made by the designated premises supervisor and any other personal licence holders must be meaningful and be properly carried out.
180. It is understood that, ultimately, whether or not an authorisation has been given within the meaning of the Act will be a matter for a court to determine on the evidence before it when the issue arose, but this authority notes the Secretary of State considers that the following factors should be relevant in considering whether there was real authorisation:
- a) The person(s) authorised to sell alcohol at any particular premises should be clearly identified
 - b) The authorisation should have specified the acts which may be carried out by the person being authorised

- c) There should be an overt act of authorisation, for example a specific written statement given to the individual(s) being authorised
- d) There should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis

181. Attention is drawn, however, to the fact that recent provision has been made for certain community premises to apply for the removal of the mandatory condition relating to the requirement for a DPS and personal licence and replace this with an alternative condition making a management committee or board of individuals responsible for the supervision and authorisation of alcohol sales. Where such application is made the council will expect the applicant to demonstrate that the arrangements for the management of the premises by the committee or board are adequate to ensure adequate supervision of the supply of alcohol on the premises. In cases where it is intended to make the premises concerned available for private hire, this authority will wish to consider the arrangements for hiring agreements. This consideration will include steps to be taken to ensure that the hirer is aware of the licensing objectives and offences in the 2003 Act and to ensure that no offences are committed during the period of the hire.

Door Supervision

182. Door supervisors will often play an important key role in ensuring that well managed premises are free from crime and disorder and nuisance problems. A reminder is given that where a premises licence (other than for plays or films) includes a condition that at specified times there must be persons employed for the purposes of security; protection; screening the suitability of persons entering premises; or dealing with conflict in pubs, clubs and other licensed premises open to the public, then such persons must be registered with the Security Industry Authority (SIA). In any event it is in operator's own interests to ensure that all security staff employed, whether under contract or employed in-house are so licensed, since the operator may be legally liable for their actions. Licensed door supervisors will have undergone an identity and criminal record check and have received suitable training. More information on the SIA is available from their website at www.the-sia.org.uk .

Police promotion event risk assessment form 696

183. This authority recommends that for significant events (see note below) further specific comprehensive risk assessments are undertaken by premises licence holders to identify and minimise any risk of serious violent crime. Accordingly, for premises that wish to stage promotions, or events (as defined below) this authority recommends that applicants address the risk assessment and debrief processes in their operating schedules.

184. This authority further recommends the metropolitan police promotion / event risk assessment form 696 and the after promotion / event debrief risk assessment form 696a (both available from the local police licensing office) as useful and effective tools for this purpose. Where the risk assessment forms are used to assess the likely risks from any promotion or event, this 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.

185. Note: The metropolitan police define “a significant event” as any occasion in a premises licensed under the provisions of the licensing act 2003, that is promoted / advertised to the public at any time before the event; predominantly features DJs or MCs performing to a recorded backing track; runs anytime between the hours of 10pm and 4am; and is in a nightclub or large public house. Licensees should consult with the local police licensing office if in any doubt as to whether an event is “significant”.

Entertainment involving striptease and nudity

186. On 20 October 2010, council assembly resolved to adopt the provisions under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009, with effect from 1 April 2011. This legislation established a new extended licensing regime for sex establishments, covering sex shops, sex cinemas and sex entertainment venues.
187. Any person wishing to operate a lap dancing club or similar in the Southwark area will require to be licensed as a sex entertainments venue under a sex establishments licence, obtained from this authority. The exemption that existed in law that enabled lap dancing clubs or similar to operate under the provisions of the 2003 Act no longer apply, excepting that occasional striptease performances are permitted without a sex establishments licence. Occasional performances are limited to no more than 12 per year, each of less than 24 hours duration and each at least one month apart.
188. This authority’s approach to the licensing of sex establishments is covered in full under the separate Southwark Sex Establishments Licensing Policy, which is available from the licensing section.
189. Beyond the remit of the 1982 Act (as amended) where activities specified in the operating schedule include any permitted adult entertainment (involving full or partial nudity, occasional striptease or any other kind of adult entertainment) the licensing authority will give particular consideration to the implications of the proposals across the four licensing objectives.
190. In such circumstances, this authority advises that applicants should give specific consideration when conducting their risk assessments and operating schedules to the appropriate management controls. This must include issues around the protection of children and young people from harm.
191. Where occasional striptease performances are provided, the licensing authority will normally expect the operating schedule and, if the application is granted, the licence conditions to address all relevant matters in pursuit of the licensing objectives. These are likely to include conditions relating to:
- The exclusion of persons under 18 at all times from the premises and the prevention of views into the premises
 - The prohibition of exterior advertising of the sex-related entertainment at the premises

- The prohibition of leafleting or touting for business
- That the provision of services will be to seated customers only
- The prohibition of the participation of customers in the performance
- The maintenance of a minimum distance of 1 metre between performer and customers during the performance
- The provision of CCTV and the maintenance of a library of recordings
- A code of conduct for dancers including appropriate disciplinary procedures for failure to comply with the code
- Rules of conduct for customers, including appropriate procedures for breach of these rules
- Procedures to ensure that all staff employed in the premises have pre-employment checks including suitable proof of identity, age and (where required) permission to work
- The provision of supervisors and security staff
- Other necessary steps to be taken, including in the recruitment or supply of performers, is free of the influence or organised criminal activity

The sale and possession of smuggled, bootlegged or counterfeit products and the handling of stolen goods

192. The guidance to the Act indicates that offences can be committed by certain persons in licensed premises if they allow the sale or supply of smuggled, bootlegged or counterfeit goods on the premises. This is in particular relation to alcohol or tobacco products, but may also include the sale of other counterfeited products such as DVDs and CDs and the handling of stolen goods.

