

Southwark Statement of Licensing Policy – Revision 2007

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SECTION 1 – LEGAL BACKGROUND TO THIS DOCUMENT

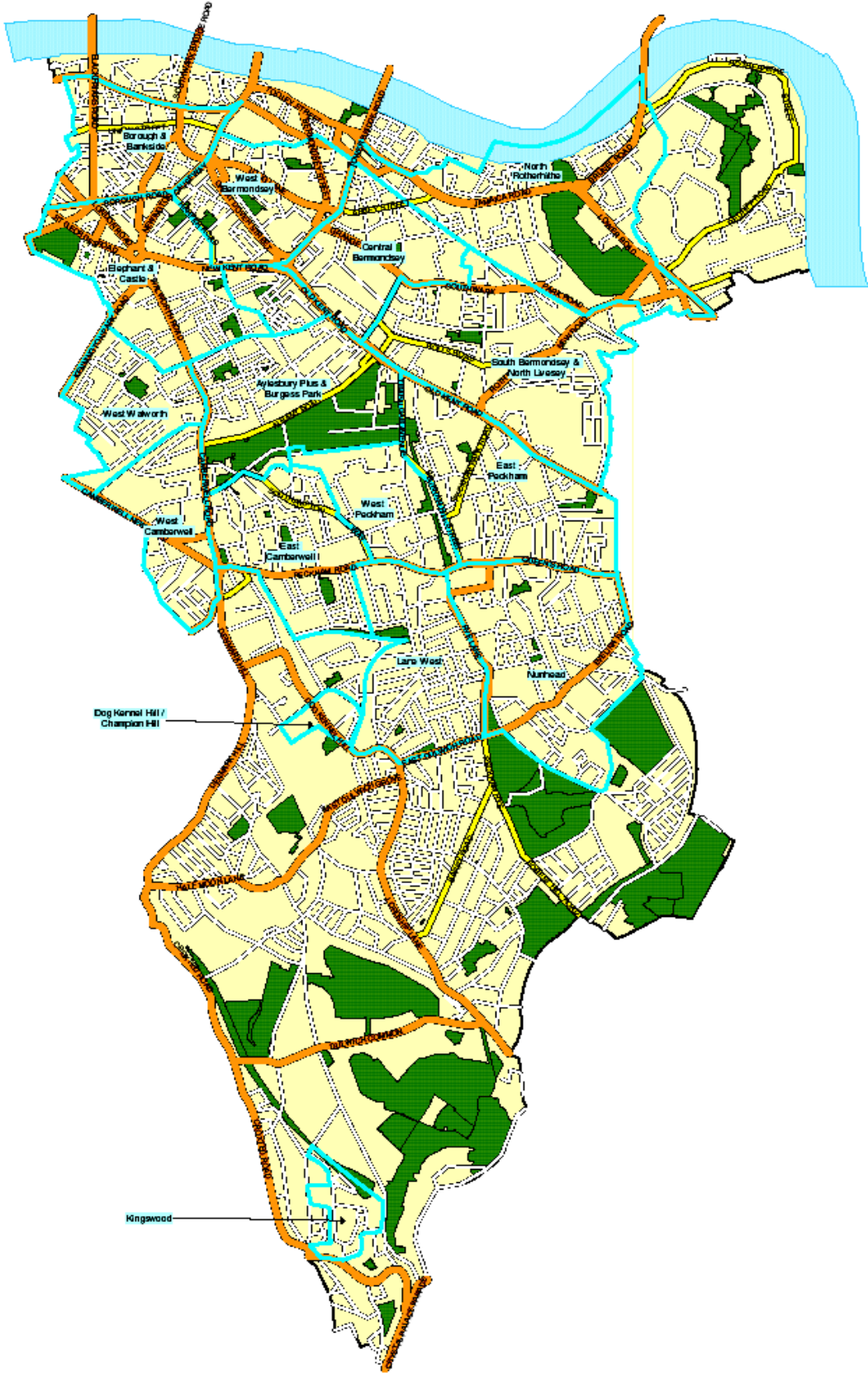
The Licensing Act 2003 came into effect on 24 November 2005. The act repealed existing legislation relating to alcohol, entertainment and late night refreshment / night café licensing, replacing it with a new licensing regime, fully administered by the local licensing authority.

Section 5 of the Licensing Act 2003 requires each licensing authority to prepare and publish a statement of its licensing policy every three years. The initial Southwark Statement of Licensing Policy received council assembly approval on 8 December 2004. It was developed through public consultation and with full regard to the Act, the regulations made under the Act and the guidance produced by the Secretary of State for the Department of Culture Media and Sport (DCMS).

This draft first revision of the policy, prepared in the light of the experience of the first ten months of operation under the Act, is to be considered by council assembly on 6 December 2006. Again it has been developed through public consultation, which has extended beyond the parties listed within the DCMS guidance. Due consideration has been given to all responses. Regard has also been had to the revision to the guidance issued by the DCMS in 2006.

It is important to note that a licensing authority may, where it considers appropriate, deviate from the guidance, but would need good reason, which would withstand judicial scrutiny to do so.

SECTION TWO – ALL ABOUT SOUTHWARK



Centrally located on the south side of the Thames, immediately opposite the Cities of London and Westminster, the borough of Southwark reflects the complex socio-economic profile of the three metropolitan boroughs from which it was originally formed – Bermondsey, Camberwell and Southwark – many of which remain visible today.

Borough and Bankside in the historic north of the borough, is now a vibrant commercial and cultural quarter at the heart of the capital, with new commercial, cultural and retail developments including the Tate Modern and the Greater London Authority headquarters. Previously dominated by manufacturing and docks, adjacent Rotherhithe and Bermondsey have undergone a transformation in the last ten years and over 3,000 new homes of mixed tenure have been built in the area.

Peckham, Newington and Camberwell in the centre of the borough are characterized by some of the most deprived communities in the country. This area is significantly more multi-cultural (40%) than the rest of the borough with wide-ranging needs, expectations and potential. One of the most extensive single regeneration budget (SRB) projects in the country has recently come to an end in Peckham resulting in huge changes to the physical and social structure of the area.

Dulwich in the south is, by contrast, for the most part affluent with a few pockets of deprivation. Dulwich Village and three large private schools are at its centre. It retains a characteristically quiet, suburban atmosphere and is home to a large number of professionals who commute to central London. The key challenges for Dulwich have been conservation and the environment.

Today Southwark is London's fastest growing tourist quarter and a thriving business location. Attractions include the Clink Museum, as well as the Globe Theatre and Borough market. There is a vibrant arts scene together with a growing reputation for innovative architecture and quality urban design. Peckham Library won the Stirling Prize for architecture in 2000 and the borough was awarded the RIBA / CAGE London Local Authority of the Year Award in 2002 for design excellence.

Businesses based in the borough include the Pearsons Group, which produces the Financial Times and the Daily Express, Lloyds TSB Bank, PricewaterhouseCoopers and KPMG. There is also a flourishing small business sector. In the last few years more than 15,000 jobs have been attracted to the borough. More than 40% of Southwark is covered by a current or planned regeneration area. Over the next ten years between 2 to 3 billion will be invested in the borough, including the Elephant and Castle, Canada Water and Bermondsey Spa.

Southwark has a population 251,300 (ONS mid-year 2002), which is relatively young (five years younger than England as a whole), with one in 5 of the population being under 15.

Southwark's population demonstrates a rich ethnic and cultural diversity, with around one-third (90,600) of the population from black or ethnic minority community. This is set to rise to 38% by 2011. More than 100 languages are spoken in our schools and 43% of pupils speak English as an additional language.

Leading Southwark

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 the council has no overall political control. At the time of the publication of this policy Labour has 28, Liberal Democrat 27, Conservative 6, Green 1 and independent member 1.

The council operates a leader / executive model. The executive is headed by the leader and deputy leader, and comprises of a further eight members. The executive members hold portfolios of:

- Housing management
- Children's services and education
- Citizenship, equalities and communities
- Community safety
- Culture, leisure and sport
- Environment
- Health and adult care
- Regeneration
- Resources

The executive is responsible for leading the community planning and consultation process, drafting the budget and policy framework, and taking most decisions on resources and priorities.

Scrutiny operates with one overview committee and five sub-committees, with cross-party representation. An independent member chairs the standards committee.

Eight ward based community councils were established in April 2003 to take local decisions in key areas that have a direct impact on the local neighbourhoods.

Licensing and entertainment

Southwark enjoys a widespread and diverse selection of licensed premises and venues. More than 1,100 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 off-licences, shops and

supermarkets; restaurants, cafes and take-away establishments; to pubs, bars, members clubs, night clubs, theatres, cinemas and indoor sports facilities. Together they combine to provide a wide-range of leisure and cultural opportunities; provide employment opportunities; and make a significant economic contribution to the local community.

