

Licensing Act 2003

Draft Southwark Statement of Licensing Policy 2015 - 2020



LEGAL BACKGROUND TO THIS DOCUMENT

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 The Act repealed existing legislation relating to alcohol, entertainment and late night refreshment and introduced a new licensing regime, administered by the local licensing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

Section 5 of the Licensing Act 2003 requires each licensing authority to prepare and publish a statement of its licensing policy every five years. The initial Southwark Statement of Licensing Policy received formal approval on 8 December 2004. It has been frequently revised and updated since, in order to keep up to date with changes in law, guidance and local policy. Each revision has been developed through public consultation with full regard had to the Act; the secondary regulations made under the Act; and the guidance for local licensing authorities produced, initially by the Secretary of State for the Department of Culture Media and Sport (DCMS), and more recently, by the Home Office.

This latest version, establishing this authority's policy for the period 2015-2020, represents the fifth revision. Once again full regard has been had in the development of this policy to the Act; secondary regulations; and the current incarnation of the section 182 Guidance, issued by the Home Office in March 2015.

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

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

CONTENTS

	Page No
Section 1 – Executive summary	6
Section 2 – All about Southwark	8
- Our borough	9
- Leading Southwark	10
- Fairer Future Principles	10
- Southwark and the leisure and entertainment industry	11
- The partnership analysis of alcohol related violence 2014-15	11
- Alcohol and public health	12
Section 3 – Purpose and scope of the licensing policy	15
- Purpose of the policy	15
- Scope of the policy	15
- Types of authorisation	15
- Definitions	15
- The licensing objectives	16
- Fundamental principles	17
- General information	17
Section 4 – Administration, exercise and delegation of function	20
- Applications for licences and consents	20
- Applications for club premises certificates	20
- Provision of scale plans	21
- Variations and new applications	21
- Provisional statements	21
- Temporary event notices (TENs)	22
- Major art and pop festivals, carnivals, fairs and circuses	23
- Consultation arrangements	23
- Responsible authorities	24
- Representations	24
- Disclosure of personal details of persons making representations	24
- The licensing authority acting as responsible authority	25
- Determination of applications	25
- Licence reviews	25
- Applications for transfer of a premises licence following application for A review	27
- Annual maintenance fee payments	27
- Other regimes	27
- Planning & building regulations regimes	27
Section 5 – Determining applications for premises licences and club premises certificates	29
- How this policy works	29
- Location and other relevant considerations	30
- High standards of management	30
- Mandatory conditions	31
- Other conditions	31
Section 6 – Local cumulative impact policies	32
- Cumulative impact	32

- Local cumulative impact policies	33
- Borough and Bankside CIP	34
- Camberwell CIP	35
- Peckham CIP	35
- Rebutting the presumption against grant in a CIP area	35
- Early Morning Restriction Orders (EMROs)	36
Section 7 – Hours of operation	37
- Licensing hours	37
- Late night levy	40
Section 8 - The first licensing objective – The prevention of crime and disorder	41
- General	41
- Mandatory conditions - All premises licensed for the sale of alcohol	42
- Mandatory conditions - Premises licensed for the supply of alcohol for consumption on the premises only	41
- Mandatory conditions for door supervision – except theatres, cinemas, bingo halls and casinos	43
- Measures in support of the prevention of crime and disorder objective – all premises	44
- Measures in support of the prevention of crime and disorder objective – Premises supplying alcohol for consumption upon the premises	44
- Measures in support of the prevention of crime and disorder objective – Premises providing alcohol for consumption upon the premises and regulated entertainment in the night time economy	45
- Designated premises supervisor / personal licence holders and authorisations for the retail sale of alcohol	45
- Door supervision	47
- Police promotion event risk-assessment form 696	47
- Adult entertainment	47
- The sale and possession of smuggled, bootlegged or counterfeit products and the handling of stolen goods	49
- The theft of personal property	49
Section 9 – The second licensing objective – Ensuring public safety	50
- General	50
- Other relevant legislation	52
- Mandatory conditions applying to all premises licensed for the supply of alcohol for consumption upon the premises	52
- Measures in support of the public safety licensing objective – Taking a proactive approach to customer safety	52
- Safe capacities	53
- Ensuring safe departure of those using the premises	53
- Women’s Safety Charter	54
Section 10 – The third licensing objective – The prevention of nuisance	55
- Introduction to public nuisance	55
- Guide to control measures	56
- Preventing nuisance outside of premises	57
- Preventing nuisance from within premises	58
- Outdoor events	59
- Other consents	60
Section 11 – The fourth licensing objective – The protection of children from harm	61

- Introduction to the protection of children from harm	61
- The purchase and consumption of alcohol by children and young people	61
- Access to licensed premises	62
- Mandatory conditions applying to all premises licensed for the sale of alcohol	63
- Age verification policies	63
- The Southwark Proof of Age London Card	65
- Children and responsible drinks promotions	66
- Mandatory condition applying to premises licensed for film exhibitions	66
- Film Classification	66
- Regulated entertainment provided for children	67
- Child sexual exploitation (CSE)	67
- Operation Makesafe	68
- Entertainment involving striptease and nudity	68
Section 12 – Enforcement	69
- General	69
Appendix A – Contact details	71
Appendix B – Map of Area Classifications & CIPs	74
Appendix C – Other related legislation and strategies	75
<u>Diagrams and tables</u>	
Map of Southwark	8
Table 1 – Table of delegations of licensing functions	26
Table 2 – Suggested closing times of licensed premises	38

SECTION ONE – EXECUTIVE SUMMARY

Southwark enjoys a widespread and diverse selection of licensed premises and venues. Around 1,300 premises are currently licensed for either the sale or supply of alcohol; the provision of regulated entertainment; and / or the provision of late night refreshment. These range from pubs, bars, night clubs, members clubs, theatres, cinemas and indoor sports facilities through restaurants, cafes and take-away establishments to off-licences, supermarkets and grocers. Together they combine to help make Southwark the exciting, vibrant borough it is by providing a wide-range of leisure and cultural opportunities; supporting tourism; providing employment; and making a significant economic contribution to the local community. This authority recognises the extent of the contribution of the leisure and entertainments industry.

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

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

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

The opening sections of this policy provide an introduction to our borough and this council. They also help establish how this authority addresses its licensing responsibilities and operates its administrative processes.

Section 5 outlines 'how this policy works' and provides a good starting point for any new operator intending to seek a licence. It will help in understanding how the licensing authority and other various responsible authorities go about considering the merit of each application and the expectations made of new operators.

Section 6 sets out this authority's approach to cumulative impact. We recognise that communities suffer not only because of poor operators but where the total cumulative effect of many licensed premises in one area becomes unmanageable. In Section 7 we

set out our guide to appropriate hours of licensed operation having had regard to the type of operation and the nature of the surrounding area.

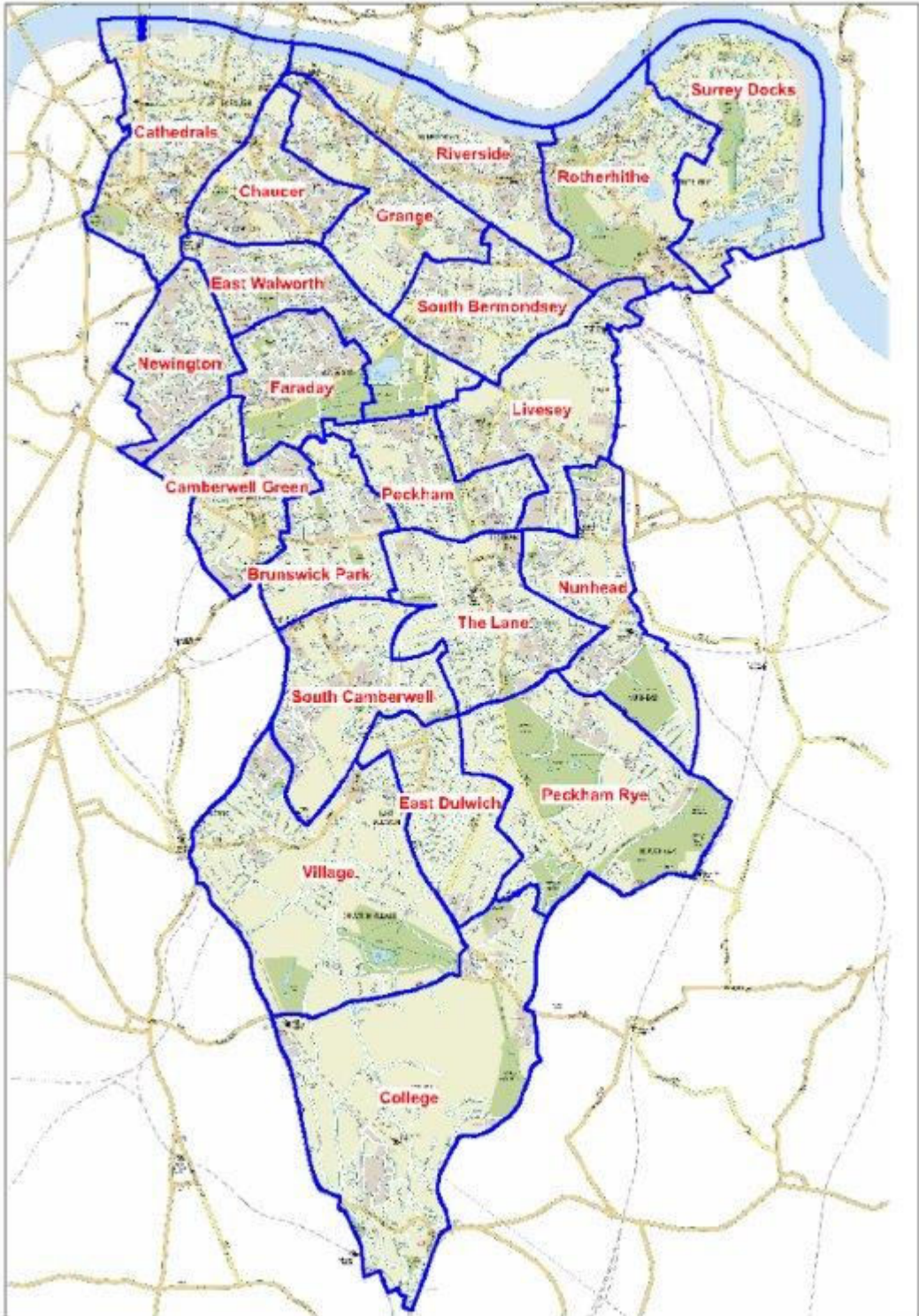
In sections 8 through to 11 we cover each of the four licensing objectives in detail. These sections are compiled in close collaboration with relevant responsible authorities. They raise local concerns that should be taken into account and offer some best practice. We recommend that prospective licence applicants read these sections carefully. Prospective licence applicants should have regard to this guidance when conducting risk-assessments of their proposed operation in advance of compiling management operation plans and operating schedules.