- Smuggled – foreign brands illegally brought into the UK
- Bootlegged (duty evaded) foreign products brought into the UK in illegal quantities and / or resold in the UK
- Counterfeit – Fake goods and packaging. Cheap low quality and often dangerous products packaged to look like premium UK brands

193. Offences are for selling illicit products but also for employees permitting sales and for employees buying or selling. To prevent these offences occurring, the licensee should consider taking certain precautions. Advice on this can be obtained from the council's trading standards service. Note: That on conviction for offences relating to counterfeit products a proceeds of crime confiscation hearing may be sought by the council.

Theft of personal property

194. Recent analysis of crime statistics has given rise to increasing concern over levels of theft of personal property within licensed premises, especially within the developing northern-western riverside area of the borough. Licence applicants are asked to give consideration to appropriate control measures within their risk-assessments and operating schedules.

195. Important steps that can be taken to reduce the risk of theft of personal property include:

- Raise the level of awareness among customers of the risk of theft of personal property through crime prevention information. This is especially important within premises where there is a high level of transient, tourist trade
- Provide controlled cloakroom areas
- Provide Chelsea clips under tables
- Ensure all areas of the premises are well lit and able to be observed by staff. Direct staff to observe the customer areas and politely raise with customers when personal belongings are unattended
- Provide and publicise internal CCTV
- Ensure adequate staffing levels and provided appropriate staff training

196. Officers from the police crime prevention will be happy to visit and advise on arrangements at your premises.

SECTION 8 – THE SECOND LICENSING OBJECTIVE – ENSURING PUBLIC SAFETY

197. Licence holders have a responsibility to ensure the safety of those using their premises as a part of their duties under the Licensing Act 2003. This concerns the safety of people using the relevant premises, including the prevention of accidents and injuries and other immediate harms that can result from excessive alcohol consumption such as unconsciousness or alcohol poisoning.
198. The act covers a wide range of premises that require licensing, including night clubs, cinemas, concert halls, theatres, public houses, off-licences, supermarkets and grocers, cafes / restaurants and fast food outlets. Each of these premises presents a mixture of risks. While many risks are common to most premises, others are unique to specific operations. It is essential that premises are constructed or adapted and managed in a manner which acknowledges these risks and safeguards occupants against them.
199. This authority is committed to ensuring the safety of people visiting and working in licensed premises. Thereby, this authority expects applicants for premises licenses and club premises certificates to prepare their operating schedule on the basis of a risk-assessment and demonstrate an understanding of the potential risks and hazards and include positive proposals to promote the public safety licensing objective.
200. Relevant issues might include
- Premises configuration and site layout arrangements, including access for emergency services such as ambulances
 - Means of escape
 - Temporary structures
 - Fire and other emergency safety and systems
 - Building services
 - Hygiene and welfare
 - Special installations and special effects
 - Communications systems
 - Ensuring good communication with local authority and emergency services (for example, communications networks with the police and signing up for local incident alerts)
 - Ensuring appropriate provision of trained staff including the presence of trained first aiders on the premises and appropriate first aid kits
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late night transport)
 - Ensuring appropriate and frequent waste disposal, particularly of glass and bottles
 - Ensuring appropriate safe limits on the maximum capacity of the premises
 - Considering the use of CCTV in and around the premises (see previous section)
 - Considering the use of licensed security

201. Applicants are recommended to seek advice from the council's occupational health and safety team and / or local fire safety officers (see contact details in section 12 of this document) when carrying out their risk assessments and preparing their operating schedules. Reference should also be made to the following documents, where appropriate:

- **Model National and Standard Conditions for Places of Public Entertainment** and Associated Guidance ISBN 904031 11 0 (Entertainment Technology Press – ABTT Publications)
- **The Event Safety Guide** - A guide to health, safety and welfare at music and similar events (HSE 2002) ("The Purple Book") ISBN 0 7176 2453 6
- **Managing Crowds Safely** (HSE 2000) ISBN 0 7176 1834 X
- **5 Steps to Risk Assessment: Case Studies** (HSE 1998) ISBN 07176 15804
- **The Guide to Safety at Sports Grounds** - (The Stationery Office 1997) ("The Green Guide") ISBN 0 11 300095 2
- **Safety Guide for Street Arts, Carnival, Processions and large scale Performances** published by the Independent Street Arts Network, copies of which may be obtained through www.streetartsnetwork.org/pages/publications.htm
- **Fire Safety Risk Assessment – Open Air Events and Venues** (ISBN 978 1 85112 823 5) which is available from the Communities and Local Government website www.communities.gov.uk/fire
- The London District Surveyors Association's "**Technical Standards for Places of Public Entertainment**" ISBN 0 9531229 2 1
- **Safer Clubbing** - Produced by the Home Office in conjunction with the London Drugs Policy Forum

202. The following British Standards should also be considered

- BS 5588 Part 6 (regarding places of assembly)
- BS 5588 Part 9 (regarding ventilation and air conditioning systems)
- BS5588 Part 9 (regarding means of escape for disabled people)
- BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

203. While it is recognised that there is no requirement in the 2003 Act to do so, applicants may find that it helps the licensing process to provide a copy of the completed risk-assessment upon which the operating schedule is based to the relevant responsible bodies for consideration at the time of application.