While a good range of facilities can be found through the length and breadth of the borough, several areas are particularly well served. The Bankside area along the Thames to the north of the borough, which houses some of Southwark's most prestigious venues can rightly be judged as an extension of the West End and is of considerable attraction to tourists. The Elephant and Castle, Camberwell and Peckham all also provide home to many entertainment venues, restaurants and bars.

As stated, as long as premises are well run and a premises management works together with the local community, they can make a significant contribution to helping the local economy, providing tourism opportunities, building community spirit and cohesion and cultural development.

Of course, negative impacts can also occur if good management practices are not followed. Potential negative impacts may arise in the form of noise, nuisance, disturbance and crime and disorder problems.

Our policy recognizes the growing value and importance of Southwark. It seeks to provide necessary balance between providing a platform upon which responsible business operators may contribute toward a thriving business and late night 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.

SECTION THREE – PURPOSE AND SCOPE OF THE LICENSING POLICY

Purpose of the policy

This policy has four main objectives

- To reinforce to elected members on the licensing committee, the powers of and constraints on the local authority and provide the parameters under which these licence decisions are made
- To inform licence applicants of the parameters under which this authority will make licence decisions and how a licensed premises is likely to be able to operate within an area
- To inform residents and businesses of the parameters under which licence decisions will be made and 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

The scope of this policy covers the following licensable activities

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

Licence types

The types of licence and certificates dealt with under this policy are

- “Personal licences” covering the licensing of individuals for the retail sale of alcohol
- “Premises licences” covering the licensing of premises for the retail sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment

- “Club premises certificates” covering the supply of alcohol by or on behalf of a club, or to the order of a member of the club and the provision of regulated entertainment at members, sports and social clubs

This policy also covers

- “Temporary event notices” (TENs) concerning the permitting of certain licensable activities on a temporary basis.

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

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

This policy does not set out to explain the circumstances under which any one of the available licences or consents may be required, nor does it attempt to set out the licensing process. This information is provided in separate guidance, available from the licensing service. Please see section 4 of this policy for details.

Definitions

Under the act “**regulated entertainments**” includes:

- The performance of a play;
- The exhibition of a film;
- An indoor sporting event;
- Boxing or wrestling entertainment;
- Performance of live music;
- Any playing of recorded music;
- A performance of dance;
- Facilities for making music;
- Facilities for dancing; and
- Entertainments of a like kind

but only where the entertainment takes place in the presence of an audience and is provided for the purpose of entertaining that audience.

“**Late night refreshments**” constitutes the supply of hot food or hot drink to members of the public from or in the premises, this includes a vehicle or moveable stall, between the hours of 11pm and 5am for consumption on or off the premises.

The licensing objectives

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

- i) **The prevention of crime and disorder;**
- ii) **Ensuring public safety;**
- iii) **The prevention of public nuisance; and**
- iv) **The protection of children from harm.**

Each objective is of equal importance. No one objective is of greater importance than the other.

It is important to note that there are no other licensing objectives, so that these four objectives are paramount at all times. It is also the responsibility of all parties involved in the licensing process to work together toward these licensing objectives at all times.

Each of the objectives is dealt with in more detail in sections 7 to 10 of this document.

General information

Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the 2003 act. Conditions attached to the various permissions will be focused on matters that are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. 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.

However, the licensing function is only one means of securing the delivery of the objectives described. **While we anticipate that the licensing function will make a substantial contribution in respect of the premises affected, it cannot alone resolve all problems.** For instance, the council recognizes that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they have left licensed premises, and therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorization concerned. 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.

The council will use its full range of powers, engage all relevant responsibilities and enter appropriate partnership arrangements in meeting these objectives.

Other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises include:

- **Planning controls**
- **Ongoing measures such as the council's community wardens; the work of the action teams and street leader schemes 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 of the alcohol control area in November 2006, ranging across the borough with the exception of areas of Dulwich, which brings greater powers to penalize and confiscate alcohol from nuisance drinkers**
- **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**
- **New police 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 the Safer Southwark Partnership including the "Safe World Cup", "Safety Glasses" and "Talking Signs" campaigns**
- **The establishment of pub watch schemes. Information about pubwatch can be obtained through their web site on www.uniquepubs.com/pubwatch**
- **The best practice demonstrated and supported by the Best Bar None Award scheme which is to be run as a local area pilot by this authority in 2007, with a view to expanding the scheme across Southwark**

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 Act for any of the variety of available permissions and to have the application considered upon its individual merits.

Similarly, this Statement of Policy does not override the right of any person to make representations concerning the grant or variation of any premises licence or club premises certificate or to seek a review of a licence or certificate where provision has been made for them to do so under the Act. Absolute weight will be given to all representations. However, this will not include those that are frivolous, vexatious or repetitious.

The Council may depart from this policy, if the individual circumstances of any case merit such a decision, in the interests of promoting the licensing objectives. Where such decision is taken, full reasons for the departure from the policy will be given.

The preparation of this statement of policy

This Policy has been originally compiled and thereafter reviewed, through very broad public consultation processes that extended beyond that proposed under the relevant legislation. Careful consideration has been given to all submissions received during the consultation processes in the preparation of this document.

SECTION 4 – ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTION

As stated in Section 3, this document does not set out to deal with the circumstances under which any one of the available licences or consents may be required, nor does it attempt to set out the applications process.

Instead, a range of separate guidance documents is available from the Southwark Licensing Service. These include

- (a) "Guidance to Personal Licences";
- (b) "Guidance to Premises Licences"
- (c) "Guidance to Club Premises Certificates"
- (d) "Guidance to Temporary Event Notices"
- (e) "Guidance to the Hearing of Representations and Licence Reviews"
- (f) "Guidance to Fees and Charges" and
- (g) "Guidance to Designated Premises Supervisors"

Contact details for the Licensing Service are provided in Section 12 of this document.

Applications for personal licences

Applications for the grant and renewal of personal licences must be made on the form prescribed under regulations made by the secretary of state. Applications shall not be progressed until the form has been completed in full and this together with the relevant fee and all other required information, has been received by the licensing authority. Applications will be progressed in accordance with the act. Prospective applicants should refer to the separate document "Guidance to Personal Licences" for further details.

Applications for premises licences

Applications for the grant, variation or transfer of a premises licence and applications for a provisional licence, or interim authority, or to change the designated premises supervisor named under a premises licence must be made on the form prescribed under secondary regulations made by the secretary of state. Applications shall not be progressed until the form has been completed in full and this together with the relevant fee and all other required information, has been received by the licensing authority. Applications will be progressed in accordance with the Act. Prospective applicants should refer to the separate document "Guidance to Premises Licences" for further details.

a) Provision of scale plans

Applicants should note that this Council requires that current scale plans be submitted with all new applications for premises licences and for any application for a major variation of a premises licence (i.e. one that does not involve only a change in name or change of designated premises supervisor). Plans must be submitted in scale 1:100 unless otherwise agreed by this authority in writing. Plans need not be professionally drawn but must include all required detail. The information to be included in the plans is set out in secondary regulations and dealt with in the separate guidance produced by this authority. However, prospective applicants are also directed to section nine of this policy dealing with the licensing objective of the prevention of nuisance.

b) Variations & new applications

It should also be noted that any application to extend the current physical licensed area of the premises concerned (for instance by taking in another existing room or floor or by carrying out building works to extend a current licensed area) will require a new premises licence application to be made and not a variation.

c) Provisional statements

While applications for a full premises licence may be made in respect of a premises that is not yet complete, this Council will wish to see provisional statements sought firstly 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. Provisional statements can still deal with and provide for consideration of the full proposed premises operating schedule and these matters need not be revisited when a full premises licence is sought after the works in progress are confirmed complete, so long as there has been no change in relevant circumstances.

Applications for club premises certificates

In order for qualifying clubs to supply alcohol and / or provide regulated entertainment on club premises, a club premises certificate is required.

Club premises certificates may be issued to qualifying clubs formerly registered members clubs. To be eligible for a club premises certificate the club / organisation members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation 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, including evidence to support 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. There is no requirement to specify a Designated Premises Supervisor.

Applications for the grant or variation of a club premises certificate must be made on the form prescribed under secondary regulations made by the secretary of state. Applications shall not be progressed until the form has been completed in full and this together with the relevant fee and all other required information, has been received by the licensing authority. Applications will be progressed in accordance with the act. Prospective applicants should refer to the separate document "Guidance to Club Premises Certificates" for further detail.

Please see also information contained above relating to applications for premises licences for information on premises plans, variation applications and provisional statements.

Temporary event notices (TENs)

The act provides a system by way of "temporary event notices" for the temporary carrying on of the sale or supply of alcohol, the provision of regulated entertainment or the provision of late night refreshment at premises which is not authorized by a premises licence or club premises certificate. Under this system no authorisation as such is required for these events from the licensing authority. Instead the system involves the giving of notification to the licensing authority and the police. In general, only the police may intervene to prevent such an event from taking place. The licensing authority may only intervene if the notice is incorrect, or of its own volition if the limits set out in the act on the number of events that may given in any various circumstances are exceeded.