Section 8 deals with the prevention of crime and disorder. It outlines general measures that can be taken to reduce the potential for crime and disorder alongside more specific measures for premises licensed for the sale and supply of alcohol for consumption upon the premises and those operating within the night-time economy. It also includes considerations around the roles of designated premises supervisors and personal licence holders. Section 9 considers the breadth of issues affecting public safety and highlights other relevant safety considerations. Section 10 considers nuisance issues. It offers guidance on reducing the potential for nuisance and disturbance outside of the premises, from inside of the premises and at outdoor events. Section 11 considers the issues around the protection of children from harm giving particular thought to preventing access to alcohol and age identification schemes.

In all, this authority is committed to working together with responsible premises management to ensure successful licensed operations. Equally this authority will take appropriate action where there is evidence of irresponsible management. To this end, section 12 of our policy sets out our approach to enforcement, examining how we aim to ensure that our enforcement actions are targeted where they are needed most and co-ordinated together with our partners. It also sets out how we aim to ensure that our enforcement actions are carried out in a fair, consistent and transparent manner.

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

SECTION TWO – ALL ABOUT SOUTHWARK



Our borough

1. Southwark is one of the oldest areas of London, with a history that stretches back to Roman times.
2. Our geographically small and narrow inner London borough extends from the banks of the River Thames to the beginning of suburban London, south of Dulwich. It incorporates the Borough, Bermondsey, Rotherhithe, Newington, Walworth, Camberwell, Peckham, Nunhead and Dulwich districts within its boundary.
3. Southwark is densely populated with a young ethnically diverse population. The ONS mid year population estimate for 2014 estimated the population of Southwark to be 302,500 with 51.2% under 35 years of age. Southwark has the highest population of residents in the country who were born in Africa (12.9%) as well as significant population from Latin America, with 75% of reception-age children from black and minority ethnic (BAME) groups. Over 120 languages are spoken in Southwark, with 11% of households having no member of the household who has English as a first language. Southwark has experienced high levels of international in-migration. As of 2011 Southwark had the 9th highest population density in England and Wales at 9,988 residents per square kilometer.
4. Southwark continues to face the complex social, health and economic needs of an inner city population. Southwark's level of deprivation has improved in recent years but still remains the 12th most deprived London Borough (41st nationally) (2010 Index of Multiple Deprivation IMD). Deprivation is not evenly distributed across the borough but concentrated in the area between the more affluent strip close to the river and Dulwich in the south. At April 2012, 43.4% of the housing stock in Southwark was social rented. 56.6% of properties were either owner occupied, shared ownership or private rented, compared with 82% in England (2010 figure). In the 2011 Census Southwark had the largest proportion in the country of households renting from the local authority at 31.2%.
5. There is also wide distribution in educational achievement, access to employment and housing quality. Attainment rates for Southwark pupils at key stages 1 and 2, GCSE and 'A' level have recently improved and are now above the national average (Department of the Environment 2014). Unemployment in Southwark (8.1%) is higher than the London average (7.0%) and the percentage of the working population claiming benefits in Southwark is 12.7% compared to 11.2% across London (DWP benefit claimants - working age client group Nov 2014). Gross weekly earning for both men and women in Southwark is above the London average (ONS annual survey of hours and earnings - workplace analysis). 37% of the private rented sector does not meet minimum standards (HCS 2009). There are over 10,000 houses in multiple occupation.
6. Southwark is meeting these challenges and is fast becoming one of London's most dynamic boroughs with 40 per cent of the area currently the subject of physical regeneration projects and with developments valued at around £4 billion. The many regeneration projects include in the Aylesbury estate; Bermondsey Spa, Borough, Bankside & London Bridge; Canada Water; Elephant & Castle; Nunhead; and Peckham.

Leading Southwark

7. The London Borough of Southwark is made up of 21 wards. Three councilors are elected from each ward, making a total of 63 councillors. The Labour party currently has 48 councillors; the Liberal Democrat party has 13; and the Conservative party has 2. 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.
8. The council operates a strong leader / cabinet model. The cabinet is headed by the leader and deputy leader. Thirteen members hold individual portfolios.
9. The cabinet is responsible for leading the community planning and consultation process, drafting the budget and policy framework, and taking most decisions on resources and priorities.
10. Scrutiny committees take a close look at council decisions and activities and call for the council to be open and accountable. They examine services provided by the council and review the council’s budget and policies. Scrutiny can look at, or ‘call-in’ decisions made by the cabinet and recommend decisions are changed or reconsidered.
11. A licensing committee is established to consider licensing policy with contested licence applications being considered by sub-committees of the main committee as set down in table 1 in section 4 of this document. Licensing matters fall under the responsibility of the cabinet member for communities and safety.
12. Community councils form part of the council’s decision making processes and are a focal point for discussion on local matters. Local ward councillors sit on the community councils and take decisions in key areas that have a direct local impact. Currently there are 5 community councils established in the following areas:
 - Bermondsey and Rotherhithe
 - Borough and Bankside & Walworth
 - Camberwell
 - Dulwich
 - Peckham and Nunhead

Fairer future principles

13. The council recognises that in times of reduced funding from central government, there is a need to focus resources on the areas where the most impact can be made.
14. The council plan identifies a number of principles that underpin our Fairer Future for all vision and guide the promises and commitments agreed through the plan. The five core principles are:
 - Treating residents as if they were a valued member of our own family
 - Being open, honest and accountable
 - Spending money as if it were from our own pocket
 - Working for everyone to realise their own potential

- Making Southwark a place to be proud of

Southwark and the leisure and entertainment industry

15. Southwark offers a wide-range of leisure and cultural opportunities. The north of the borough is recognised as one of London's fastest growing tourist quarters and a thriving business location. The area encompasses some of London's top attractions (including the Ministry of Sound; The International Shakespeare Globe; and the Tate Modern). Elsewhere across the borough, there are many other creative hotspots in areas such as the Elephant & Castle and Peckham and a very broad variety of leisure and cultural opportunities intended to meet the needs of our diverse communities. These include clubs and bars, restaurants and cafes, galleries, theatres and cinemas.
16. In all Southwark has around 1300 premises licensed for the sale and supply of alcohol and / or regulated entertainment and late night refreshment on an ongoing basis. Over 1000 of these are licensed for the sale and supply of alcohol. Somewhere between 90% to 100% of licensed premises are open between the hours of 11.00 and 23.00. Additionally, many hundreds of small, occasional and community focused events are staged across the borough each year under the facility of Temporary Event Notices.
17. Undoubtedly, our licensed premises make a significant contribution to making Southwark the borough it is.

The partnership analysis of alcohol related violence 2014-15

18. Crime can cause a significant cost to individuals, businesses and society in general. The Home Office has published estimates of the economic and social costs of crime since 2000. Using the formula produced by the Home Office the estimated cost of alcohol related violence in Southwark in 2013 was £9,309,902.
19. This figure is falling, reduced from the recent high in 2009 of £11,282,841. While this reduction is welcomed and is representative of the resources and attention dedicated to dealing with this issue, the figure remains far too high.
20. Good progress is being made, however, and this should be recognized. In 2013 the partnership analyst reported on alcohol related violence and police (alcohol related) disorder calls for the period 2007 to 2013 and found that both figures were at their lowest level over that period. This position had to be balanced, however, against a background of rising alcohol related London Ambulance Service call-outs. In 2013/14, Southwark was amongst the top 5 boroughs with the highest number of alcohol related LAS incidents (3,455).
21. The partnership analysis of alcohol related crime and disorder across Southwark for 2014/15 and London Ambulance Service call out data 2014/15 reports further reductions.
 - The number of recorded alcohol related ambulance call-outs in 2014-15 in Southwark showed signs of improvement with 3241 call-outs recorded from April 2015 through to the end of March 2016, being 457 fewer than in the same period in 2013-14. Demand across the year fell on each day of the week

- A clear improvement in the number of alcohol related crimes was seen throughout 2014-15 with 49 fewer alcohol-related crimes recorded by police in Southwark in 2014-15 than 2013-14 (320 down from 369); and
 - Alcohol related robbery showed significant improvement across the two reporting periods from 23 offences throughout 2013-13 down to 7 throughout 2014-15, matching the overall profile of reducing numbers of robberies in Southwark
22. However, both levels of alcohol related offending and alcohol related London ambulance call-outs remain at an unacceptable level. The partnership analysis reported some key features of offending in Southwark in 2014-15.
- Violence against the person featured most strongly amongst alcohol related offending in Southwark (Note: Though this was reflected across the Metropolitan Police Service (MPS) area as a whole)
 - Alcohol related offending is most prevalent from midnight into the early hours
 - Peak days for alcohol related crime in Southwark remain at the weekend
 - 69% of offending takes place within the hours of the night-time economy (NTE) (18.00 to 05.59)
 - Cathedral ward saw more alcohol related offending than other wards and saw the most alcohol related ambulance call outs
 - Three areas were identified as being affected by alcohol related offending: Cathedral ward; the junction of Peckham High Street and Rye Lane and the Elephant and Castle.
 - Saturday was the busiest day for alcohol related ambulance call outs
 - Demand increases throughout the NTE period with spikes recorded between 20.00 and 21.59 and then 03.00 and 03.59 reflecting the pattern of assault presentations at Southwark's A&E facilities.
23. A copy of the latest partnership analysis can be obtained from the licensing service (see Appendix A for contact details). Such information informs the direction of resources within the council and partner agencies.