204. This main part of this section of the strategy is intended to provide a guide to prospective licence applicants as to the types of controls that may be appropriate for the promotion of the public safety licensing objective. It is neither intended to provide a definitive list of preventative measures nor will the controls listed be appropriate in every circumstance. They are provided to be considered and modified to fit the proposed business operation.

205. Where its discretion is engaged following the consideration of relevant representations the licensing authority will consider attaching relevant conditions to

licences and permissions to promote public safety where these are not provided for within other legislation and are necessary for the promotion of the public safety licensing objective. This may include additional site specific controls relevant to the planned activities and their timing.

Other relevant legislation

206. Applicants are firstly reminded of the general duties imposed under other legislation (i.e. the Regulatory Reform (Fire Safety) Order 2005) and the Health and Safety at Work Regulations 1999.

Regulatory Reform (Fire Safety) Order 2005

207. Under the Regulatory Reform (Fire Safety) Order 2005 the “responsible person” as defined by the order, must

- Take such general fire precautions as will ensure, so far as is reasonably practicable, the safety of his or her employees
- Take such general fire precautions as may be reasonably required in the circumstances of the case to ensure that the premises are safe for the use by other persons
- Make a suitable and sufficient assessment of fire risks to which relevant persons may be exposed for the purposes of identifying the general fire precautions he or she needs to take
- The responsible person **MUST** record the information gathered by the risk assessment for all premises covered by the Licensing Act 2003, in particular, the significant findings; the measures taken, or to be taken, to ensure general fire safety; and any person identified as being especially at risk

208. This authority recognises that it may not impose any condition relating to any requirement or prohibition that is or could be imposed under the “Fire Safety Order” and thereby that conditions relating purely to fire safety matters may not be placed on premises licences. Further information and guidance about the Order and fire safety legislation is available from the Communities and Local Government website at www.communities.gov.uk/fire .

Health and Safety at Work Regulations 1999

209. The Health and Safety at Work Regulations 1999 state that

- “(1) Every employer shall make a suitable and sufficient assessment of
- (a) The risks to the health and safety of his employees to which they are exposed whilst they are at work; and
 - (b) The risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking, for the purpose of identifying the measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions.
- (2) Every self-employed person shall make a suitable and sufficient assessment of -

- (a) The risks to his own health and safety to which he is exposed whilst he is at work; and
- (b) The risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking,”

210. The Health and Safety Executive helpfully provides a range of example risk-assessments which may be viewed at <http://www.hse.gov.uk/risk/casestudies/> . The examples provided include for night-clubs, pubs, village halls, off-licences and convenience stores.

Safe capacities

211. The Guidance to the Act sets out that “safe capacities” should only be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises.

212. The position of the authority and the responsible authorities is that the importance of the role of safe capacities in terms of both public safety and crime and disorder should not be overlooked.

213. Accordingly it is recommended that wherever the setting of a safe capacity will assist issues of crowd safety or public order, this is addressed by the operating schedule. It should be borne in mind that the safe capacity should be that which applies at any material time that licensable activities may take place under the premises licence. Safe capacities should consider not only the overall capacity of a premises but the potential for localised overcrowding within premises also. This is particularly relevant in larger premises, where several activities are taking place in different areas at the same time.

214. It should also be noted that where an applicant wishes to take advantage of the special provisions in Section 177 of the Act relating to small venues then a capacity must be set in consultation with the fire authority.

215. For guidance in calculating safe capacities applicants may refer to the London District Surveyors Associations Technical Regulations referenced in this Section.

A proactive approach to customer safety

216. Applicants are also encouraged to take a proactive approach to general safety issues, including that of their customers, and to discuss appropriate measures with the responsible authorities concerned. Arrangements that might be taken into account could include steps;

- To monitor customers present upon the premises so as to ensure that no customer continues to be supplied with alcohol to a point where they become drunk
- To ensure the regular collection of glass within the venue and / or external areas
- To ensure against drinks being “spiked” or otherwise tampered with
- To ensure all (internal and external) parts of the premises are adequately lit and may be monitored by staff

- To ensure that customers are able to return home safely, for instance, by providing information on local transport availability or making arrangements with reputable cab companies

Women's Safety Charter

217. Southwark Council (is developing) a Women's Safety Charter, which this authority urges all responsible licensed operators to adopt. The charter is intended to highlight concerns over sexual harassment and ensure that these receive proper attention. The charter asks operators within the night-time economy to:

- Prominently display high visibility posters in their venue which discourage harassment and encourage reporting
- Take every report of harassment and sexual intimidation seriously and take appropriate action
- Take active steps to support persons who report harassment or sexual intimidation which might take place in their premises
- Train all front of house staff to address women's safety and harassment
- Take active steps to ensure females leave the venue safely