Temporary event notices are subject to various conditions and limitations

- The duration is limited to a period of up to 96 hours
- Events cannot involve the presence of more than 499 people at any one time
- The same premises can only be used for up to 12 occasions in a calendar year, but the aggregate number of days must not exceed 15
- There must be a minimum of 24 hours between event periods for the same premises by the same premises user
- A personal licence holder is limited to 50 events per year
- A person not holding a personal licence is limited to 5 events per year

If the above conditions are not fulfilled then a temporary event at which licensable activities are to take place would require a premises licence.

The law states that at least 10 working days notice must be given to the licensing authority and the Police. As such if a temporary event is intended for a Saturday or Sunday night the notice must be given three Fridays before the event date at the latest. However, as stated, the Police may object to the event taking place for reasons of preventing crime and disorder. In a significant number of events it is anticipated that this minimum notice period will not provide sufficient time for proper consideration to be given to any crime and disorder concerns that the police may raise. Southwark Council requests, therefore, that at least 28 days notice be given to the local authority and the police of the intention to stage a temporary event and that, as much information as possible is provided with the notice on the arrangements for the temporary event, in order to prevent unnecessary objections having to be raised by the police. **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, then this authority will wish for both the police and itself to be provided with evidence to this effect.**

Furthermore, many temporary events will still have potential to give rise to nuisance, public safety and protection of children from harm issues. For this reason the licensing service intends to provide notification of temporary event notices to other “responsible authorities” under the act, these may include the fire authority, the council’s building control or planning service and noise team, as may be deemed necessary. This action does not, however, absolve any temporary event organiser from their own responsibility to ensure that their event causes no safety, nuisance or harm to children issues.

It should be noted that notification of TENs to the noise team will allow the team to consider whether a nuisance is likely to be caused by the event and if so serve a noise abatement notice on the appropriate person(s) under the provisions of the Environmental Protection Act 1990 to prevent such nuisance occurring.

Organisations looking to host a temporary event can contact the noise and air quality team for advice on how to best reduce the risk of causing a nuisance.

Major festivals

We encourage organizers of major festivals and carnivals to approach the council at the earliest opportunity to discuss arrangements for the licensing of those activities falling under the act. In respect of some events organizers may wish to seek a single time-limited premises licence to cover a wide range of activities across a broad footprint. This will involve the preparation of a substantial operating schedule, which best practice shows is best compiled through consideration by a local safety team. We can help organizers with such an approach if good time is allowed.

Consultation arrangements

Southwark Council considers it important that the local community is fully aware of local licensing applications being made within its area. Requirements for applicants for premises licences and club premises certificates by way of a public notice displayed at the application premises and in the local press are laid down under statute. No applications for licences will be progressed by this council unless all public consultation requirements are met in full.

It should be noted that this authority requires that public notices of applications displayed at the application premises shall be of a minimum of A3 size in pale blue colour printed legibly in black ink in a font of size equal to or larger than 20. Notices shall be displayed at the premises so as to be clearly seen and easily read by passers by. Checks will be made to ensure that notices are so displayed.

As an additional aide to community awareness the licensing service has established a public register at www.southwark.gov.uk/businesscentre/licensing upon which detail of all current licence applications under consideration (alongside detail of currently licensed premises) is maintained. It is open to any person who wishes to be kept abreast of latest applications to subscribe to “licensing alerts”, by which e-mail notifications will be sent to those who have registered when a new licence application is made within the relevant ward. Furthermore, the licensing service will ensure that local ward councillors are informed of all new applications in their area.

Applicants should note that all public notices must carry the proposed opening and closing times of the premises and the full range of licensable activities sought under the application.

If your application for a licence involves the provision of adult entertainments please also refer to the information contained in section seven.

Responsible authorities

Details of responsible authorities are given in section 12 of this policy. They include public bodies that must be notified about, and that are entitled to lodge representations about, applications for premises licences or club premises certificates or major variations of such. They may also ask a 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.

Representations

It is open to any “responsible authority” or “interested party”, as defined under the act, to lodge representations during the set consultation period. A representation would 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.

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.

In recognition that many interested parties may feel disadvantaged in the representations process, this council wishes to make the process of authorizing local ward councillors and other representatives to speak on behalf of other interested parties as easy as possible. For this purpose pro-forma authorization forms may be downloaded from www.southwark.gov.uk/businesscentre/licensing or obtained from the licensing service. If using the authorization process you should firstly obtain the consent of the person you intend to represent your views and then provide a completed and signed authorization form to the licensing service before the last date for submission of representations. You should understand that applicants will still have a right to know the name and address of any person who lodges a representation, even if an authorization form has been completed.

Further information, including an outline of the process that is followed at public hearings, can be found in the separate document “” Guidance to the Hearing of Representations and Licence Reviews”.

Licence reviews

At any stage following the grant of a premises licence, a responsible authority or an interested party, 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. 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 determination 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.

Where a review of a premises licence is sought this must relate specifically to a particular premises licence relating to an individual premises. Guidance given above on frivolous and vexatious applications applies in respect of

applications for reviews of licences also. 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.

Further information, including an outline of the process that is followed at licence review hearings, can be found in the separate document “Guidance to the Hearing of Representations and Licence Reviews”.

Determination of applications

In accordance with the provisions of the licensing act the Council will establish a Licensing Committee with at least 10, but a maximum of 15 members with provision for sub-committees of three members to be drawn from the overall pool of the main committee membership.

In doing so, the Council intends to establish a speedy, efficient and cost-effective system and thereby where the Act carries a presumption of grant for non-contentious applications, these matters will be delegated to officers. All such matters will be reported for information and comment only to the next full licensing committee meeting.

Where matters are subject of representations, in recognition of the fact that the best 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, this council will normally attempt to reach a negotiated conclusion through our conciliation process up to 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.

Table 1 sets out proposals for the 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 dealt with	Full Committee	Sub-Committee	Officers
Application for personal licence		If a police representation	If no representation made
Application for personal licence with unspent convictions		If a police representation	If no representation made
Application for premises licence / club certificate		If a relevant representation made	If no relevant representation made
Application for a provisional		If a relevant	If no relevant

statement		representation made	representation made
Application to vary premises licence / club certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a relevant representation made	If no relevant representation made
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a relevant representation made	If no relevant representation made
Application for interim authorities		If a relevant representation made	If no relevant representation made
Application to review premises licence / club certificate		All cases unless application and all 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 police representations to a temporary event notice		All cases	

SECTION 5 - CONDITIONS

Standardised conditions

Key concepts underscoring the act are that conditions should only be attached to licences and certificates for the purposes of achieving the licensing objectives and that conditions that are attached should be tailored to the individual style and characteristics of the particular premises and events concerned. This is considered essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions.

In order to minimize problems and the necessity for hearings it would be sensible for applicants and clubs to consult with responsible authorities when operating schedules are prepared. To this end the Council will not impose blanket standard conditions.

Where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or interested parties, the licence or certificate must be granted. This will be subject only to conditions as are consistent with the schedule accompanying the application and any mandatory conditions required by the Act itself.

Where relevant representations have been made and following a hearing, the licensing authority may determine that the steps needed to promote the licensing objectives proposed by the applicant should be modified. The licensing authority may revise the conditions expressed in the operating schedule or club operating schedule in terms that it considers necessary.

Where this discretion is engaged, the council will consider attaching appropriate and proportionate conditions. Reference is made at various points in this document to potential management controls and conditions. Where such conditions are to be applied, it will be on the basis that they are appropriate to suit the specific needs of an individual premises operation. Alternative conditions may also be specifically tailored by the Council and attached to licences as appropriate.

Duplication

So far as possible, this policy is not intended to duplicate other existing legislation and regulatory regimes. To this end, conditions shall only be attached to premises licences that are not provided for within other legislation and are necessary for the promotion of the licensing objectives.

Mandatory conditions

The following mandatory conditions are set out within the Act: -

- (a) Where a premises licence authorises the sale of alcohol, every supply of alcohol is made or authorized by a person who holds a personal licence
- (b) Where a premises licence authorizes 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; and
- (c) 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).

Mandatory conditions are also set out in Section 10 relating to the fourth licensing objective concerning the prevention of harm to children.

SECTION 6 - OTHER POLICIES, OBJECTIVES AND GUIDANCE

This Policy is intended to compliment the broad range of other relevant council and government policies, strategies, responsibilities, and guidance set out here. This Policy will also be checked for consistency with all current policies, objectives and guidance on an annual basis.

Other statutory requirements

The Council has general statutory requirements relating to anti-social behaviour, crime and disorder, human rights, disability discrimination and race relations which are briefly outlined below.