Alcohol and public health

24. Patterns of alcohol consumption have changed dramatically over the last 40 years and there are many public health implications. The ONS Statistics on Alcohol 2014 highlight:
- A rise in home drinking and the emergence of supermarkets as leading providers for home consumption
 - Alcohol is now 45% more affordable than in 1990 and available at all hours from a large number of outlets
 - A significant increase in wine consumption across the population
 - The development of new alcohol products such as ready mixed 'alcopops' and strong beers and ciders
 - Development of such behaviors' as pre-loading – drinking at home before going out – and binge drinking
 - Increases in consumption across the population are associated with increase in alcohol related harm, especially long term conditions and this is demonstrated in NHS statistics for alcohol related illness and deaths

- The estimated cost of alcohol harm to society is £21 billion per year. Information on estimated cost to the NHS of alcohol misuse shows that it costs £3.5 billion every year, which is equal to £120 per taxpayer.

25. The most recent Local Alcohol Profile for Southwark (2014)¹ reports:

- Men living in Southwark are significantly more likely to be admitted to hospital with alcohol related conditions than the London and England average
- Since 2008, admission rates for conditions related to alcohol use have increased for both men and women
- Rates of death from liver disease are increasing throughout England, in contrast to most EU countries where rates are falling. In Southwark between 2010 and 2012, the average numbers of years of life lost in people aged under 75 from liver disease is 33 per 10,000 persons. This compares to 29 for breast cancer, 12 for stroke and 9 for traffic accidents indicating that alcohol takes a considerable toll on the good health of the people of Southwark.²
- Amongst the 33 London boroughs, Southwark's men have the 12th highest rates of death from (alcoholic) liver disease and women are in the 10th place
- While there have not been overall increases in alcohol related mortality, the data suggest that one explanation for this may be that there are larger numbers of people receiving treatment from the NHS for alcohol-specific and alcohol-related conditions
- In 2012/3 it is estimated that there were 64,467 alcohol-related hospital admissions and attendances by people living in Southwark, including 46,170 visits to Accident and Emergency Departments; 13,619 out patient attendances and 4,676 inpatient admission
- Alcohol-related healthcare costs in Southwark for that year were an estimated £17.4m, equating to £73 per adult³.

26. People who drink alcohol can be categorised as being at low risk, increasing risk, high risk or dependent depending on the number of units of alcohol they consume each week.⁴ In Southwark, 72.5% of people drinking alcohol are estimated to be at lower risk; 20.8% at increasing risk and 6.7% at higher risk/dependent. (LAPE 2014) 15.8% of all drinkers in Southwark are estimated to be binge drinkers, i.e. to drink in excess of twice the recommended unit allowance on a single occasion. There are estimated to be 6348 dependent drinkers in Southwark.

27. Given the scale of alcohol-related harm in Southwark, it is vitally important that a proactive and collaborative approach is taken to promoting the licensing objectives.

¹ Local Alcohol Profile for England downloaded from <http://www.lape.org.uk/index.html> on 29/01/2015

² Local Authority Liver Disease Profile downloaded from <http://www.endoflifecare-intelligence.org.uk/profiles/liver-disease/E09000028.pdf> on 29/01/2015

³ Data provided by Alcohol Concern and downloaded from <http://www.alcoholconcern.org.uk/for-professionals/alcohol-harm-map/> on 05/02/2015

⁴ These categories are provided by a the commonly used alcohol screening test, AUDIT C available at <http://www.alcohollearningcentre.org.uk/Topics/Browse/BriefAdvice/?parent=4444&child=4898>

It is also essential that health-related harms are taken into consideration where they are relevant to the promotion of the licensing objectives. It is the intention of this Authority that all Responsible Authorities, partner services and licensed operators work together to promote sensible drinking and support a local approach to managing the local availability of alcohol. This must involve ensuring the links between density of licensed premises, alcohol availability and alcohol related poor health and harm inform licensing decisions. Health data related to acute events such as ambulance callouts and admissions to hospital specifically caused by alcohol will be used, where available, as evidence for consideration under the current objectives.

28. It is recognised, of course, that many local businesses are exemplars of best practice. Wherever identified best practice management will be shared and promoted.

SECTION THREE – PURPOSE AND SCOPE OF THE LICENSING POLICY

Purpose of the policy

29. This policy has five main objectives:

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

Scope of the policy

30. The Licensing Act 2003 regulates the following activities

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

Types of authorisation

31. The Act provides for four different types of authorisation or permission as follows

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

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

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

Definitions – ‘Regulated entertainments’

34. “Regulated entertainment” includes:

- A performance of a play

- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance
- Entertainment of a similar description to a performance of live music, and playing of recorded music or a performance of dance

For the entertainment to be licensable, one or more of these activities must take place in the presence of an audience and be provided (at least in part) to entertain that audience upon premises made available for the purpose.

35. There are a number of exemptions contained in the Act. Also, since the introduction of the Live Music Act 2012, a number of deregulatory steps have been taken. For the current up to date position please contact the licensing service (details in section 12 of this policy).

Definitions – ‘Late night refreshment’

36. “Late night refreshment” is defined as the supply of hot food or hot drink to members of the public from or in a premises for consumption on or off the premises, between the hours of 2300 and 0500. Premises include vehicles and stalls.

The licensing objectives

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

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

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

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

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

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

Fundamental principles

41. Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act.
42. If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other persons, this authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions.
43. Conditions attached to the various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity. This will include the direct impacts of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
44. While this statement sets out the council's general approach to the making of licensing decisions, nothing in this statement undermines the right of any individual to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered upon its individual merits.
45. Similarly, this statement of policy does not override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act. Absolute weight will be given to all representations. However, this will not include those that are frivolous, vexatious or repetitious.
46. The council may depart from this policy in the interests of promoting the licensing objectives, if the individual circumstances of any case merit such a decision. Where such decision is taken, full reasons for the departure from the policy will be given.

General information

47. This authority recognises that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and, therefore, beyond the direct control of the individual, club or business, holding the licence. Nevertheless, it is a key aspect of such control and licensing law will always be a part of the holistic approach to the management of the evening and night-time economy in town and city centres.

48. Other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises include:
- Maximising the use of intelligence sources, ensuring these are identified and information obtained is analysed and shared among all relevant partner agencies
 - Ensuring the most effective and efficient use of partnership resources, co-ordinated and intelligently targeted where they are most necessary and can achieve the maximum benefit
 - Ensuring the careful consideration is given to the best use of the full range of powers available to the various partner agencies, so as to achieve effective outcomes to matters of concern. Regulatory powers extend beyond licensing and include for instance other police, anti-social behaviour, trading standards, environmental health legislation.
 - Ensuring good communication and support is provided to responsible operators, providing regular contacts, liaison and training opportunities are available. For example
 - The partnership police and council Night-Time Economy Team plays an important role in providing additional high visibility policing within the night time economy, establishing good working relationships with venue operators and front of house staff and providing a reassuring presence
 - This is supplemented by the newly established daytime Joint Enforcement Teams (JETs)
 - 'Conflict resolution training' is provided by the council's health and safety team intended for retail staff, aimed at dealing with violence and aggression at work.
 - The 'Revealed' training programme run by the council is aimed at helping community event organisers provide safe, well managed events;
 - Co-ordination with Planning and use of planning controls;
 - Careful consideration of supporting infrastructure, including the provision of CCTV surveillance across the borough; improved street lighting; late night public conveniences; street cleaning and litter patrols together with initiatives such as The Public Spaces Protection Order (PSPO) which replaced the Designated Public Place Orders (DPPO) under the Anti-Social Behaviour Act 2014. A DPPO is currently in place across the whole of the borough (excepting of areas of Dulwich) provides powers to confiscate alcohol from nuisance drinkers;
 - Campaign work undertaken in conjunction with other partners (such as the Drugs and Alcohol Action Team (DAAT)) under the Safer Southwark Partnership such as previous "safe world cup"; "safety glasses"; "talking signs" campaigns;
 - The development of partnership arrangements intended to take forward schemes that are of benefit to the local community such as the Business Improvement District in Bankside and London Bridge;
 - The establishment of local pub-watch, club-watch and similar schemes. Information about pub-watch can be obtained through their web site on www.nationalpubwatch.org.uk;
 - Encouragement of socially responsible licensed operations through schemes such as the Southwark Womens' Safety Charter;

- The best practice demonstrated and supported by the Purple Flag, Best Bar None and other similar award schemes.

49. The council will use its full range of powers, engage all relevant responsibilities and work together with all partners to deliver the licensing objectives.