218. Further information, advice and support is available from the licensing service.

SECTION 9 – THE THIRD LICENSING OBJECTIVE – THE PREVENTION OF PUBLIC NUISANCE

219. Licensed premises, especially those that operate late at night or in the early hours of the morning, can give rise to a range of nuisances that may potentially impact on people living, working or sleeping in the vicinity of the premises. Principal concerns relate to noise nuisance, light pollution and noxious smells.
220. This authority expects applicants for premises licences and club premises certificates to have made relevant enquiries about the local area and prepare their operating schedule on the basis of a risk assessment of the potential sources of nuisance posed to the local community by their intended operation. The operating schedule should demonstrate an understanding of the level of risk of nuisance and include positive proposals to manage any potential risks.
221. Relevant issues might include
- Preventing noise and vibration escaping from the premises, including music, noise from plant and patrons
 - Preventing disturbance by patrons arriving at, gathering outside of, being admitted or re-admitted to or departing from the premises, particularly, but not exclusively between 2300 and 0700 hours
 - Preventing vehicle queues forming outside of the premises, or where some form of queuing is necessary, the steps to prevent disturbance or obstruction
 - Ensuring clear up operations conducted by staff do not cause a nuisance and that staff leave the premises quietly
 - Addressing arrangements made for parking by patrons
 - Considering whether there is sufficient public transport provision and where licensed taxis or private hire vehicles are likely and any arrangements made to prevent disturbance to local residents
 - Controlling disturbance that may be caused by the use of gardens / terraces / external and other open-air areas including the highway, particularly in relation to the smoking ban and passage of patrons between internal and external areas
 - Preventing nuisance from the positioning and operation of plant and machinery such as kitchen extraction systems, ventilation plant, condensers etc
 - Restricting delivery and collection times (waste, equipment and consumables) to between 0800 and 2000 hours
 - Limiting any nuisance or glare caused by the positioning of external lighting, including security lighting
 - Preventing odour or pests from refuse storage and waste disposal and the accumulation of litter and smokers waste in the vicinity of the premises
 - The need for regular patrols of the boundary of the premises and / or at the nearest residential to ensure nuisance impacts are not being experienced by neighbours

222. Applicants are recommended to seek advice from the council's environmental protection team when preparing their operating plans and schedules. Where relevant, applicants are also advised to refer to:
- The Institute of Acoustics "Good Practice Guide on the Control of Noise from Pubs and Clubs"
 - Noise at Work Guidance for employers on the Control of Noise at Work Regulations 2005 issued by the Health and Safety Executive and obtainable from <http://www.hse.gov.uk/pubns/indg362.pdf>
 - In the case of large music events, the Code of Practice on Environmental Noise Control at Concerts produced by the Noise Council together with Southwark Events Team policies
 - Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems produced by DEFRA
 - Guidance Notes for the Reduction of Obtrusive Light – Institute of Lighting Engineers (2005)
223. While it is recognised that there is no requirement in the 2003 Act to do so, applicants may find that it helps the licensing process to provide a copy of the completed risk-assessment upon which the operating schedule is based to the relevant responsible bodies for consideration at the time of application.
224. This section of the strategy is intended to provide a guide to prospective licence applicants as to the types of controls that may be appropriate for the promotion of the prevention of public nuisance licensing objective. It is neither intended to provide a definitive list of preventative measures nor will the controls listed be appropriate in every circumstance. They are provided to be considered and modified to fit the proposed business operation
225. Applicants should note that where its discretion is engaged following consideration of relevant representations, the licensing authority will consider attaching appropriate conditions to licences to prevent nuisance. This may include additional site specific controls relevant to the planned activities and their timing.

Preventing nuisance outside of premises

226. Nuisance caused by patrons outside of premises, whether by patrons queuing for entry; enjoying the facility of a beer garden or terrace; or by smokers congregated on the pavement, is of considerable concern to local residents. While noise is often the main concern, obstruction of the highway preventing people passing by on the pavement and forcing them into the road, can also be both intimidating and dangerous and hamper access by emergency services, or street cleansing. Local residents may be further affected by smoke from barbeques and other cooking equipment used in the open air.
227. Licensees have a responsibility for the conduct of their customers while they are in and around their premises. If provision is made for customers to congregate or smoke outside of premises, then sufficient management controls must be put into place to ensure that no nuisance or disturbance is caused to local residents. Failure to control customers outside of premises can result in licence reviews being submitted and impact upon the premises licence.

228. Some simple management controls can be put into place which can significantly reduce the risk of nuisance caused to local residents outside of licensed premises. These include placing management controls on:

- The numbers of persons using any licensed external area at any one time
- The hours of operation of any licensed external area, requiring patrons to return back into the premises at a specific time. In residential areas it is suggested that a closing time of 22.00 is appropriate. Any music relayed into the external area should cease earlier
- The numbers of 'smokers' allowed outside of the premises at any one time
- The taking of drinks outside of the premises when patrons step outside to smoke. This can be assisted by providing a 'drinks safe' area for patrons who temporarily leave the premises
- Queues of patrons awaiting admission and how these are arranged
- The areas within which patrons may congregate outside of the premises, restricting them, for instance, to the curtilage or footprint of the premises
- The times within which live music and / or amplified sound may be played in any external area or marquees or relayed by external speakers (where permitted under the terms of the licence). It is suggested that this should not continue beyond 22.00
- The times within which barbecues or other cooking facilities may be provided within any external area
- Terminal hour for last admissions and readmissions to the premises
- The supervision of patrons using any external area so as to prevent nuisance and disturbance
- Arrangements made with local cab companies calling for customers, requiring that they call within the premises for their customers without sounding their horn in the street
- The reduction of music levels within the premises 30 minutes before closing so as to reduce levels of excitement among patrons upon leaving
- The display of notices at exit points asking patrons to ' please leave quietly' and be mindful of local neighbours when leaving the premises
- The supervision of patrons outside of the premises to ensure quick dispersal from the immediate area upon closing time
- The clearance of any litter created by the operation of the premises
- The hours during which external activities such as the handling and removal of waste or musical equipment or the delivery of goods. It is recommended this is prohibited between 2200 and 0800
- Restricting the use of artificial lighting outside of the premises so as to reduce the potential for light nuisance

Preventing nuisance from within premises

229. Nuisance may often be caused by sound escaping from the premises or transmitted through the structure of the building. Again, some simple management steps may be taken to reduce the problem but in some premises physical works may be necessary to prevent nuisance being caused to local residents. The likelihood of this increases where regulated entertainments are to be provided under the licence and the later the hour of the entertainment and where residents live adjacent to, above or close by the premises or there are other noise sensitive

premises. Where physical measures are likely to be necessary expert advice should be sought on appropriate measures.