The **Anti-Social Behaviour Act 2003**, which identifies types of anti-social behaviour that affect community life and provides local authorities and the police with the tools to deal with these.

Under Section 17 of the **Crime and Disorder Act 1998** an over-riding duty is placed upon the Council and the Police to minimise crime and disorder. The council as licensing authority must, thereby consider how the exercise of its functions impacts upon and contributes toward the prevention of crime and disorder within its area.

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.**

The **Disability Discrimination Act 1995** introduced measures to tackle discrimination encountered by disabled people in the areas of employment, access to goods, facilities and services and the management, buying or renting of land or property. For service providers, such as licensees

- **Since December 1996 it has been unlawful to treat disabled people less favourably than other people for a reason related to their disability**

- **Since October 1999 they have had to make reasonable adjustments for disabled people, such as providing extra help or making changes to the way they provide their services**
- **Since 2004 they have had to make reasonable adjustments to the physical features of their premises to overcome physical barriers to access.**

Additionally, the **Disability Discrimination Act 2005** came into effect in December 2005. It placed a duty on public bodies to actively promote disability equality. 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 Disability Discrimination Act 1995. 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. We will directly notify the SDA of all licence applications received and will support the SDA and licensees in improving the provision of services. The SDA will provide advice to any licensee on reasonable adjustments – contact details are provided in section 12 of this policy. Alternatively, information provided on the web site www.directenquiries.com by the nationwide access register in conjunction with RADAR (the Royal Association of Disability and Rehabilitation) may be helpful.

The **Race Relations Act 1976**, as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups.

Other strategies and policies

The council 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.

All enforcement actions taken by the licensing service are governed by the council's **environmental health and trading standards service enforcement policy**, which has been drafted with full reference to the **enforcement concordat** and the provisions of the **Police and Criminal Evidence Act 1984 (PACE)** and the **Regulation of Investigatory Powers Act 2000 (RIPA)**.

Through the licensing service's links with the **Safer Southwark Partnership**, a statutory partnership between the council, police and other local agencies who work together to reduce crime and disorder in the borough, we will

pursue measures in relation to the Southwark **Crime and Disorder Reduction Strategy**, which concentrates on balancing short-term law enforcement action with longer-term crime prevention, and also the Southwark **Community Strategy**. The maintenance of a successful partnership working approach between the licensing authority and the police is crucial.

Southwark's local **Alcohol Harm Reduction Strategy**, prepared in response to the **National Alcohol Harm Reduction Strategy** explores the relationships between alcohol and crime alongside health impacts and also Southwark's response to substance misuse, the **Substance Misuse Strategy**. Links exist between the licensing service, Southwark Community Safety Unit and the Southwark Drugs and Alcohol Action Team and the Police aimed at building initiatives to tackle the issues of alcohol harm reduction and drugs misuse.

In preparing this statement the council is particularly aware that the National Alcohol Harm Reduction Strategy has also 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**
- **To prevent alcohol related violence**

Southwark's Cultural Strategy (prepared response to **The Mayor of London's Cultural Strategy**) deals with the diverse needs and aspirations of Londoners.

In recognition of the Southwark Cultural Strategy, the council will actively encourage and promote a broad range of entertainment, recognising the wider cultural benefits for local communities. Live performance is central to the development of cultural diversity and vibrant, exciting communities, including traditional entertainment such as street arts and the circus (which does not include the use of animals). The council subscribes to the view expressed in the guidance to the act that the absence of cultural provision in any area can lead itself to a loss of community awareness and expose young people to anti-social activities that damage local communities. The potential for limited disturbance in neighbourhoods will always be balanced with these wider benefits and so the Council will endeavour to positively encourage all venues to offer entertainment as far as possible. In determining what conditions should be attached to licences as a matter of necessity for the promotion of the licensing objectives, the Council will be aware of the need to avoid measures that deter entertainment especially when imposing costs.

In particular the council supports the provision of live music. The Council will monitor the impact of licensing on regulated entertainment, particularly live music and dancing. Where there is any indication of such events being

deterred by licensing requirements, the policy shall be revisited with a view to investigating how the situation might be reversed.

The council will also give consideration to seeking premises licences for its own venues in its own name. This includes open spaces, town centres, community halls and similar public spaces. With regard to those places, performers and entertainers would not need to obtain a licence or give a temporary event notice themselves in order to perform. Instead they would require permission from the council as premises licence holder. Southwark's Leisure Services is producing the "Community Event Organiser's Toolkit" to support independent activities.

The Council's **Transport Strategy** sets out how the council will work with partners over the coming years to improve its transport services. Protocols will be arranged between the licensing service and the police to report to the Government Office for London and Transport for London on relevant issues.

Lastly, it should be made clear that the **planning, building control and licensing regimes** will be properly separated to avoid duplication and inefficiency.

Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. 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 following appeals against decisions taken by that committee. 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.

Thereby while the licensing authority is conscious that there is no legal basis for a licensing authority to refuse a licence application solely because it does not have planning permission, it would not be consistent for the authority to give a licence for an activity when it has refused planning permission for the same activity to take place. In such cases the council would expect the applicant to address the reasons why planning permission had not been granted and provide compelling reasons as to why licensing consent should be. Even so, 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 prosecution under planning law.

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.

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.

The council also awaits publication of the Mayor of London's best practice guidance on "**Managing the Night Time Economy**" with interest.

GUIDANCE DOCUMENTS

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 LACORS / Trading Standards Institute Code of Practice on Test purchasing 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** will be taken into account in all issues relating to the provision of door supervision at licensed operations.

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

The council recognises that well run licensed premises can make a valuable positive contribution to the local community through the local economy, tourism, and cultural development. However, if they are not properly managed and controlled, licensed premises, especially those offering late night / early morning entertainment, or alcohol and refreshment for large numbers of people, can become a serious source of crime and disorder problems.

Thereby, the Council will expect applicants for premises licences to demonstrate in their operating schedules that suitable and sufficient steps are to be taken to prevent crime and disorder in and around the vicinity of their premises and events.

Operating schedules accompanying premises licence and club premises certificate applications should be prepared on the basis of a risk-assessment of the potential sources of crime and disorder. Issues of crime and disorder can take many forms. 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
- Prostitution, lewd acts and similar offences

Applicants are recommended to seek advice from the council's licensing officers and police when carrying out their risk assessments and preparing their operating schedules.

Table 2 is provided below, together with a key, so as to provide a broad guide to applicants of the expectations of the licensing authority and the responsible authorities as to the types of controls that should be considered when assessing the steps necessary for the promotion of the prevention of crime and disorder licensing objective. The key to table 2 also provides suggested wording for an appropriate condition.

It is emphasised that this is neither meant to be a definitive list of possible preventative measures nor will the controls listed be necessary in every circumstance. It is recognised that applicants know their premises and method of operation and controls proposed under the operating schedule should properly reflect the proposed operation of the premises concerned.

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.

As an additional aide to good management, applicants are also urged to consider the range of qualifications designed to support the licensing objectives, available from the British Institute of Innkeeping (BII), in addition to the statutory requirement for personal licence holders to have an accredited licensing qualification. Further information is available by contacting the BII by e-mail at the following address info@bii.org

	Table 2 - Broad guide to the range of crime and disorder controls that should be considered for various categories of premises operation (see key provided by figure 1)																								
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
Off licences / shops / supermarkets		Y	Y	Y	Y	Y																		Y	Y
Community halls and similar facilities / Members & Sports Clubs	Y	Y	Y		Y	Y	Y	Y										Y						Y	Y
Restaurants / cafes	Y	Y	Y	Y	Y	Y	Y																	Y	Y
Cinemas / theatres	Y	Y	Y	Y	Y	Y	Y	Y													Y		Y	Y	Y
Pubs and bars	Y	Y	Y	Y	Y	Y	Y	Y	Y				Y	Y			Y	Y	Y	Y	Y			Y	Y
Entertainment bars	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Night Clubs	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y
Vessels	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			Y	Y	Y			Y	Y		Y	Y	Y	Y	Y