SECTION FOUR – ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTION

50. This policy does not set out to explain the circumstances under which any one of the available authorisations may be required, nor does it attempt to explain the licensing processes. Separate guidance is available from the licensing service (see contact details in section 12) which can be viewed on, or downloaded from http://www.southwark.gov.uk/info/200127/apply_for_a_licence/519/licensing_act_2003 . Guidance provided includes;
- “Guidance to personal licences”
 - “Guidance to premises licences”
 - “Guidance to club premises certificates”
 - “Guidance to temporary event notices”
 - “Guidance to representations”
 - ”Guidance to licence reviews”
 - “Guidance to fees and charges”
 - “Guidance to designated premises supervisors”
 - “Public hearings procedure”

Applications for licences and consents - General

51. Applications for all licences and consents available under the 2003 Act must be made on the relevant form prescribed under secondary regulations. Applications will not be progressed until the form has been completed in full and received, together with the relevant fee and all other required information, by the licensing authority and the relevant responsible authorities.
52. In accordance with the Provision of Services Regulations 2009, electronic application facilities are available. Electronic application facilities for premises licences may be found on GOV.UK or this authority’s own web site. Electronic applications for other categories of licence and consent are available on this web site also. Where electronic applications are made, the application will be taken to ‘be given’ when the applicant has submitted a complete application form and submitted the fee.
53. Applications will be progressed in accordance with procedures laid down by the Act. Prospective applicants should refer to the separate relevant guidance documents for further details.

Applications for club premises certificates

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

that there is a minimum of a two-day interval between the application and the acceptance of new members.

Provision of scale plans

55. Applicants are required to submit a current scale plan of the premises when making an application for a new premises licence and a scale plan of the proposed layout as part of any application for a variation of a premises licence affecting approved layout arrangements. Plans need not be professionally drawn but must be drawn to scale and include a scale bar. Plans must be clear and legible in all material respects, providing sufficient detail for this authority to determine the application. Applicants are asked to note that plans should detail not only the arrangement of internal areas of the premises but also external areas intended to be used as part of the licence. This includes patio or garden areas and any temporary structures such as marquees or smoking shelters.

Variations & new applications

56. Where a premises licence holder wishes to amend their licence the Act allows, in most cases, for an application to vary the licence to be made rather than requiring an application for a new premises licence. Two variation processes exist. A simplified minor variations process provides for proposed variations that have no adverse potential impact upon the licensing objectives. A separate major variations process provides for variations that do have potential adverse impact upon the objectives. It should be noted that proposals to extend the current physical licensed area of the premises concerned may require a new premises licence application to be made. In such cases, applicants should discuss their proposals with the licensing team before submitting an application in order to ensure that the correct route is taken.

Provisional statements

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

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

Temporary event notices (TENs)

58. The Act provides a system by way of “temporary event notices” for the temporary carrying on of any licensable activity outside of the terms of a premises licence or club premises certificate. Under this system no authorisation as such is required from the licensing authority. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event.
59. There are two types of TENs. A standard TEN and a late TEN. All TENs must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act, together with the relevant fee, and be copied to the police and this authority’s environmental protection team (see contact details in appendix A).
60. A standard TEN must be given with at least 10 clear working days notice before the event. A late TEN (intended to assist premises users in situations that are outside of their control) can be given no earlier than nine working days but still with a minimum of five clear working days notice before the event. These stated timescales are not negotiable and no notice will be progressed unless all parties have been correctly notified.
61. The 10 and 5 clear working days notice periods will be calculated exclusive of the day on which the event is to start and the day on which the notice is given. For instance, if a standard temporary event is intended for a Saturday or Sunday night, the notice must be given by the third Friday before the event date at the latest. If a bank holiday should fall within the period then an additional working day must be allowed for each bank holiday day that occurs.
62. In general, only the police (on crime and disorder grounds) or the environmental protection team (on grounds relevant to any of the licensing objectives) may intervene to prevent such an event taking place. However, this licensing authority will also intervene if the notice given is incorrect or if the limits set out in the Act on the number of events that may be given are exceeded.
63. In a significant number of events it is anticipated that the minimum notice period will not provide sufficient time for proper consideration to be given to any concerns that may arise. For this reason, while this authority will accept notifications given with only the statutory minimum notice, it is requested that 28 days notice of an intention to stage a temporary event is provided, together with as much supporting information as possible, in order to prevent unnecessary objections having to be raised.
64. It should also be noted that in cases where there is any element of doubt as to whether the premises user has the consent of the premises owner to use the premises concerned for the purposes given; this authority will wish for both the police and itself to be provided with evidence to this effect.
65. Furthermore, it should be recognised that many temporary events will still have potential to give rise to concerns, particularly around public nuisance, health and safety or protection of children. For this reason applicants should understand that the licensing service may share information on temporary events taking place with other “responsible authorities”, including the planning authority. This does not

provide those responsible authorities with the opportunity to raise representations, but will allow any matter of concern to be followed up under other powers. This action does not, however, absolve any premises user from their own responsibility to ensure that any other necessary consent (including planning permission or temporary structures consent) is obtained or that their event does not give rise to any crime and disorder, public safety, nuisance or harm to children issues. Further guidance is available in the separate document "Guidance to Temporary Event Notices" available from the licensing service.

Major art and pop festivals, carnivals, fairs and circuses

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

Consultation arrangements

68. This authority considers it important that the local community is fully aware of local licensing applications being made within its area. Regulations governing the advertising of applications for the grant, variation or review of premises licences and club premises certificates require a public notice to be published in the local press and a brief summary of the application to be displayed immediately on or outside premises concerned. Failure to comply with the requirements in full will result in the progression of the application being delayed.
69. This authority understands that regulations to the Act require public notices to be of a size equal or larger than A4; of pale blue colour; and printed legibly in black ink or typed in black in a font of a size equal to or larger than 16. It also recognises that applications may not be rejected on the basis of improper notification if public notices comply with this minimum standard. However, in order to ensure that the notice of application displayed at the premises may be clearly seen and easily read by passers by, this authority recommends that public notices displayed be of A3 size in pale blue colour printed legibly in black ink in a font of size equal to or larger than 20. This authority also asks that the notice summarises the proposed licensable activities and the proposed hours of opening and remains clearly displayed in a position where it may be readily seen by passers by for the period during which representations may be made. A proforma notice is provided on this basis by the licensing service. Checks will be made to ensure that the summary is properly displayed.
70. The licensing service supports the consultation process by maintaining a public register at http://www.southwark.gov.uk/info/200063/licences/855/current_licence_applications

This details all current applications (alongside detail of current licensed premises). It is open to any person who wishes to be kept up to date with the latest applications in their area, to subscribe to “licensing alerts”. E-mail notifications are sent to subscribers when a new licence application is received within their local ward. The licensing service will also notify local ward councillors of all new applications in their area.

Responsible authorities

71. Contact details for responsible authorities are given in appendix A. The responsible authorities must be notified of, and are entitled to lodge representations about, applications for premises licences or club premises certificates or variations. They may ask the licensing authority to review a premises licence or club premises certificate. Responsible authorities will also provide advice and information on established best management practice. Some information on preparing an operating schedule is contained within this policy but applicants may also wish to consult with the authorities directly.
72. This authority advises that it recognises the Southwark Childrens’ Social Service as the body competent to provide advice on matters concerning the protection of children from harm.
73. It should be noted that the Director of Public Health is added as a responsible authority. While health is not included as a licensing objective, the Guidance to the Act recognises that health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions.

Representations

74. It is open to any “responsible authority”, as defined under the Act, or other person to lodge representations concerning a premises licence or club premises certificate application during the set consultation period.
75. A representation will only be “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. A representation that fails to do this is not “relevant” for the purposes of the 2003 Act. It is for the licensing authority to determine on its merits whether any representation by an interested party is frivolous or vexatious.
76. 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.

Disclosure of personal details of persons making representations

77. Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.
78. In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as names and address, are divulged to the applicant.

79. Where this authority considers that the person concerned has a genuine and well-founded fear and may be deterred from making a representation on this basis, alternative approaches will be considered. Where circumstances justify such actions this authority may either provide only minimal details (such as street name or general location in a street) or withhold details.

The licensing authority acting as responsible authority

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

Determination of applications

82. In accordance with the provisions of the Act, this authority has established a licensing committee with a maximum of 15 members and provision for sub-committees of three members to be drawn from the overall pool of the main committee membership.
83. In doing so, the council has sought to establish an efficient and cost-effective system for determinations of licences. Where the Act carries a presumption of grant for applications to which no objection has been made, the administration of the grant will be delegated to officers. All such matters will be periodically reported for information only to the full licensing committee.
84. Where matters are subject of representations, the licensing service will normally attempt to reach a negotiated conclusion through a conciliation process. This service is provided to help develop workable agreed outcomes supported by all parties which will also save the time and costs associated with holding a public hearing. Conciliation can be agreed up until 24 hours before a hearing takes place. Where this is not possible the application and representations to it will be considered by the sub-committee at a public hearing.
85. Table 1 (following page) sets out the schedule of delegation of decisions and functions to licensing committee, sub-committees and officers. This form of delegation is without prejudice to the council's right to redirect an application as appropriate in the circumstances of any particular case.

Licence reviews

86. At any stage following the grant of a premises licence, a responsible authority or other persons, may apply for a review of that licence because of a matter arising at the premises in connection with any of the four licensing objectives.
87. In addition, a review of the licence will normally follow any action by the police to close down a premises for up to 24 hours on grounds of disorder or nuisance, as a result of a magistrate's court's direction sent to the licensing authority. A licence

review can have several outcomes, ranging from no action being found necessary to the temporary suspension or revocation of a licence.