230. This authority expects that the following measures will be considered and applied appropriate to the level of risk of nuisance being created

- Keeping doors and windows closed during performances of licensable regulated entertainment
- Management control of entrance / exit lobbies so as to ensure that the integrity of the premises is maintained and internal sound contained
- Management and recording of periodic perimeter checks
- The provision of acoustic double door lobbies of an adequate residence time
- The provision of acoustic seals and self closers on doors
- The provision of alarms to fire doors or other private external doors
- The connection of fire doors and / or private external doors to the sound limiting device (so that volume is reduced if the doors are opened)
- The installation and use of a sound-limiting device for all amplified sound to enable maximum volume and bass to be set at levels appropriate for the premises / event
- The installation and / or maintenance of double glazing / sound resistant glass;
- The provision of sound insulation to party walls, floor and ceiling
- The provision of acoustic baffling to any ventilation extract and intake system
- The provision of additional air conditioning / air cooling to enable doors and windows to remain closed during any entertainment

Outdoor events

231. Each year Southwark hosts a large number of outdoor community events. These events add to the vibrancy of the borough and are enjoyed by both residents and visitors alike. It is important that such events are organised and managed so as to ensure that minimum disturbance is caused to people living and working nearby. To help achieve this applicants are asked to submit an **Event Management Plan** to the council's environmental protection team with their application and to consult with Southwark's events team early in the process of preparing for any event.

232. The environmental protection team, as a responsible authority, will assess all licence applications for their impact with regard to public nuisance. Nuisance from outdoor events can be created by many activities, for example:

- Set up rigging / de-rigging
- Plant & machinery (generators etc)
- Vehicle movements
- Music and entertainment
- Patrons congregating and dispersing
- Fireworks and special effects
- Smoke
- Odour from concessions or open food preparation
- Litter
- Lighting

233. It is recommended that event organisers include a **Nuisance Management Section** within the **Event Management Plan** assessing all nuisance-causing activities and setting out the measures proposed to mitigate any nuisances that are likely to be caused.

234. The nuisance management section should include the following information

- Location & site plan
- Information on the type of event
- Orientation of any stage(s), marquees or potential sources of noise
- Access to & from site and site routes within the event perimeter
- Location of operational plant & vehicles
- Background noise survey and predictive noise assessment
- During performance – Who will hold responsibility for sound management and any recording of levels. Who will deal with responses to any complaints and keep records of any remedial actions. Who will attend the post-event audit meeting with the authority
- Contact details of a person at the event responsible for liaison with the council and other enforcement officers
- A copy of the pre-event information leaflet to be dropped to occupiers of nearby noise sensitive premises
- Location of light sources & light impact assessment
- Litter control, waste management & recycling provisions
- Noise control measures
 - Sound limiting technology to be used
 - Maximum noise / bass levels
 - Selection of equipment etc.

Other consents

235. Licensees should be aware that a range of other consents may be necessary to provide smoking shelters or space heaters, awnings, tables and chairs or 'A' boards on the highway. Please discuss your proposals with the licensing team in the first instance (see contacts section of this policy).

SECTION 10 – THE FOURTH LICENSING OBJECTIVE – THE PROTECTION OF CHILDREN FROM HARM

236. The licensing objective of the protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).
237. This authority believes that it is completely unacceptable to sell alcohol and associated age-restricted products to children.
238. This authority expects applicants for premises licences and club premises certificates to have prepared their operating schedule on the basis of a risk-assessment of the potential sources of harm to children. It is expected that the operating schedule will demonstrate an understanding of the potential risks to children and that careful consideration has been given to measures relating to the access of children where alcohol is sold and which are appropriate to protect children from harm.
239. Relevant issues might include
- Preventing access to alcohol
 - Removing encouragement for children to consume alcohol
 - Preventing exposure to gaming
 - Preventing exposure to adult entertainments or facilities
240. Applicants are advised to seek advice from the Southwark Safeguarding Children Board when preparing their operating plans and schedules. Southwark Trading Standards are also available to give advice around preventing under-age sales. See section 12 for contact details.
241. While it is recognised that there is no requirement in the 2003 act to do so, applicants may find that it helps the licensing process to provide a copy of the completed risk-assessment relating to the protection of children from harm to the SSCB and the trading standards team when submitting the application.
242. This section of the strategy is intended to provide a guide to prospective licence applicants as to the types of controls that may be appropriate for the promotion of the protection of children from harm licensing objective. It is neither intended to provide a definitive list of preventative measures nor will the controls listed be appropriate in every circumstance. They are provided to be considered and modified to fit the proposed business operation.
243. Applicants should note that where its discretion is engaged following the consideration of relevant representations, the licensing authority will consider attaching appropriate conditions to protect children from harm.

Access to licensed premises

244. The act makes it an offence to permit children under the age of 16, who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises, under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a temporary event notice. In addition, it is an offence to permit children under 16 who are not accompanied by an adult, between midnight and 0500 at other premises supplying alcohol for consumption on the premises, under any such authority.