Key 1 – Broad Guide to the level of Crime and Disorder Controls that should be considered for various categories of premises operation	
1	Set a safe capacity limit – “That the maximum number of persons that may be accommodated in the (state area of premises concerned) .. shall not exceed ... (state safe maximum number of persons)”
2	Use of crime prevention notices – “That crime prevention notices will be used to provide relevant crime prevention information to customers”
3	Publicise details of the premises operation – “That details of the premises opening and closing times will be clearly displayed upon the premises for the information of customers”
4	Install CCTV – “That CCTV equipment shall be installed upon the premises to the satisfaction of the local police licensing office and shall be maintained in good working order” and “That a library of CCTV recordings shall be maintained for 31 days and made available to any authorized officer for inspection”
5	Maintain control over the removal of open containers – “That no open containers may be removed from the premises and signs shall be exhibited to this effect”
6	Operate proof of age schemes – See section 10 on protection of children from harm
7	Use of plastic containers and toughened glass – “That drinks will only be served in non-breakable plastic containers or toughened glass. Plastic glasses used for draught beer and cider must bear the crown stamp unless a crown stamp beer measuring instrument is in use”
8	Introduce bottle bans (not including off-sales and bottles of wine for consumption with a table meal) - “That drinks will not be served to customers in glass bottles. Instead drinks shall be poured into non-breakable imperially marked plastic containers or toughened glass at the point of sale”
9	Employ SIA registered door supervisors – “That an adequate number of SIA registered door supervisors will be employed at the entrance of the premises to monitor admissions to and departures from the premises and at other key internal management control points as necessary for the purposes of security, protection, screening and dealing with conflict”
10	Make personal searches by door supervisors a condition of entry – “That all admissions and re-admissions to the premises, including by staff and performers, will be subject to a personal search by SIA registered door supervisors. Signs are to be displayed to this effect at the entrance to the premises”
11	Provide door supervisors with search wands – “That SIA registered door supervisors shall be provided with hand held search wands for use during all personal searches of customers, staff and performers”
12	Provide search arches – “That a search arch shall be maintained in good working order at the entrance to the premises. All admissions and re-admissions to the premises, including staff and performers, will be via the search arch”
13	Avoid irresponsible drinks promotions (such as “happy hours” and “two for one” promotions)– “That no drinks promotion will be staged which encourages customers to drink alcohol at a faster rate than they would normally”
14	Develop a drugs policy in conjunction with local police – “That a drugs policy shall be developed to the satisfaction of the local police licensing office. Signs shall be exhibited at the entrance to the premises stating “Drugs free zone”

15	Provide a drugs and weapons drop box – “That a secured drugs and weapons drop box shall be provided in an area at the front of the premises under the permanent control of management and security staff. All seized drugs or weapons shall be deposited in the box and handed over to the police in accordance with the police code of practice”
16	Maintain a photographic log of all customers – “That a full face photograph shall be taken of all customers admitted to the premises and a photographic log maintained for inspection by any authorized officer upon request”
17	Establish a last admissions policy – “That there shall be no new admissions of the public nor re-admissions after ... (state relevant time) ... Signs shall be displayed tot his effect”
18	Establish a dispersals policy – “That a dispersals policy shall be established aimed at encouraging customers to leave the premises quickly, in a quiet and orderly manner”
19	Use text pagers to keep in touch – “That text pagers shall be provided to key management personnel with contact details provided to the local police station in order to receive safety and other important messages”
20	Provide seating for customers – “That sufficient seating will be provided to ensure that at any time the majority of customers will not have to stand”
21	Provide restrictions on drinking areas – “That the consumption of alcohol will only be permitted within the areas identified on the plans submitted to the licensing authority (to be appended on the licence document”
22	Co-operate with the police and local council on venue hire agreements – “That a completed venue hire agreement form (obtainable from the licensing authority) will be provided with at least one months prior notice to the police and the licensing service, in respect of every external promoter or new internal promoter engaged at the premises” and “That the licensee will comply with instructions not to engage a specified promoter where the police indicate that this is necessary for the purpose of promoting the prevention of crime and disorder licensing objective”
23	Avoid certain exhibitions and performances - “That no film will be exhibited / performance take place that is likely to stir up hatred or incite violence toward or against any section of the public on the grounds of colour, race or ethnic or national origin, disability, religious beliefs, sexual orientation of gender” and “That no film will be exhibited or performance given that will lead to disorder”
24	Use bona fide suppliers – “That stocks of alcohol and tobacco shall only be sourced from authorized or bona-fide suppliers”
25	Deny access to hawkers – “That no counterfeit products, such as alcohol, tobacco products, DVDs, CDs and other goods, may be supplied from the premises either by the staff or by hawkers entering for that purpose”

Cumulative effect

The licensing authority will not consider the issue of “need” when considering 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.

The licensing authority recognizes that in areas where the number, type and density of premises selling alcohol are unusually high, the potential for serious problems of nuisance and disorder to arise outside of, or even some distance from licensed premises, is increased. In such cases, the cumulative effect of the increasing capacity of all the premises taken together is greater than the usual impact of customers of individual premises. The cumulative impact of licensed premises on the promotion of the licensing objectives, therefore, is a proper matter for a licensing authority to consider within its licensing policy. However, there should be an evidential basis for a decision to include a special policy within the statement of licensing policy.

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;
- (b) Consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent;
- (c) Consultation with those specified by section 5(3) of the act as part of the general consultation required in respect of the whole policy;
- (d) Subject to that consultation, inclusion of a special policy about future premises licence or club premises certificate applications from within that area within the terms of the DCMS guidance to the act in the policy; and
- (e) Publication of the special policy as part of the policy required by the act.

This may involve the adoption of a special “saturation” policy of refusing new licences because the area is already saturated with licensed premises, although this will not prevent each application being considered on its own individual merits nor prevent licences that are unlikely to add significantly to saturation being approved. No “saturation” policy will include provisions for a terminal hour in a particular area.

Saturation policies

As part of the consultation undertaken under the mid-term review of the this licensing statement of policy conducted in the summer of 2006, the authority sought views as to whether evidence exists that identifies the need for a saturation policy in any defined area of the borough. Several proposals for saturation were put forward. These were in respect of

- a) Peckham High Street through Peckham Rye;
- b) Camberwell;
- c) The Elephant and Castle;
- d) Shad Thames, including Butlers Wharf, Curlew Street and Lafone Street;
- e) Tower Bridge Road: and
- f) Herne Hill.

At this current time, potential supporting evidence has been highlighted in support of proposals a) to c) only. In each of these cases it is considered that further supporting evidence is required before the authority may proceed to the next stage of consultation with all relevant affected parties within the areas concerned. Furthermore, the situation regarding the Elephant and Castle is rapidly changing as the first impacts of the regeneration proposals begin to take effect. At this time the police, community safety and the noise team have been asked to continue to monitor and map information for each of these areas and report back to the Licensing Service as soon as sufficient information may become available to enable full and proper consideration of these matters. If and when such information is provided further consultation will be undertaken and the results reported back to the Council Assembly for consideration.

In the meantime, the council will continue to consider representations based on the impact on the licensing objectives in the borough, generally of the grant of a particular application in front of them. However, the onus will be on objectors to provide evidence to back up any assertion that the addition of the premises in question would produce the cumulative impact claimed, taking into account that the impact will be different for premises with different styles and characteristics.

The council will review any special saturation policies every three years to see whether they have had the effect intended and whether they are still needed.

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; or**
- **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.**

Licensing hours

One of the principles upon which the act is based is the avoidance of fixed and artificially early closing times that provide peaks of disorder and disturbance on the streets, when a majority of customers emerge simultaneously.

In order therefore to limit significant movements of people across boundaries at particular times, as they seek premises which open later and to ensure that residents in one area are not treated less favourably than those in another, fixed trading hours within designated areas will not normally be set.

Nor will the council normally look to limit opening hours without regard to the individual merits of any application, however, relevant saturation policies will be borne in mind where applicable.

Where applications relate to premises that are located within more densely populated areas, stricter controls with regard to noise control will be demanded. For guidance see section 9 on the prevention of public nuisance.

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 representations are made by the police relating to disorder or disturbance.

Designated premises supervisor & personal licence holders

Guidance to the Act states, “a personal licence is required by individuals who may be engaged in making and authorising sales and supply of alcohol. Not every person retailing alcohol at premises licensed for that purpose needs to hold a personal licence, but every sale or supply of alcohol must be at least authorised by such licence holder. Any premises at which alcohol is sold or supplied may employ one or more personal licence holders. For example, there may be one owner or senior manager possessing a personal licence and several junior managers similarly qualified.”

However, each premises licence authorizing the sale of alcohol will specify the name of the designated premises supervisor who is also a personal licence holder.

The main purposes of the designated premises supervisor is to ensure that there is always one specified individual, among these personal licence holders, who can be readily identified for the premises when the premises licence is in force.

The act does not go as far as stating that either the designated premises supervisor or another personal licence holder should be present on the premises at all times, but the licensing authority and the police would recommend this as good practice. Ultimately the designated premises supervisor and personal licence holders are responsible for authorizing alcohol sales upon the premises.

While this authority notes the government's view that it is not possible to state categorically how the requirement of authorisation is satisfied as the facts and circumstances in each case will differ, this authority considers it reasonable to expect that the authorisation should be meaningful and properly carried out and not involve any abdication of responsibility. This authority notes the government's view that the following factors might be relevant in considering whether there was real authorisation

- a) The person(s) authorised to sell alcohol 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 oral or written statement given to the individual(s) being authorised; and
- d) There should be in place sensible arrangements for monitoring by the personal licence holder of the activity authorised by him or her on a reasonably regular basis.