Table 1 – Table of delegations of licensing functions			
Matter to be determined	Full committee	Sub-committee	Officers
Licensing policy issues	& assembly		
Personal licence		If a police objection	No objection made
Personal licence with unspent convictions		All cases	
Premises licence / club certificate		If relevant representation made and not conciliated	No relevant representation / all concerns conciliated
Provisional statement		If a relevant representation made and not conciliated	If no relevant representation
'Major' variation of a premises licence / club premises certificate		If a relevant representation made and not conciliated	If no relevant representation
'Minor' variation of a premises licence / club premises certificate			All cases
Variation of the designated premises supervisor (DPS)		If a police objection	All other cases
Request to be removed as DPS			All cases
Transfer of premises licence		If a police objection	All other cases
Interim authority		If a police objection	All other cases
Review of a premises licence / club certificate		All cases unless withdrawn	
Whether a representation is irrelevant, frivolous, vexatious etc			All cases
Decision to object when a local authority is a consultee and not the lead authority			All cases
Temporary event notice		If an objection	
Variation of a premises licence in respect of a community premises to include alternative licence condition		If a police objection	All other cases
Decision whether to consult other			All cases

responsible authorities on minor variation application			
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88. Where a review of a premises licence is sought this must relate specifically to a particular premises licence relating to an individual premises. The licensing authority may also reject an application made by an interested party if it determines that the ground for the review is repetitious, that it is substantially similar to an earlier review, following which a “reasonable interval” has not elapsed since the earlier application or alternatively since the grant of the premises licence.

Applications for transfer of a premises licence following application for a review

89. This authority is concerned over the frequently observed practice of an application for a transfer of a premises licence being made immediately following an application for a review of that same licence being lodged.
90. Where, such applications are made, this authority will require documented proof of transfer of the business / lawful occupancy of the premises, to the new proposed licence holder to support the contention that the business is now under new management control.

Annual maintenance fee payments

91. An annual maintenance fee is payable in respect of all premises licences and club premises certificates. If the annual fee is not paid when it is due, the authority must suspend the licence or certificate. In such cases, the holder of the licence will be notified in writing, giving at least two working days notice of the suspension date. Once suspended, the licensable activity authorised by that licence must cease. The police and other responsible authorities will be informed and monitoring checks will be made to ensure no licensable activity continues.
92. The suspension ends upon payment of the fee. Licence holders should ensure that the payment of the outstanding fee is brought to the attention of the licensing service in order that the suspension may be lifted.

Other regimes

93. This Authority will look to ensure consistency, as far as is possible within law, with other licensing and consent regimes.
94. This authority will not consider the issue of “need” in determining any licence application, as this is a matter for planning control and the market. Thereby, this council will not impose quotas of premises or licences.

Planning & building regulations regimes

95. The planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Each regime involves consideration of different (albeit related) matters. Neither licensing nor planning committees are bound by decisions made by the other.
96. However, this Authority will look to ensure proper integration with the planning regime. While it is understood 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 be inconsistent for the authority to give a licence for an activity when planning permission for the same activity has been refused. Therefore, it is expected that applications for premises licences for permanent commercial premises should normally be from businesses with relevant planning consent for the property concerned. This applies equally to applications seeking a licence intended to facilitate a change of use / type of operation. Where this is not the case, the council would expect the applicant to address the reasons why planning permission had not been firstly sought and / or granted and provide reasons as to why licensing consent should be.

97. This Authority notes that Guidance supports 'where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, the licensing sub-committee and officers may consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs'.
98. There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. It must be emphasised that where these hours are different to the permitted 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. This is emphasised by the decision in the case of *Gold Kebab v Secretary of State for Communities and Local Government* 2015.
99. Further information on planning is available on the council web site at http://www.southwark.gov.uk/info/485/planning_applications .

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

How this policy works

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

the operating schedule are a matter for the applicant, in cases where there is objection to a schedule which departs from the policy, the licensing sub-committee hearing the opposed application will normally expect to be given good reason for the departure if it is to be asked to make an exception to the policy.

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

Location and other relevant considerations

109. In considering applications for new licences, variations of existing licences and licence reviews, this Authority will take the following matters into account:
 - Whether the premises is located within a current cumulative impact policy area
 - The type and mix of premises and their cumulative impact upon the local area
 - The location of the premises and their character
 - The views of the responsible authorities and other persons
 - The past compliance history of the current management
 - The proposed hours of operation
 - The type and numbers of customers likely to attend the premises
 - Whether the applicant is able to demonstrate commitment to a high standard of management for example through the level of consideration given to the promotion of the licensing objectives; by active participation in pubwatch; and adopting the council's Women's Safety Charter.
 - The physical suitability of the premises for the proposed licensable activities i.e. in terms of safety, access, noise control etc.
110. Applicants should refer to section 6 of this policy for detail of the current local cumulative impact policy areas and also consider the general operating hours in section 7 of this policy. Applicants should not try to replicate later operating hours even if there are other premises nearby that currently operate for longer. This Authority will need to carefully balance the conflicting needs of residents, patrons and businesses in relation to the introduction of premises and flexible opening hours for the sale and supply of alcohol and late night refreshment.

High standards of management

111. When assessing the applicant's or licensee's ability to demonstrate a commitment to high standards of management this Authority will consider whether the applicant or licensee

- Has researched the local area and can demonstrate understanding of local community concerns
- Has carried out relevant risk assessments and devised an appropriate strategy to promote the licensing objectives
- Can demonstrate comprehensive knowledge of best practice
- Has sought advice from the responsible authorities
- Has implemented any advice given by responsible authorities
- Is able to understand verbal and written advice and legal requirements
- Can demonstrate knowledge of the licensing objectives, relevant parts of the licensing policy and their responsibilities under the 2003 Act;
- Is able to run their business lawfully and in accordance with good business practices
- Is able to demonstrate a track record of compliance with legal requirements.

Mandatory conditions

112. There are a number of mandatory conditions set out within the Act (as amended by the Mandatory Licensing Conditions (Amendment) Order 2014). The mandatory conditions must be imposed upon all licences where relevant. The mandatory conditions are detailed within this policy under the relevant licensing objectives.

Other conditions

113. Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. This authority will aim to ensure that conditions attached to licences will:

- Be appropriate for the promotion of the licensing objectives
- Be precise and enforceable
- Be unambiguous and clear in what they intend to achieve
- Not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation
- Be tailored to the individual type, location and characteristics of the premises and events concerned
- Not be standardised
- Not replicate offences set out in the 2003 Act or other legislation
- Be proportionate, justifiable and be capable of being met
- Not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff (but may impact upon the behaviour of customers in the immediate vicinity of the premises or as they enter or leave)
- Be written in a prescriptive manner

SECTION SIX – LOCAL CUMULATIVE IMPACT POLICIES

Cumulative impact

114. In areas where the number, type and density of premises selling alcohol are high or exceptional, serious problems of nuisance and disorder may arise some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area. Typically this occurs when customers leave premises at peak times or where there is queuing at fast food outlets or for public transport. Moreover, large concentrations of people may also increase the incidence of other criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport services, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers and this can lead to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be dispersed quickly.
115. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider within its licensing policy. Local licensing authorities may adopt special cumulative impact or 'saturation' policies where there is an evidential basis for the decision.
116. Guidance sets out that relevant information which licensing authorities may be able to draw upon to evidence the cumulative impact of licensed premises on the promotion of the licensing objectives will include:
- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots
 - Statistics on local anti-social behaviour offences
 - Health related statistics such as alcohol related emergency attendances and hospital admissions
 - Environmental health complaints, particularly in relation to noise and litter
 - Complaints recorded by the local authority, which may include complaints raised by local residents or residents associations
 - Residents questionnaires
 - Evidence from local councillors
 - Evidence obtained through local consultation
117. The licensing authority may consider this evidence, alongside its own evidence as to the impact of licensable activities within its area and consider, in particular, the times at which licensable activities are carried on. Information which may inform consideration of these issues includes:
- Trends in licence applications, particularly trends in applications by types of premises and terminal hours
 - Changes in terminal hours of premises
 - Premises capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving at different times

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

- (a) Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm
- (b) Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm
- (c) If such problems are occurring, identify whether these problems are being caused by customers of licensed premises, or that the risk of cumulative impact is imminent
- (d) Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise)
- (e) Consult those specified in section 5(3) of the 2003 Act and, subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement

119. The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations. In such circumstances, it is for the applicant to demonstrate that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.

120. This presumption does not relieve responsible authorities or interested parties of the need to make a relevant representation. Such representation, which should reference the information which had been before the licensing authority when it developed its statement of policy, must be received before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted. Once adopted any policy will be reviewed regularly.

121. The Council will not use such policies solely

- As the grounds for removing a licence when representations are received about problems with existing licensed premises
- To refuse modifications to a licence, except when the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits

Local cumulative impact policies (CIPs)

122. Since the introduction of the Licensing Act 2003, the council's licensing committee has monitored the impact of licensed premises operation across the local Southwark area. Central to this monitoring lies the annual (local authority / police) Partnership Analysis of Alcohol Related Harm.

123. The Southwark analysis has developed and improved over the years as information sources have been identified and developed. The analysis now incorporates statistical analysis of
- Alcohol related violence
 - Alcohol related disorder and rowdiness
 - Alcohol related health harm
 - The costs of alcohol related harm
124. This information is supplemented by periodic reports provided the council's environmental protection team on noise nuisance complaints and other service and received information.
125. With around 1300 licensed premises operating within the borough parts of Southwark have now reached saturation point. Where this occurs the economic benefits of the night time economy begin to be outweighed by the health impacts, loss of amenity and the costs of excessive alcohol consumption, crime and disorder.
126. This Authority currently has three cumulative impact policies in place. In each case the decision to introduce a local policy has been taken having had regard with regard to the latest analysis and following the process set out in section 118 of this policy. The current CIPs are located in
- Borough and Bankside
 - Camberwell
 - Peckham
127. Detailed maps are available from the licensing team. However, the boundaries of each local CIP are explained here. A copy of the latest partnership analysis of alcohol related harm and the environmental protection team analysis of noise nuisance complaints is also available upon request from the licensing service (see appendix A for contact details). The effects of each policy will continue to be monitored and reported to the licensing committee periodically. A policy will be removed when no longer needed.