245. The council recognises, however, that licences may be sought for a great variety of premises, including theatres, cinemas, restaurants, concert halls, take-away and fast food outlets as well as public houses and nightclubs. While the council would encourage applicants to make provision for the access of children, where appropriate, conditions restricting the access of children will be strongly considered in circumstances where:

- Adult entertainment is provided
- A member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking
- It is known that unaccompanied children have been allowed access
- There is a known association with drug taking or drug dealing
- The premises are used exclusively or primarily for the sale of alcohol for consumption upon the premises

246. Applicants must be clear in their operating schedules about the activities intended to be provided and the times at which these shall take place, in order to help determine when it is not appropriate for children to enter the premises.

247. Conditions should reflect the licensable activities taking place on the premises. Consideration should be given to appropriate conditions

- Restricting the hours when children are present
- Restricting or excluding children under a specified age when certain particular specified activities are taking place
- Restricting the parts of the premises to which children may have access;
- Age restrictions (below 18)
- Requirements for an accompanying adult
- Full exclusion of people under the age of 18 years from the premises

The purchase and consumption of alcohol by children and young persons

248. The council shares the government's concern over the purchase and consumption of alcohol by minors.

249. The NHS report on 'Smoking, Drinking and Drug Use Among Young People in England in 2008' notes the average weekly intake for pupils aged 11-15 who had drunk alcohol in the week before they were surveyed was 14.6 units. More than double since 1990. Furthermore, 12,718 children aged between 11-17 were admitted to hospital in 2008-9 with an alcohol related condition (3,556 aged 11-15

and 9,164 aged 16-17). The UK has one of the highest rates in the EU of admissions to hospital or A&E due to alcohol use by 15-16 year olds.

250. Frequency of drinking is associated with offending in children and young people. The 2004 Offending, Crime and Justice Survey found those who drank alcohol once a week or more committed a disproportionate volume of crime, accounting for 37% of all offences but only 14% of respondents.
251. In the years since the 2003 Act came into being, alcohol test purchase campaigns have been conducted within Southwark by the trading standards team. The results are given in Figure 1.

Figure 1 – Alcohol test purchase results			
Year	Test purchases	Compliance (no. of sales)	Compliance rate %
2005 - 2006	146	65	45%
2006 – 2007	102	76	75%
2007 – 2008	78	57	73%
2008 – 2009	123	101	82%
2009 - 2010	41	29	70%
2010-2011	47	23	55%
2011-2012	23	16	68%
2012-2013	23	44	70%
2013-2014	54	44	81%

252. While the compliance rates are seen to be improving over the past 4 years, the rate of test purchase failures remains a concern. It is important that compliance rates are further improved.

Age verification policies – Mandatory condition

253. The following mandatory licence condition must be attached to all premises licences and club premises certificates issued by this authority.

- The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale of alcohol. This must as a minimum require individuals who appear to the responsible person to be under 18 years of age to produce upon request, before being served alcohol, identification bearing their photograph, date of birth, and a holographic mark

Age verification policies

254. The trading standards service, in it’s role as responsible authority, considers each individual licence application received by the licensing authority and makes recommendations on the appropriate range of management controls around this issue. The service’s recommended approach to controlling under-age sales is set out below. As a minimum it is recommended that:

- That an age verification scheme is established and maintained that requires the production of evidence of age (comprising any Proof of Age Standards Scheme (PASS) accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol
- That notices be displayed informing customers and staff that sales of alcohol will not be made to under 18s and that age verification will be required
- That evidence of the scheme (in the form of documented procedures) is maintained and made available for inspection by authorised officers

255. However, the service recommends that as best management practice

- That “Challenge 25” is supported as part of the age verification scheme established. The scheme should require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol
- That “Challenge 25” notices be displayed informing customers and staff that sales of alcohol will not be made to anyone appearing to be under 25 unless they can prove they are 18 or over
- That evidence of the scheme (in the form of documented procedures) is maintained and made available for inspection by authorised officers
- That all staff involved in the sale of alcohol shall be trained in the age verification scheme and records of such training shall be retained on the premises and made available for inspection by authorised officers
- That an incident log shall be maintained and details of all age related refusals recorded. This book shall be reviewed monthly by the DPS and any actions taken recorded in the book and signed off by the DPS. This log shall be retained on the premises and made available for inspection by authorised officers
- That if a CCTV recording system is installed inside the premises, it shall be positioned to capture the sale of alcohol. A library of recordings taken by the system shall be maintained for 31 days and made available to authorised officers upon request
- That a personal licence holder shall be on the premises at all times that alcohol is supplied
- That an EPOS (electronic point of sale) system is installed at the premises, it shall be configured to prompt the operator to check proof of age when an alcoholic product is scanned. This prompt should require the operator to confirm the purchaser is over 18 before the next item can be scanned or the transaction completed
- That the DPS shall ensure that, as far as is reasonably practical, alcohol is displayed in an area which can be constantly monitored or supervised by staff, separate from goods likely to be purchased by persons under 18
- That, if any advertising campaigns or promotions of alcohol are planned, the premises licence holder shall ensure they are carried out in a socially responsible manner and that they do not encourage irresponsible drinking. If

authorised officers raise concerns about any promotion the premises licence holder shall discontinue it

256. While this is intended as guidance only, this authority recommends that all operators should give careful consideration to introducing these controls into their management practices and including them within their operating schedules.