Door Supervision

Door supervisors will often play an important key role in ensuring that well managed premises are free from crime and disorder problems. A reminder is given that all 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 must be registered with the Security Industry Authority (SIA). It is in operator's own interests to ensure that all security staff employed, whether under contract or employed in-house are so licensed. 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 .

Entertainment involving striptease and nudity

Where the activities specified in the operating schedule include adult entertainment (involving full or partial nudity or striptease or any other kind of sex-related entertainment) the licensing authority will give particular consideration to the implications of the proposals across the four licensing objectives.

Consideration has been given to concerns from residential groups and organisations that premises providing adult entertainment may constitute a public nuisance if they are in or near residential areas, particularly if the premises are close to schools, places of worship or community or youth facilities. It has been suggested that clientele often arrive and depart in large groups and that such premises have a tendency to generate particular crime, disorder, nuisance and safety concerns within the community from lewd acts and disorder on poorly run premises through to the generation of activities such as prostitution, touting, clipping and lewd acts in public places around and associated with the premises.

It is further suggested that the presence of premises offering adult entertainment tends to expose individuals in the vicinity, particularly women, to a heightened risk of facing criminal and disorderly behaviour or conduct amounting to nuisance. This authority is aware of the Lilith Report, on lap dancing and striptease in the London Borough of Camden, which has stated a link between such establishments and significant increases in local sexual offences. Additionally it is suggested that the presence of such premises can also deter visitors and have a negative impact overall on the community's sense of safety and well being.

In addition, the licensing authority has considered the connection between entertainment involving nudity or performances of a sexual nature and "people trafficking" and other forms of organized crime (see Sex and the City: Mapping commercial sex across London – The Poppy Project 2004).

The authority recognises the capacity for the use of the premises for adult entertainment to produce impacts of the sort described above. These impacts are quite apart from such matters as visual displays that indicate the type of entertainment on offer, which if judged indecent can be regulated under the Indecent Displays Act 1981 and the provisions of the Local Government (Miscellaneous Provisions) Act 1982 to regulate relating to sex shops, cinemas and sex encounter establishments.

It is this authority's view thereby that in cases where a valid representation is received, an application involving adult entertainment, will only be granted if the licensing authority is satisfied, having regard to all the circumstances including the nature and extent of the activities, the location of the premises, and the conditions proposed by the applicant or which might properly be imposed by the authority, that the proposals are compatible with the promotion of the four licensing objectives.

In particular, while each application will be considered on its own merits:

- 1) Consideration will be had to the cumulative effect of premises offering adult entertainment in a particular area; and, in future, to any**

special policy which the licensing authority may adopt should a particular location become saturated with such premises;

2) Applications will not normally be granted where the premises are located:

- a) Near residential accommodation;
- b) Near places of worship, community facilities or public buildings;
- c) Near schools, youth clubs, shops, parks, leisure and recreational establishments and any other similar premises directed at, or primarily used by children or families;
- d) Or within sight of pedestrian routes or transport nodes (such as stations or bus stops) serving categories (a), (b) or (c).

3) Where nudity or partial nudity form part of the entertainment, or is part of the operation of the premises, 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

- a) The exclusion of persons under 18 at all times from the premises and the prevention of views into the premises;
- b) The prohibition of exterior advertising of the sex-related entertainment at the premises;
- c) The prohibition of leafleting or touting for business.
- d) That the provision of services will be to seated customers only;
- e) The prohibition of the participation of customers in the performance;
- f) The maintenance of a minimum distance of 1 metre between performer and customers during the performance;
- g) The provision of CCTV and the maintenance of a library of recordings;
- h) A code of conduct for dancers including appropriate disciplinary procedures for failure to comply with the code;
- i) Rules of conduct for customers, including appropriate procedures for breach of these rules;
- j) 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; and
- k) The provision of supervisors and security staff.

4) Applicants will be expected to indicate in their operating schedules what measures they propose to have in place to ensure that the

conduct of the licensed activities, including the recruitment or supply of performers, is free of the influence or organized criminal activity; and

- 5) That in deciding whether the imposition of particular conditions enables an application to be granted rather than refused, the licensing authority will bear in mind that the proper regulation of sex-related entertainment requires a range of conditions not only to be imposed, but to be supervised by the authority and specialist units of the police. The council will have regard to the practicalities of enforcement before imposing conditions.**

Applicants should also note that as part of the process of ensuring that applications for adult entertainments receive proper consideration, all public notices made in respect of such applications must clearly state the detail of the entertainment proposed. Furthermore the licensing service will undertake additional public consultation on such applications. In every case the licensing service will send out direct letter drops to local residents and businesses within 100 metres of the application premises and notify known local tenants' and residents' associations. The Council's normal consultation arrangements are set out in section 4.

The sale and possession of contraband and counterfeit goods

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 duty free or counterfeit goods on the premises. This is in particular relation to counterfeit or substituted alcohol and counterfeit or duty free tobacco, but may also include the sale of counterfeit DVDs and CDs and other goods. To prevent these offences occurring the applicant should consider taking certain precautions, advice on this can be obtained from the council's trading standards service.

SECTION 8 – THE SECOND LICENSING OBJECTIVE – ENSURING PUBLIC SAFETY

The act covers a wide range of premises that require licensing, including cinemas, concert halls, theatres, public houses, stores, cafes / restaurants and fast food outlets. Each of these premises presents a mixture of risks. While many 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.

The Council is committed to ensuring the safety of people visiting and working in licensed premises. This can only be achieved by ensuring that applicants have undertaken suitable and sufficient risk assessments for all licensable activities they wish to undertake. Although the duty to undertake such risk assessments is imposed by other legislation (i.e. the Health and Safety at Work Regulations 1999 and the new Regulatory Reform (Fire Safety) Order 2005) there is no requirement under that legislation for the risk assessments to be submitted to the relevant enforcing authority for review.

While, as far as possible, this policy is not intended to duplicate existing legislation and other regulatory regimes that already place obligations on employers and operators, the council and the responsible authorities need to be satisfied that risk assessments have in fact been undertaken and that they are both suitable and sufficient for the proposed licensable activities. Accordingly, all applicants for new premises licences and club premises certificates must provide copies of their completed risk assessments with their applications. Applicants who apply to vary converted or existing premises licences or club premises certificates should also address any public safety issues that are relevant to their applications.

Matters to be covered in risk assessments

It is not possible to provide a complete list of the matters which should be covered by risk assessments since circumstances vary from case to case.

However, in all cases applicants must demonstrate that the risk of fire has been properly addressed. 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 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 2005, 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.

Other common risks that may need to be considered are as follows

- The capacity of the premises and the risk of overcrowding
- The use of hazardous materials
- The carrying on of hazardous activities on or near the premises
- The use of special equipment on the premises that may be hazardous when used
- The evacuation of disabled persons in the event of an emergency
- Slipping, tripping and falling hazards
- The use of temporary electrical equipment

Information to be contained in operating schedules

Where appropriate, operating schedules should include the following information

1) Capacity

- The maximum capacity of the premises and (as appropriate) the maximum capacity for separate areas within the premises
- Procedures to record the number of persons entering and leaving the premises
- The LFEPA request that the proposed maximum capacity is submitted with the scale (1:100) plans, the LFEPA will respond either agreeing with the proposal or recommending an alternative capacity.

2) Staff training

- Proof that, where necessary, SIA registered door staff are employed
- Details of steps that have been taken or will be taken to train staff in matters relating to public safety

3) Access and egress for disabled persons

- Details of access and egress provision for disabled persons should be provided. Particular emphasis should be placed on evacuation procedures.

Depending on the circumstances of the case and the outcome of the risk assessment, applicants should consider whether the following matters should be addressed in their operating schedule.

4) Site and general arrangements

- Site and layout arrangements
- Access for emergency vehicles
- Entry arrangements

5) Means of escape

- Horizontal escape
- Seating and gangways
- Vertical escape
- Arrangement and maintenance of final exits and escape routes to exits
- Escape signage

6) Structure

- Stability
- Barriers and guarding
- Temporary structures

7) Fire safety

- Fire separation
- Fire resistance and finishes
- Smoke ventilation and containment
- Safety curtains
- Lightning protection
- Arrangements for contacting emergency services

8) Building services

- Electrical installations
- Lighting, including emergency lighting
- Ventilation
- Heating and fuel
- Water supplies and drainage

9) Hygiene

- Sanitary accommodation
- Cloakrooms and changing rooms
- Drinking water supplies
- Refuse storage and disposal

10) Fire and emergency systems

- Fire and emergency warning systems
- Fire extinguishing arrangements
- Generators

11) Communications

- Communications systems
- Safety signs and notices

12) Special installations and effects

- Mechanical installations
- Stage engineering
- Special effects – the operating schedule should identify all special effects to be used on the premises such as flame, lasers, pyrotechnics, smoke, fog, foam or firearms. A risk assessment should be carried out in respect of each and should detail steps to be taken to prevent risks to patrons and performers.