Borough and Bankside CIP

128. On 4 November 2009, council assembly agreed that it was appropriate and necessary to introduce a local policy dealing with the cumulative impact of licensed premises in the Borough and Bankside area. The boundary of the area was extended on 6 April 2011.
129. The boundary of the area to which the policy applies is defined as follows – Commencing at the Lambeth border on the Thames and moving southward to Waterloo Road then St George's Circus / Borough Road / Borough High Street / Long Lane / Crosby Row / Snowsfields / Bermondsey Street directly north to the river frontage and then westward back to the Lambeth border.

130. The classes of premises within the area to which the policy shall apply will be night-clubs / public houses & bars / restaurants & cafes / off-licences, supermarkets and grocers.

Camberwell CIP

131. On 5 November 2008, council assembly agreed that it was appropriate and necessary to introduce a local policy dealing with the cumulative impact of licensed premises in the Camberwell area.
132. The boundary of the area is defined as follows – From Camberwell New Road at the junction with Wyndham Road progressing via Camberwell Road / Bowyer Place / Edmund Street / Benhill Road / Wilson Road / Graces Road / Graces Mews / Camberwell Grove (via alley) / Grove Lane / De Crispigny Park / Denmark Hill following the Lambeth boundary to Coldharbour Lane / Denmark Road / Flodden Road and Camberwell New Road returning to the start.
133. The classes of premises to which the policy applies is defined as follows – night clubs; pubs and bars; off-licences, grocers, supermarkets, convenience stores and similar premises.

Peckham CIP

134. On 5 November 2008, council assembly agreed that it was appropriate and necessary to introduce a local policy dealing with the cumulative impact of licensed premises in the Peckham area. On 4 November 2009 the boundary of the policy area was extended.
135. The boundary of the area is defined as follows – Commencing on Peckham High Street at the junction with Kelly Avenue progressing to Gatonby Street / Sumner Road / Jocelyn Street / cross Peckham Hill Street / Goldsmith Road / Meeting House Lane / Consort Road / Heaton Road / Sternhall Lane / McDermott Road / Maxted Road / Bellenden Road / Chadwick Road / Lyndhurst Way / Peckham Road to junction with Talfourd Road and back to start.
136. The classes of premises to which the policy applies is defined as follows – night clubs; pubs and bars; off-licences, grocers, supermarkets, convenience stores; and similar premises.

Rebutting the presumption against grant in a CIP area

137. All applicants for new premises licences or for variation of existing premises licences, made in respect of classes of premises affected by the policy, located within a special policy area, must address the local concerns raised within their application and operating schedule.
138. The licensing service, acting in its role as responsible authority, will review each application in the light of the special policies and will make representations where the application is likely to add to the existing cumulative impact.
139. Where a presumption against the grant of a licence exists and a relevant representation has been received, this Authority must consider whether it would be justified in departing from its special policy in the individual circumstances of the case. This Authority will need to be satisfied that the grant of the application under

consideration will not impact further on the relevant licensing objectives, before any grant or part grant of the application can be approved.

140. Examples of factors that this Authority may consider as demonstrating that there will be no impact may include:

- Small premises intended to cease operation before midnight
- Premises which are not alcohol led and only operate during the day time economy
- Instances where an existing business operation is being relocated while maintaining the same style of operation
- Where a suite of conditions is proposed that will ensure that the premises operates in a specified manner. For instance, in the case of a food led operation, a suite of conditions that governs the minimum number of covers provided; that alcohol will only be provided by waiter / waitress service and together with a table meal.

141. Examples of factors that this Authority is unlikely to consider as demonstrating that there will be no impact may include:

- That the premises will be well managed (as this is an expectation of all licensed premises)
- That the premises will be constructed to a high standard
- That the applicant operates a similar style of business elsewhere (such as within another local authority area) without complaint

142. Any relevant representation of support will be taken into consideration.

Early morning restriction orders (EMRO)

143. This Authority is aware of the provisions within the Licensing Act 2003 relating to early morning restriction orders (EMROs). EMROs provide a powerful tool which may be used to prevent licensed premises in a specified area from supplying alcohol during specified times, where there is sufficient evidence to demonstrate that making the EMRO would be appropriate for the licensing objectives.

144. At present no appropriate circumstances under which an EMRO might be applied within Southwark have been identified. However, this Authority recognises the potential that EMROs provide and is aware of and understands both the guidance offered by the Home Office and the process for considering the introduction of EMROs set in statute.

145. In the event that appropriate local circumstances present themselves, then this Authority will follow the set process with reference to the guidance offered.

SECTION SEVEN – HOURS OF OPERATION

Licensing hours

146. Prior to the introduction of the Licensing Act 2003, the Government believed that fixed and artificially early closing times were one of the key causes of both rapid binge drinking prior to closing times and of disorder and disturbance when large numbers of customers were simultaneously required to leave licensed premises. An aim was to reduce the potential for concentrations of customers from licensed premises and achieve a slower dispersal of people through flexible opening times.
147. Current Guidance now states that “the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of its implementation of the licensing policy and licensing authorities are best placed to make such decisions based on local knowledge and in consultation with other responsible authorities”.
148. This Authority recognises the increase in the numbers of premises licensed for the sale or supply of alcohol since the introduction of the 2003 Act and, particularly, the increase in the numbers and density of such premises within the night time economy. In such a densely populated borough such as Southwark where there is often little demarcation between residential and commercial areas the potential for late operating venues and businesses to cause nuisance and disturbance to local residents is considerable. Therefore, there will be no presumption in favour of lengthening licensing hours. The four licensing objectives should be paramount considerations at all times.
149. Table 2 (following page) provides a guide for applicants when preparing their operating schedules as to the hours of operation that this Authority might consider appropriate by type of premises and (planning) area classification. These hours are not pre-determined and each application will be considered upon its own merits.
150. However, applicants for licences incorporating hours that fall outside of the guidance offered are expected to explain fully within their application, the arrangements intended to be put in place to ensure that the premises does not add to cumulative impact. Applicants who wish to provide licensable activities outside the hours specified should ensure that the operating schedule specifies detailed measures to mitigate against crime, disorder and public nuisance taking into account:
- The location of the premises and the character of the local area
 - The proposed hours during which the licensable activities are proposed to take place
 - The adequacy of the proposed control measures intended to promote the licensing objectives
 - The availability of local public transport

- The proximity of the premises to other licensed premises of a similar nature and the hours of operation of those premises

151. Operating schedules with insufficient detail are more likely to be refused, have limitations in hours applied, or have additional conditions imposed upon them by the licensing sub-committee. There is no presumption, however, that applications subject of representations and according with this Guidance, will be granted. The Licensing Authority may impose further limitations in hours upon review of the licence, particularly where the premise is shown to be the focus or cause of nuisance or anti-social behaviour.
152. Applicants should note that where applications relate to premises that are located within more densely populated areas, stricter controls with regard to noise control may be necessary. For guidance please see section 9 on the prevention of public nuisance.
153. It has been previous policy of this Authority (consistent with then published Guidance) that shops, stores and supermarkets selling alcohol would 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, concerns raised regarding the impact upon the local community from the increase in the availability of alcohol, especially in the night time period, apply equally to the off licensed as the on licensed trade. Applicants seeking licences to provide for the sale or supply or alcohol for consumption off the premises are directed to this guidance also.

Type of premises	Major town centres and strategic cultural area	District town centres	Local centres and small shopping parades	Residential areas
	Bankside Borough & London Bridge Canada Water Elephant & Castle (including Walworth Road) Peckham St Mary's Churchyard (Rotherhithe)	Camberwell Herne Hill Lordship Lane Note: Bankside and Borough & London Bridge are also classified as District Town Centres. However, as they have dual categorization as Strategic Cultural Areas the later hours apply	The Blue Dulwich Village Nunhead	All other

Restaurants and cafes	Fri – Sat 0100 Sun – Thurs 0000	Fri – Sat 0100 Sun – Thurs 0000	Fri – Sat 0000 Sun – Thurs 2300	2300 daily
Public houses, wine bars or other drinking establishments	Fri – Sat 0000 Sun – Thurs 2300	Fri – Sat 0000 Sun – Thurs 2300	2300 daily	2300 daily
Hotel bars and guest houses	No restrictions for residents	No restrictions for residents	No restrictions for residents	No restrictions for residents
Night clubs (with 'sui generis' planning classification)	Fri – Sat 0300 Mon – Thurs 0100 Sun 0000	Fri – Sat 0100 Sun – Thurs 0000	Not considered appropriate	Not considered appropriate
Off-licences and alcohol sales in grocers and supermarkets	0000 daily	0000 daily	2300 daily	2300 daily
Take-away establishments	Fri – Sat 0100 Sun - Thurs 0000	Fri – Sat 0100 Sun – Thurs 0000	Fri – Sat 0000 Sun – Thurs 2300	Not considered appropriate
Cinemas and theatres	0200 daily	0100 daily	0000 daily	2300 daily
Vessels	2300 daily	2300 daily	2300 daily	2300 daily
Qualifying members' clubs	0200 daily	0100 daily	0000 daily	2300 daily

154. For the purpose of this guidance the following area classifications are made

- Major town centres – Canada Water, Elephant & Castle (including Walworth Road) and Peckham
- Strategic cultural areas – Bankside, Borough and London Bridge (Note: These areas are also district town centres but here this classification will apply), St Mary's Churchyard (Rotherhithe)
- District town centres – Camberwell, Herne Hill and Lordship Lane
- Local centres and small shopping parades – The Blue, Dulwich Village and Nunhead
- Residential – All other

155. A map showing the boundaries of each area is included at Appendix B.

Late Night Levy

156. This Authority is aware of the provision made within the governing legislation for the charging of a late night levy to licensed premises operating within a defined supply period, as a contribution toward the cost of policing and servicing the late night economy.