257. Trading standards also provides practical support to licensees. This includes:

- Running a local PASS approved proof of age card scheme
- Provision of a range of downloadable business advice information leaflets
- Free retailer support materials such as refusals registers, signage, posters and point of sale material
- The opportunity for small independent retailers to attend an accredited in-house training course called 'Do You Pass'. This forms part of the national Fair Trading Award scheme sponsored by the Trading Standards Institute. Passing the course indicates staff have knowledge and competence in relation to age restricted sales law

The Southwark proof of age card

258. In order to assist licensees avoid under-age sales, the council's trading standards service introduced a local PASS approved proof of age card in 2007. The card is available to 16-25 year olds via their school or college. In September 2014 the card was rebranded from SPA to PAL (Proof of Age London) and made available across London.

259. Over 7,500 cards have been issued since 2007 and the majority of Southwark secondary schools and colleges have a process in place to make the card available to all students.

260. Anecdotal evidence is that many clubs will only accept driving licences and passports as they are concerned that other cards can be too easily copied or are fake. This is not the case. In fact the most commonly copied document is the driving licence. Cards bearing the PASS hologram cannot be easily copied and from 2014 all PASS approved cards for over 18s will have a standardised front face design to improve confidence.

261. PASS means Proof of Age Standards Scheme which is UK's national proof of age accreditation scheme, endorsed by the Home Office, the Association of Chief Police Officers (ACPO), the Security Industry Authority (SIA) and the Trading Standards Institute.

262. For further information on introducing an age verification policy, to access the training programme or to obtain the materials itemised above, please contact the trading standards service.

263. In detailing the council's recommended approach to under-age sales it is recognised that some sales may be made through intimidation or fear. Licensees experiencing such problems are advised to discuss their situation with licensing or trading standards officers. Furthermore, the council's health and safety team offers

conflict resolution training aimed at helping deal with the threat of violence and aggression in the workplace. For contact details please see section 12.

Children and responsible drinks promotions

264. The Portman Group operates, on behalf of the alcohol industry, the 'Code of Practice of the Naming, Packaging and Promotion of Alcoholic Drinks' to ensure that alcohol is marketed responsibly and only at adults.

265. The Code applies to all alcohol marketing (including naming, packaging, sponsorship, point of sale and brand merchandising) which is primarily UK targeted and not already subject to regulation by the Advertising Standards Authority (ASA) or Ofcom.

266. The Code can be viewed at <http://www.portmangroup.org.uk/codes/alcohol-marketing/code-of-practice/code-of-practice> .This authority commends the Code accordingly.

Children and cinemas – Mandatory licence condition

267. Where premises licences incorporate film exhibitions as a licensable activity the following mandatory condition will be imposed:

- The admission of children to films is to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (currently the British Board of Film Classification) or by the licensing authority itself.

268. Applicants are expected to include within their operating schedule arrangements for restricting children from viewing age-restricted films.

269. Information regarding the classification of films by the council can be requested from the licensing service.

Regulated entertainment provided for children

270. Where entertainments or facilities generally are provided specifically for children, applicants are asked to demonstrate within their application

- That the company / organisation has a policy or statement on keeping children safe from harm
- How employees or contracted agencies will be made aware of the company's / organisation's policy / statement on keeping children safe from harm
- That recruitment processes for staff who may have to deal direct with children under the age of 18 seek to ensure, as best the company / organisation can, that the appointed applicant has not been known to have harmed children
- That there will be clear expectations on staff with regard to their personal conduct in direct relations with children under 18 and guidance on what is appropriate in dealing with specific situations which may arise
- There are systems in place and that staff are aware of them for dealing with possible abuse or violence to children from other users of the licensed facility
- There are clear and accessible complaints systems for children to report if they have been harmed and that there are clear whistle-blowing procedures

for staff who may have concerns about the welfare of children on the premises

- That all duty managers or staff in charge of the premises are aware of how to refer any concerns about the welfare of children to the local police, education authority or social services as necessary

271. Where a theatrical entertainment is specially presented for children, the council advises the presence of sufficient adult staff to control access and egress of children and to protect them from harm as follows –

- (1) An adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof
- (2) No child (unless accompanied by an adult) to be permitted in the front row of any balcony
- (3) No standing to be permitted in any part of the auditorium during the performance

Entertainment involving striptease and nudity (see page 43)

272. Applicants proposing activity that includes adult entertainment are also referred to the policy set out at pages 43-44. The victims of “people trafficking” often include young females under 18, and this is a further reason why the policy makes reference to it.

SECTION 11 - ENFORCEMENT

273. It is essential that licensed premises operate in accordance with the Act and comply in full with licence terms, conditions and restrictions at all times. Part of the licensing authority's role is to monitor premises and take appropriate action to ensure that the licensing objectives are promoted. This authority recognizes the importance of enforcement to the promotion of those objectives. The authority is committed to continue to undertake enforcement measures and proceedings in partnership with other relevant statutory agencies. Offences against the act are set out in the Act.
274. In accordance with the guidance to the act, the licensing authority will work in partnership with the police and the other responsible authorities in promoting the licensing objectives. This licensing authority has an excellent relationship with each responsible authority and the police, in particular.
275. All enforcement actions taken by the range of enforcement agents located within the council's community safety and enforcement division (including the licensing service) are governed by the council's enforcement policy, which has been drafted with reference to the Principles of Good Regulation as stated in the Legislative and Regulatory Reform Act 2006 and the Regulators Code as published by the Better Regulation Delivery Office. As such it is our intention that all enforcement actions will be fair, consistent, transparent and proportionate. A copy of our enforcement policy may be obtained from the licensing service.
276. All proactive premises inspections will be undertaken on a risk-assessed basis with resources targeted toward agreed problem and high-risk premises, which require greater attention. A lighter touch will be applied in respect of low risk premises, which are well run. Detail of the basis to our risk-assessment approach can be obtained from the licensing service.
277. Other enforcement activities will be intelligence led using the full range of available information sources, including complaint and referral from the local community and reports from officers and partner agencies. As part of the "better regulation initiative" and in order to promote effective use of enforcement resources and reduce the burden on business, the various enforcement agencies involved may from time to time look at references normally dealt with by other relevant agencies during the course of premises visits. Where issues are identified under those other agencies remits (for instance where a licensing officer notes a fire safety matter) this will be brought to the attention of the person in charge and the matter may be referred on to the agency involved. Where possible appropriate advice and guidance will be given at the time.
278. This approach is supported and facilitated by the partnership night-time economy team; regular liaison meetings between the licensing service and the police licensing teams; meetings of the primary responsible authorities; and through the partnership tasking group, and local licensing enforcement group. All complaints and referrals made to such liaison meetings will be investigated appropriately. The night-time economy team also intends to provide a high-visibility reassuring