It should also be understood that it is not necessarily a simple process to convert the operation of a premises to another usage or activity. For instance, the addition of music and dancing at premises that previously only dealt with the sale and supply of alcohol might raise a number of issues. For instance the provision of a dance floor should be properly risk-assessed to provide customer comfort and a safe environment. Adequate supervision of dancers and a safe position for the DJ or band might be necessary, while issues of lighting, special effects, potential for noise and ancillary issues as bottle storage / collection might all arise.

Those preparing Operating Schedules are recommended to refer to the following guidance

- **“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
- 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

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)**

Applicants may also seek further advice from the council’s licensing officers or from any of the range of relevant responsible authorities including the council’s district surveyor; environmental health occupational health and safety team; the

London Fire and Emergency Planning Authority or the Health and Safety Executive when preparing their plans and schedules.

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 that licensing objective.

Safe capacities

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.

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

It is the expectation of the licensing authority and other responsible authorities that, except in the case of off-licences, shops and supermarkets, applicants will normally address the matter of safe capacities in their 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.

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.

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

Applicants are also encouraged to take a proactive approach to general safety issues, including that of their customers. Arrangements that might be taken into account could include

- 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
- 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

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

Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.

The principle concerns relate to noise nuisance, light pollution and noxious smells. Due regard will be had to the impact these may have and the Council will expect each applicant to fully address the steps that the applicant proposes to take in order to ensure the prevention of public nuisance within their operating schedules. This should include the steps taken to

- Prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices
- Prevent disturbance by customers arriving at, gathering outside of, or departing from the premises, particularly after 10.p.m.
- Prevent customer or vehicle queues forming outside of the premises, or where some form of queuing is necessary, the steps to prevent disturbance or obstruction
- Ensure clear up operations conducted by staff do not cause a nuisance and that staff leave the premises quietly
- Address arrangements made for parking by patrons
- Consider whether there is sufficient public transport provision and where licensed taxis or private hire vehicles are likely, arrangements made to prevent disturbance to local residents
- Control disturbance that may be caused by the use of gardens and other open-air areas – particularly in relation to the proposed smoking ban
- Prevent nuisance from the positioning of plant and machinery
- Restrict delivery and collection times
- Limit nuisance caused by the positioning of external lighting, including security lighting
- Prevent refuse storage and disposal problems and the accumulation of litter in the vicinity of the premises

Applicants are advised to refer to the **Institute of Acoustics “Good Practice Guide on the Control of Noise from Pubs and Clubs”** and, in the case of large music events, the **Code of Practice on Environmental Noise Control at Concerts** produced by the Noise Council. Applicants may also seek further advice from the council’s environmental health noise team when preparing their operating plans and schedules.

For this purpose, table 3 is provided so as to give a broad guide to applicants of the expectations of the licensing authority and the responsible authorities as to the types of controls that should be considered when assessing the steps necessary for the promotion of the prevention of nuisance licensing objective. It should be noted that it is likely that additional controls may be necessary to prevent nuisance after 11.p.m.

This is neither meant to be a definitive list of possible preventative measures nor will the controls listed be necessary in every circumstance. It is recognised that applicants know their premises and method of operation and controls proposed under the operating schedule should properly reflect the proposed operation of the premises concerned.

Where its discretion is engaged following consideration of relevant representations, the licensing authority will consider attaching appropriate conditions to licences and permissions to prevent nuisance.

Applicants are also reminded that the licensing authority will apply the policy set out at pages 37 – 39 in order to prevent nuisance where the proposed licensable activities include adult entertainment (as defined in that policy).

Table 3 – Broad Guide to Noise Controls

Key 1 – Nuisance Control Measures	
1	The quick dispersal of customers outside the premises
2	The installation and use of a sound limiting device for all amplified sound
3	The connection of the fire doors to the sound limiting device
4	The use of notices and announcements requesting customers to leave the area quietly
5	Keeping windows and doors closed to prevent noise escape.
6	The use of acoustic seals on doors and windows
7	The provision of additional ventilation or air conditioning / cooling
8	The use of noise baffling on the ventilation system
9	The use of double glazing/sound resistant glass
10	The provision of acoustic double door lobbies
11	Restriction of the use of the outside/garden/patio area after 22:30 hours*
12	Restriction of the use of music/amplified sound in the outside/garden/patio at later hours
13	The reduction of the volume or ceasing of the music/amplified sound e.g. 30 minutes prior to closure
14	The provision of alarms to fire doors
15	Restriction of the deliveries and removal of goods, equipment and waste (not including putrescible waste) e.g. to between the hours of 08.00 and 20.00
16	Whether increased refuse disposal facilities / collection are required
17	Measures to prevent littering and to clear up any litter e.g. litter patrols for late night food / takeaway establishments
18	Prevention of the use of horns, loud music or slamming doors from taxi and private vehicles outside the premises and in ancillary car parks
19	Steps taken to prevent nuisance from customers queuing to gain entry to the premises; directing queues away from residential properties; use of door supervisors
20	The use of security staff to supervise areas used for consumption
21	That any exterior lighting is directed so as not to cause a nuisance

Outdoor events

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 to achieve this applicants for outdoor events are asked to submit their **Event Management Plan** to the Noise and Air Quality team when making their application.

Environmental Health's Noise and Air Quality 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
- Vehicle movements
- Music
- People
- Fireworks and special effects
- Odour and smoke from food preparation
- Litter
- Lighting

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 against any nuisance being caused.

The nuisance management section should include the following information:

- Location & Site Plan
- Information on the type of event
- Orientation of stage or music source
- Access onto & from site and site routes
- Location of operational plant & vehicles
- Background noise survey and predictive noise assessment
- Contact details of a person at the event responsible for liaison with the Council Officers
- Copy of the leaflet to be dropped to occupiers of nearby noise sensitive premises
- Location of light sources & light impact assessment
- Litter control & recycling
- Noise control measures

- Maximum noise levels
- Selection of equipment etc.

Nuisance outside of premises

Nuisance caused by patrons outside of premises, whether this is from a beer garden, on terraces or on the pavement, is of considerable concern to local residents who live in close proximity to licensed premises. Of course noise is often the main concern, however, obstruction of the highway that prevents people passing by on the pavement, access by emergency services, or street cleansing are other serious concerns.

Local residents may also be affected by smoke from barbeques and other cooking equipment used in the open air. Licensees should consider carefully the steps required to prevent such nuisances in their operating schedule and in the day to day management of their premises.

Smoking and licensed premises

The Government's proposed ban of smoking in workplaces and public places will come into effect in 2007. Many people will recognize this as a welcome measure in reducing risk to public health from the affects of second hand smoke.

Of course, with smoking banned inside licensed premises, some licensees will wish to make provision for customers who wish to continue smoking to smoke outside of the premises. In doing so, it should be recognized that patrons who smoke outside of licensed premises that are in close proximity to residential properties may become a cause of public nuisance complaints. There have already been a number of complaints to the Noise and Air Quality Team where the introduction of a voluntary smoking ban inside of premises has had this effect. These complaints have been due to groups of customers standing outside and chatting whilst smoking which has resulted in a nuisance being caused.

Licensees are advised to consider how they intend to prepare for the smoking ban now. If consideration is given to providing smoking shelters / temporary structures outside or in beer gardens for patrons wishing to smoke, licensees will need to consider whether this is likely to cause a nuisance to nearby residents and consider mitigation measures. In cases where the premises is located in a residential area, it may be a requirement that outdoor areas are not used after a set time or that there is a no admission or re-admissions policy in place at a particular time to prevent nuisance.

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

The licensing objective of the protection of children from harm includes the protection of children from moral, psychological and physical harm.

The council will expect the operating schedule submitted by each applicant to fully address the steps that the applicant proposes to take in order to ensure the protection of children from harm. This section raises some issues that applicants should consider.

Applicants are advised to seek advice from the relevant child protection agencies and Southwark trading standards when preparing their plans and schedules. See section 12 for details.

Where its discretion is engaged following the consideration of relevant representations, the licensing authority will consider attaching conditions to protect children from harm.

Applicants proposing activity that includes adult entertainment are also referred to the policy set out at pages 37 – 39. The victims of “people trafficking” often include young females under 18, and this is a further reason why the policy makes reference to it.

Access to licensed premises

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 5.a.m. at other premises supplying alcohol for consumption on the premises, under the authority of any premises licence, club premises certificate or temporary event notice.

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.

It is not the council's intention that the access of children should be any further limited to licensed premises, unless it is necessary for the prevention of harm to

children. Nor is it the council's intention to require that access to any premises is given at all times. While the council would encourage applicants to make provision for the access of children this remains at the applicant's discretion.