157. This Authority has given no formal consideration to the implementation of a levy within the Southwark area, at the time of writing of this policy. However, the Authority is aware of the current consideration being given by the Home Office to changes in the levy process and is monitoring the position.

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

158. The council recognises that well run licensed premises can make a valuable and positive contribution to the local community through the local economy, tourism, and cultural development. However, poorly managed licensed premises, especially those offering late night alcohol and / or entertainment, or late night refreshment for large numbers of people, can become a serious source of crime and disorder or anti-social behaviour problems.
159. This authority will expect applicants for premises licences and club premises certificates to have made relevant enquiries about the local area and prepare their operating schedule on the basis of a risk assessment of the potential sources of crime and disorder associated with the premises operation. The operating schedule should demonstrate an understanding of the level of risk of crime and disorder and include positive proposals to manage any potential risk.
160. Relevant issues might include:
- Anti-social behaviour
 - Drunkenness on the premises
 - Public drunkenness
 - Violent behaviour
 - The possession of weapons
 - Drugs use, including so-called legal highs or 'new psychoactive substances'
 - Underage drinking
 - Theft of personal property
 - Trafficking and illegal workers
 - Prostitution, lewd acts and similar offences
 - Child sexual exploitation
 - Harassment
 - Counterfeit goods
 - Non-duty paid goods and tax evasion
 - Maintenance of smoke-free environments, including shisha bars
161. Applicants are recommended to seek advice from the council's licensing team, the police and trading standards when carrying out their risk assessments and in preparing their operating schedules.
162. While it is recognised that there is no requirement in the 2003 Act to do so, applicants may find that it helps the licensing process to provide a copy of the completed risk-assessment upon which the operating schedule is based to the relevant responsible bodies for consideration at the time of application.
163. The main part of this section of the strategy is intended to provide a guide to prospective licence applicants as to the types of controls that may be appropriate for the promotion of the prevention of crime and disorder licensing objective. It is neither intended to provide a definitive list of preventative measures nor will the

controls listed be appropriate in every circumstance. They are provided to be considered and modified to fit the proposed business operation.

164. 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.
165. This authority recommends the range of qualifications designed to support the licensing objectives, available from the British Institute of Innkeeping (BII). Further information is available by contacting the BII by e-mail at the following address enquiries@bii.org.

Mandatory conditions applying to all premises licensed for the supply of alcohol

166. The following conditions will apply to all relevant premises licences and club premises certificates which authorise the supply of alcohol:

Designated premises supervisor

- No supply of alcohol may be made under the premises licence (a) at a time where there is no designated premises supervisor in respect of the premises licence; or (b) at a time when the designated premises supervisor does not hold a personal licence, or that licence is suspended.

Personal licence holder

- Every supply of alcohol under the premises licence must be made, or authorised by a person who holds a personal licence.

Minimum drinks pricing

- A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- For the purpose of this condition 'permitted price' is found by applying the formula $P=D(DxV)$ where
 - P is the permitted price
 - D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol
 - V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol

Mandatory conditions applying to premises licensed for the supply of alcohol for consumption of alcohol on the premises only

167. The following conditions will apply to those premises licences and club premises certificates which authorise the supply of alcohol for consumption on the premises:

Irresponsible drinks promotions

- The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

- In this paragraph, an irresponsible drinks promotion means any one or more of the following activities or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
 - Games or other activities which require or encourage, or are designed to require or encourage individuals to (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol) or (ii) drink as much alcohol as possible (whether within a time limit or otherwise)
 - Provision of unlimited or unspecified quantities of alcohol free or for a fixed discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
 - Provision free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Requirement to supply alcoholic drinks in certain quantities

- The responsible person must ensure that
 - Where any of the following alcohol drinks is sold or supplied for consumption on the premises (other than alcohol drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures (i) beer or cider ½ pint; (ii) gin, rum, vodka or whisky 25ml or 35ml; and (iii) still wine in a glass 125ml
 - These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available

Mandatory conditions for door supervision – except theatres, cinemas, bingo halls and casinos

168. The following conditions apply to all premises licences and club premises certificates requiring door supervision except theatres, cinemas, bingo halls and casinos.

Security Industry Authority licences

- Where the premises licence includes a condition that at specified times one or more individual must be at the premises to carry out a security activity, each such individual must (a) be authorised to carry out that activity by a

licence granted under the Private Security Industry Act 2001 or (b) be entitled to carry out that activity by virtue of section 4 of the Act.

Measures in support of the prevention of crime and disorder licensing objective – all premises

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

- **The setting of a safe capacity limit** – While often necessary on public safety grounds, this is equally important in order to prevent overcrowding giving rise to risk of crime and disorder
- **Use of crime prevention notices** – For use in circumstances where it would be helpful to warn customers of prevalence of crime which may target them, for instance, to warn of pickpockets or bag snatchers
- **Publicise details of the premises operation** – Display details of the premises opening and closing times
- **Installation of CCTV** – The presence of CCTV cameras can be an important means of deterring crime both inside and outside of the premises. It can also help to provide valuable evidence in the event that an incident does occur. CCTV should be maintained in good working order and used at all times with a 31 day library of recordings maintained at all times
- **The removal of low cost high strength alcohol from offer** – To help reduce street crime and violence and anti-social behaviour from public drunkenness
- **Development of a drugs policy in conjunction with the police** – Establish a clear written anti-drugs policy and publicise this to customers
- **Use bona fide suppliers** – Being mindful of the prevalence of counterfeit products, particularly alcohol and tobacco, to only stock from legitimate and traceable suppliers (having regard to the traceability requirements in Regulation 4 of the General Food Regulations 2004)
- **Denying access to hawkers** – Prevent counterfeit products, such as alcohol, tobacco, DVDs, CDs and other goods from being offered for sale upon the premises

Measures in support of the prevention of crime and disorder licensing objective - Premises supplying alcohol for consumption upon the premises

170. Consideration should be given to the measures set out below. This particularly applies (though not exclusively) in the case of any application for a 'high volume vertical drinking' (HVVD) premises

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

- **Maintain control over the removal of open containers** – To prevent the use of containers as weapons in the street

Measures in support of the prevention of crime and disorder licensing objective - Premises providing alcohol for consumption upon the premises and regulated entertainment in the night-time economy

171. Consideration should be given to

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

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

172. This authority recognises that neither the Act nor the mandatory conditions outlined elsewhere in this chapter require either a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold or supplied. Nor does the fact that every sale or supply of alcohol must be made under the authority of a personal licence holder mean that only personal licence holders can make such sale or supply or that they must be personally present at every transaction.

173. However, this authority wishes to emphasise that the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the Licensing Act and conditions attached to the premises licence to promote the licensing objectives.
174. This authority considers it reasonable to expect therefore that either the designated premises supervisor or another personal licence holder will normally be present upon the premises at all times that alcohol is either sold or supplied or that proper arrangements are in place for authorisation of staff in their absence and for their monitoring. This authority does recognise that there may be occasions when it is not possible for the designated premises supervisor or another personal licence holder to be present but this authority considers that this should not occur for any extended period and emphasises that there can be no abdication of responsibility in their absence.
175. Furthermore, this authority expects that authorisations of other staff to sell and supply alcohol made by the designated premises supervisor and any other personal licence holders must be meaningful and be properly carried out.
176. It is understood that, ultimately, whether or not an authorisation has been given within the meaning of the Act will be a matter for a court to determine on the evidence before it when the issue arose, but this authority notes the Secretary of State considers that the following factors should be relevant in considering whether there was real authorisation:
- a) The person(s) authorised to sell alcohol at any particular premises should be clearly identified
 - b) The authorisation should have specified the acts which may be carried out by the person being authorised
 - c) There should be an overt act of authorisation, for example a specific written statement given to the individual(s) being authorised
 - d) There should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis
177. Attention is drawn, however, to the fact that recent provision has been made for certain community premises to apply for the removal of the mandatory condition relating to the requirement for a DPS and personal licence and replace this with an alternative condition making a management committee or board of individuals responsible for the supervision and authorisation of alcohol sales. Where such application is made the council will expect the applicant to demonstrate that the arrangements for the management of the premises by the committee or board are adequate to ensure adequate supervision of the supply of alcohol on the premises. In cases where it is intended to make the premises concerned available for private hire, this authority will wish to consider the arrangements for hiring agreements. This consideration will include steps to be taken to ensure that the hirer is aware of the licensing objectives and offences in the 2003 Act and to ensure that no offences are committed during the period of the hire.

Door Supervision

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

Police promotion event risk assessment form 696

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

180. This authority further recommends the metropolitan police promotion / event risk assessment form 696 and the after promotion / event debrief risk assessment form 696a (both available from the local police licensing office) as useful and effective tools for this purpose. Where the risk assessment forms are used to assess the likely risks from any promotion or event, this licensing authority anticipates that these will be completed in consultation with the metropolitan police. Risk assessments should be submitted to the metropolitan police and the licensing authority within 14 days of any proposed event and debrief forms submitted within 14 days of the conclusion.

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

Adult entertainment

182. This Authority expects all applicants and licensees intending to provide adult entertainment to provide full details within their operating schedule, including the control measures intended to be put into place to promote the licensing objectives.