presence in the night-time economy and to establish good working relationships with venue front of house and management staff. Random visits will be made to premises in furtherance of these aims.

279. Investigations may be undertaken through a range of means including overt and covert operations. This could include covert observations on premises to ensure opening hours restrictions are being complied with. In addition, weights and measures officers from the council's trading standards service or officers from the police authority will carry out covert test purchases of age restricted products including alcohol. This means underage, or young looking, volunteers are deployed to attempt to buy age restricted products or services. These tests are conducted to check compliance with the law and age verification policies (eg Challenge 25 scheme).
280. Such test purchasing, may be covertly observed and recorded. The results of such test purchasing will be communicated to the business operator, either at the time, or in writing after the event. Such test purchasing will be based on local intelligence and any illegal sales will be followed up in accordance with the council's enforcement policy.
281. Additionally, this authority recognises the important role played in preventing crime and disorder by the Security Industry Authority by ensuring that door supervisors are properly licensed and, in partnership with the police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This authority will look to co-operate with the SIA as far as possible and as part of this co-operation has authorised officers to act under the powers of the Private Security Industry Act 2001.
282. However, it remains the over-riding intention of this authority, the police and the other relevant enforcement agents to work together at all times with responsible licence holders and operators to help run successful venues and facilities that play a positive role within the local community. We will look to provide support, advice and education and give early warning of any concerns identified at any premises. In return we expect licence holders to act responsibly and work together with us. However, the authorities will use the range of enforcement powers made available under the Act where individuals act with disregard to their responsibilities.
283. In demonstration of this, this authority will provide induction meetings with new licensed operators, intended to make clear the responsibilities of and expectations made of operators and the support that can be expected in return. This is followed by an early initial during operation inspection intended to identify good licensed premises management practice and identify where improvements in initial operation can be made.
284. This authority also supports pub and club watch and is willing to support business led initiatives intended to help promote the licensing objectives. Together we will ensure that Southwark remains a great place to live, work and visit.

SECTION 12 – CONTACT DETAILS

THE LICENSING SERVICE

Advice and Guidance

Further details of the licensing application processes and copies of application forms can be obtained from the licensing service. You can contact the service

In writing

The Licensing Service
C/O Southwark Environmental Health & Trading Standards Business Unit
PO BOX 64529
London
SE1P 5LX

By phone: Customer service centre on 020 7525 2000

By Fax - 020 7525 5705

By e-mail: licensing@southwark.gov.uk

By visiting the web site: <http://www.southwark.gov.uk/info/200063/licences>

OTHER RESPONSIBLE AUTHORITIES

Commissioner of Police for the Metropolis

Licensing Office Southwark Police Station
323 Borough High Street
SE1 2ER
Tel: 0207 232 6756

The London Fire and Emergency Planning Authority

Fire Safety Regulations (Southwark Borough)
249-259 Lewisham High Street
London, SE13 6NH
Tel: 020 8555 1200 (x36500)
Fax: 020 8536 5924

The Environmental Protection Team (the “responsible authority” dealing with nuisance and pollution issues)

The Occupational Health and Safety Team

The Trading Standards Service

C/O Southwark EHTS Business Unit
PO BOX 64529
London
SE1P 5LX
Tel: 020 7525 2000

The Council’s Building & Development Control Services (including Planning)

Council Offices

5th Floor Hub 2
Tooley Street
London, SE1
Tel: 020 7525 2000

The Local Safeguarding Children Board

Southwark Social Services
C/O Council Offices
160 Tooley Street
London, SE1
Tel: 020 7525 4646

Notes:

- If you are applying for a premises or a club premises certificate and part of the premises concerned falls within another licensing authority's area then that authority should be copied in on the application also.
- If the premises concerned is a vessel then a copy of the application should also be sent to the Navigation authority within the meaning of section 22(1) of the Water Resources Act 1991

OTHER AGENCIES

Patrick Horan
Access Officer &
Chair of Southwark Disablement Association
2 Bradenham Close
London, SE17 2QB
Tel: 020 7701 1391

Environmental Enforcement Team (providing the Council's 24 hour rapid response service)

C/O Southwark Community Safety Business Unit
PO BOX 64529
London
SE1P 5LX
Tel: 020 7525 2000

Street Trading (for shop front licences)

Street trading office
Dawes Street
London, SE17

Southwark Events Team

C/O Council Offices
PO BOX 64529
London
SE1P 5LX