Examples of areas where particular concern in respect of the harm caused to children might arise are premises

- **Where there have been convictions for serving alcohol to minors or with a reputation for underage drinking**
- **With a known association with drug taking or dealing**
- **Where there is a strong element of gambling, including gambling machines, but not the provision of a small number of cash prize machines on the premises; and**
- **Where entertainment of an adult or sexual nature is commonly provided.**

In such cases it is open to the council to consider –

- (a) Limitations on the hours when children may be present;
- (b) The imposition of age limitations, below 18 years;
- (c) Limitations or exclusions when certain activities are taking place;
- (d) The setting of requirements for accompanying adults; or
- (e) Full exclusion of persons under 18 years from the premises when licensable activities are taking place.

The purchase and consumption of alcohol by minors

The council shares the government's concern over the purchase and consumption of alcohol by minors. Information provided by the Advisory Council on the Misuse of Drugs in the report "Pathways to Problems: Hazardous use of tobacco, alcohol and other drugs by young people in the UK and its implications for policy", published September 2006, sets out that

- 40 – 50% of 15 year olds report having drunk alcohol in the past week
- In England the average weekly consumption by 15 year olds, who drunk at least once a week, rose from 5.3 units in 1990 to 10.7 units in 2004

- About a third of 15 year olds across the UK have been drunk at least four times

During an eighteen month period between February 2005 and July 2006, Southwark trading standards service carried out nearly 200 under-age test purchasing operations resulting in an overall sales rate of 54%. Nationally, for the same period, the overall rate stands at around 22%. The Southwark sales rate is, in fact reducing, but the disparity in the local and national figures remains a particular concern for the council.

In order to help improve compliance further, Southwark trading standards has compiled the following series of management controls. This council recommends that all operators should give careful consideration to introducing these controls into their management practices and including them within their operating schedules.

Essential	That notices shall be displayed informing customers and staff that sales of alcohol will not be made to under 18s and that age identification will be required
Essential	That a proof of age compliance scheme shall be established and maintained. The scheme shall 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 18 and who is attempting to buy alcohol. Evidence of this scheme (in the form of documented procedures) shall be made available for inspection by authorised officers.
Desirable	That a “Challenge 21” or “Think 21” proof of age compliance scheme shall be established and maintained. The scheme shall 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 21 and who is attempting to buy alcohol. “Think 21” or “Challenge 21” notices shall be displayed informing customers and staff that sales of alcohol will not be made to anyone appearing to be under 21 unless they can prove they are 18 or over. Evidence of this scheme (in the form of documented procedures) shall be made available for inspection by authorised officers.
Essential	That all staff involved in the sale of alcohol shall be trained in the proof of age compliance scheme and records of such training shall be retained on the premises and made available for inspection by authorised officers.

Essential	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.
Desirable	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.
Essential	That a personal licence holder shall be on the premises at all times that alcohol is supplied.
Essential	That, if 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.
Desirable	That, an EPOS (electronic point of sale) system shall be installed on the premises and 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.
Desirable	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.
Desirable	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.

The recommendations above are not intended as an exhaustive list, nor is it expected that all controls are necessary in every circumstance. Further information on introducing proof of age compliance schemes can be obtained from the trading standards service.

Children and responsible drinks promotions

The Portman Group operates, on behalf of the alcohol industry, a code of practice on the naming, packaging and promotion of alcoholic drinks. The code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years and older. Complaints about products under the Code are considered by the Independent Complaints Panel and the Panel's decisions are published on the Portman Group's web site, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the code, the Portman Group may issue a retailer alert bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with.

This Code was first introduced in 1996 and has been developed to deal with issues ranging from "alco-pops" through to the marketing of alcoholic "energy" or "stimulation" drinks. It is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold on licensed premises in a manner which may appeal to, or attract, minors.

The Council commends the Portman Group code of practice on the naming, packaging and promotion of alcoholic drinks to operators accordingly.

The code makes a conscious decision, however, not to deal with promotions such as "happy hours". Given that irresponsible promotions can significantly fuel the issue of "binge-drinking", which is identified by the government as a significant factor in alcohol-related crime and disorder, we would urge that licensees undertake not to provide any promotions which encourage the drinking of an increased volume of alcohol over a short time-period.

Children and cinemas

In the case of premises giving film exhibitions, the council will impose a mandatory condition that "access to any film exhibition will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification, or in specific cases, the local authority". Applicants should include within their operating schedule arrangements for restricting children from viewing age-restricted films.

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

Children and regulated entertainments

Where a regulated entertainment is specially presented for children, the council will expect to impose conditions concerning the presence of adult staff to control access and egress of children and to protect them from harm. Conditions will be made as follows –

- (i) 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;
- (ii) No child (unless accompanied by an adult) to be permitted in the front row of any balcony; and
- (iii) No standing to be permitted in any part of the auditorium during the performance.

Where facilities generally are provided specifically for children, applicants are advised by the council's social services' local safeguarding children board to consider the following steps

- (a) That applicants should demonstrate that the company / organisation has a policy or statement on keeping children safe from harm;
- (b) That applicants should demonstrate how employees or contracted agencies will be made aware of the company's / organisation's policy / statement on keeping children safe from harm;
- (c) That applicants should demonstrate 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;
- (d) That applicants should demonstrate 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;
- (e) That applicants should demonstrate that 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;
- (f) That applicants should demonstrate that 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;
and

- (g) 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.

Where children are taking part in any regulated entertainment the council will require the arrangements set out in the council's "Guidance Note on Children in Entertainment" at the premises to assure their safety.

SECTION 11 - ENFORCEMENT

It is essential that licensed premises operate in accordance with the act. Part of the licensing authority's role is to monitor premises and take appropriate action to ensure that the licensing objectives are promoted. The licensing authority recognizes the importance of enforcement to the promotion of those objectives. The licensing 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.

In accordance with the guidance to the act, the licensing authority will work alongside the police in promoting the licensing objectives. This licensing authority has an excellent relationship with the police. Protocols will be established with the local police on enforcement issues to provide for a more efficient deployment of local authority and police staff commonly engaged in enforcing licensing law and the inspection of licensed premises.

Protocols will also be established with the other enforcement bodies that have a role around the operation of licensed premises. Inspections will be undertaken on a risk-assessment 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 will be published in due course.

This approach is supported and facilitated by regular liaison meetings of the primary responsible authorities and beyond through the Council's Action Teams, Partnership Operations Group and local licensing enforcement group. All complaints and referrals made to such liaison meetings will be investigated appropriately.

All enforcement actions undertaken by the range of enforcement agents, located within the council's environmental health and trading standards business unit, which includes the licensing service, will be in accordance with the business unit's enforcement policy and with the Better Regulation Unit's Enforcement Concordat to which this council is a signatory.

As part of this, it should be noted that investigations will be undertaken through a range of means including overt and covert operations. It should be noted, in particular, that weights and measures officers from the council's trading standards service or officers from the police authority will carry out test purchases of alcohol using young volunteers, where complaints are received concerning the supply to children under the age of 18. Where sales are made all responsible persons may be subject to enforcement action.

It remains the over-riding intention, however, of the licensing authority, the police, and the other enforcement agents to work together with responsible licence holders and operators to help them succeed. Where operators are acting responsibly we will look to provide support, advice and education. However, the authorities will use the range of enforcement powers made available under the Act where individuals act with disregard to their responsibilities.

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
Southwark Environmental Health and Trading Standards
The Chaplin Centre
Thurlow Street
London
SE17 2DG

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

www.southwark.gov.uk/businesscentre/licensing

OTHER RESPONSIBLE AUTHORITIES

Commissioner of Police for the Metropolis

The Police Licensing Office
Walworth Road Police Station
12 – 28 Manor Place
London
SE17 3RL
Tel: 020 7232 6210

The London Fire and Emergency Planning Authority

South East Area Office
London Fire and Emergency Planning Authority
Queens Road
London
SE14 5JN
Tel: 020 7587 4975

The Trading Standards Service

Southwark Environmental Health & Trading Standards
The Chaplin Centre
Thurlow Street
London
SE17 2DG
Tel: 020 7525 2000

The Environmental Health Noise Team

Southwark Environmental Health & Trading Standards
The Chaplin Centre
Thurlow Street
London
SE17 2DG
Tel: 020 7525 2000

The Environmental Health Occupational Health and Safety Team

Southwark Environmental Health & Trading Standards
The Chaplin Centre
Thurlow Street
London
SE17 2DG
Tel: 020 7525 2000

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

Chiltern House
Portland Street
London
SE17 2ES
Tel: 020 7525 2000

The Local Safeguarding Children Board

Southwark Social Services

Mabel Goldwin House

49 Grange Walk

London

SE1 3DY

Tel: 020 7525 3297

Please note that in the case of applications made in respect of vessels a different set of responsible authorities apply. Please contact the Licensing Service for information.

OTHER AGENCIES

Patrick Horan

Access Officer & Chair

Southwark Disablement Association

2 Bradenham Close

London

SE17 2QB

Tel: 020 7701 1391