183. When considering application which include adult entertainments this Authority will take into account

- The nature of the area

- The marketing and advertising arrangements for the entertainment
 - The external views of the premises
 - Any other factors proposed by the applicant to mitigate against concerns
184. Premises providing adult entertainment on a regular basis will be subject to the separate licensing regime for Sexual Entertainment Venues (SEV) under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009. These provisions were adopted by this Authority on 20 October 2010 and made effective from 1 April 2011. This authority's approach to the licensing of sex establishments and sexual entertainment venues is covered in full under the separate Southwark Sex Establishments Licensing Policy, which is available from the licensing service.
185. Premises licensed under the Licensing Act 2003 that provide occasional performances involving striptease and nudity that are exempt from the SEV regime will be subject to the following sections of this policy.
186. Where such performances are provided, the licensing authority will normally expect the operating schedule to address the following relevant matters:
- Adequate arrangements to exclude persons under 18 year of age from the premises
 - Adequate arrangements to ensure the adult entertainment cannot be seen from the street
 - That there is no external advertising of the entertainment either at the premises or in the immediate vicinity
 - The prohibition of leafleting or touting for business
 - The designation of an area of the premises for the entertainment with segregation maintained between the performers and the audience and direct access for performers to a dressing room without having to pass through or coming into close proximity with the audience
 - The prohibition of the participation of customers in the performance
 - The maintenance of a minimum distance of 1 metre between performer and customers during the performance
 - The provision of CCTV and the maintenance of a library of recordings
 - A code of conduct for dancers including appropriate disciplinary procedures for failure to comply with the code
 - Rules of conduct for customers, including appropriate procedures for breach of these rules
 - Procedures to ensure that all staff employed in the premises have pre-employment checks including suitable proof of identity, age and (where required) permission to work
 - The provision of supervisors and security staff
 - Other necessary steps to be taken, including in the recruitment or supply of performers, is free of the influence or organised criminal activity
187. This Authority will take the location of a premises into account when determining applications for adult entertainment, including the proximity of sensitive premises such as:

- Residential accommodation
- Schools
- Children's and vulnerable people centres
- Youth and community centres
- Religious centres and places of public worship

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

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

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

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

Theft of personal property

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

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

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

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

SECTION NINE – THE SECOND LICENSING OBJECTIVE – ENSURING PUBLIC SAFETY

193. Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the Licensing Act 2003. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from excessive alcohol consumption such as unconsciousness or alcohol poisoning.
194. The licensable activities under consideration can potentially take place within a broad range of premises. This includes night clubs; concert halls; bars and public houses; restaurants and cafes; cinemas; theatres; supermarkets, convenience stores and grocers; off-licences; and fast food outlets. Each of these types of operation potentially presents a mixture of risks. While many risks are common to most premises, others are unique to specific operations. It is essential that premises are constructed or adapted, configured and managed in a manner which acknowledges these risks and safeguards occupants against them.
195. This authority is committed to ensuring the safety of people visiting and working in licensed premises. Thereby, this authority expects applicants for premises licenses and club premises certificates to prepare their operating schedule on the basis of a risk-assessment and demonstrate an understanding of the potential risks and hazards and include positive proposals to promote the public safety licensing objective.
196. A number of matters should be considered in relation to public safety. These may include:
- Premises configuration and site layout arrangements including adequate means of escape and signage
 - Fire safety
 - Emergency systems
 - Temporary structures
 - Ensuring appropriate access for emergency services, such as ambulances
 - Good internal and external communication systems, including with local authorities and emergency service (for example communications networks with the police and signing up for local resident incident alerts)
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits
 - Hygiene and welfare facilities
 - Special installations and special effects
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late night transport)
 - Ensuring appropriate and frequent waste disposal, particularly of glass and bottles
 - Ensuring appropriate safe limits on the maximum capacity of the premises
 - Considering the use of CCTV in and around the premises (see previous section)
 - Considering the use of licensed security

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

- **Model National and Standard Conditions for Places of Public Entertainment** and Associated Guidance ISBN 904031 11 0 (Entertainment Technology Press – ABTT Publications)
- **The Event Safety Guide** - A guide to health, safety and welfare at music and similar events (HSE 2002) ("The Purple Book") ISBN 0 7176 2453 6
- **Managing Crowds Safely** – A Guide for Organisers of Events and Venues (HSE 2000) ISBN 0 7176 1834 7
- **5 Steps to Risk Assessment: Case Studies** (HSE 1998) ISBN 07176 15804
- **The Guide to Safety at Sports Grounds** – Published by the Safety at Sports Grounds Authority ("The Green Guide") 2007 ISBN 9780117020740
- **Safety Guide for Street Arts, Carnival, Processions and large scale Performances** published by the Independent Street Arts Network, copies of which may be obtained through www.streetartsnetwork.org/pages/publications.htm
- **Fire Safety Risk Assessment – Open Air Events and Venues** (ISBN 978 1 85112 823 5) which is available from the Communities and Local Government website www.communities.gov.uk/fire
- **Technical Standards for Places of Public Entertainment 2013** – The Association of British Theatre Technicians; The Chartered Institute of Environmental Health; The District Surveyors' Association; and The Institute of Licensing
- **Safer Clubbing** - Produced by the Home Office in conjunction with the London Drugs Policy Forum

198. 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)

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

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

201. Where its discretion is engaged following the consideration of relevant representations, the licensing authority will consider attaching relevant conditions to licences and permissions to promote public safety, where these are not provided for within other legislation and are necessary for the promotion of the public safety licensing objective. This may include additional site specific controls relevant to the planned activities and their timing.

Other relevant legislation

202. Applicants are firstly reminded of the general duties imposed under other legislation (i.e. the Regulatory Reform (Fire Safety) Order 2005) and the Health and Safety at Work Regulations 1999 (see appendix B – Other relevant legislation and strategies).

Mandatory condition applying to all premises licensed for the supply of alcohol for consumption upon the premises

203. The following condition will apply to all relevant premises licences and club premises certificates which authorise the supply of alcohol for consumption upon the premises.

Free potable water

- The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available

Measures in support of the public safety licensing objective – Taking a proactive approach to customer safety

204. Applicants are encouraged to take a proactive approach to public safety issues and to discuss appropriate measures with the responsible authorities concerned. Many of the considerations dealt with in the previous section of this policy (dealing with the prevention of crime and disorder) are relevant here. However, consideration should also be given to:

- Ensuring adequate members of staff are on duty upon the premises so as to ensure proper management control may be maintained
- To provide a full range of soft drinks as alternative to alcohol
- Restricting 'special offers' around alcohol to slow down consumption; the rate at which blood alcohol concentrations increase; and peak levels reached by drinkers. Rapidly ascending and high blood concentrations are shown to be associated with violence and uninhibited behaviour.
- Align pricing with alcohol by volume (ABV) and ensure that non-alcoholic drinks are kept much cheaper
- Restrict sales of alcopops where they could attract under age purchasers
- Restrict sales of beer or cider over a specified ABV
- Restrict sales of single cans of alcohol
- Make food available in late venues
- Tasking staff to actively monitor customers present upon the premises so as to ensure that no customer continues to be supplied with alcohol to a point where they become drunk
- To ensure the regular collection of glass within the venue and / or external areas

- To ensure against drinks being “spiked” or otherwise tampered with. This can be supported by providing a controlled safe areas for drinks to be kept while customers go outside of the premises for a cigarette
- Increasing the amount of seating provided for customers to reduce more intensive drinking
- Reduce the volume of music as loud music can increase alcohol consumption
- Actively promote designated driver schemes where a driver is offered discounted or free non-alcoholic drinks
- Start the sale of alcohol later in the day and do not align it purely with opening hours
- Do not provide advertisements for alcohol in shop windows or display boards or other advertising for alcohol on the shop floor
- Store alcohol in controlled areas
- To ensure all (internal and external) parts of the premises are adequately lit and may be monitored by staff

Safe capacities

205. The Guidance to licensing authorities states that “safe capacities” should only be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. Guidance explains that if a capacity has been imposed through other legislation, for instance the Regulatory Reform (Fire Safety) Order 2005, then it would be inappropriate to reproduce it in a premises licence. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect.
206. The position of the authority and the responsible authorities is that the importance of the role of safe capacities in terms of both public safety and crime and disorder should not be underestimated.
207. Accordingly, it is recommended that wherever the setting of a safe capacity during the provision of licensable activities will assist issues of crowd safety or public order, this is addressed by the operating schedule. Safe capacities should consider not only the overall capacity of a premises but the potential for localised overcrowding within premises also. This is particularly relevant in larger premises, where several activities are taking place in different areas of the same premises at the same time.
208. 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.
209. For guidance in calculating safe capacities applicants may refer to the London District Surveyors Associations Technical Regulations referenced in this Section.

Ensuring safe departure of those using the premises

210. Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Provide full, clear and up to date information on web sites and other promotional literature on local public transport availability to enable customers to plan their journeys to and from the premises in advance
- Provide information upon the premises of local taxi companies who can provide safe transportation home
- Provide facilities to wait for transport in a secure environment
- Maintain sanitary accommodation available to customers waiting for transport
- In the event that a customer appears to have had too much to drink, to assist in making arrangements for a safe journey home
- Provide adequate lighting outside the premises, particularly on paths leading to and from the premises

Women's Safety Charter

211. This Authority is concerned over anecdotal feedback that female sexual harassment at bars and night clubs is seen as normalised behaviour and goes unchallenged and unreported.

212. In November 2014, Southwark Council launched the Women's Safety Charter. The charter is intended to highlight the concerns over sexual harassment and ensure that these are properly addressed by licensed venue management. The charter asks licensees to:

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

213. Many responsible, progressive local businesses signed up to the Charter upon its launch. This Authority strongly recommends that every licensed operator demonstrates their commitment to ensuring that their premises also provides a safe environment for women by doing the same. Further information, advice and support is available from the licensing service (for contact details see appendix A).

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

Introduction to public nuisance

214. Licensed premises, especially those that operate late at night or in the early hours of the morning, can give rise to a range of nuisances that may potentially impact on people living, working or sleeping in the vicinity of the premises. Principal concerns relate to noise nuisance, light pollution and noxious smells.
215. This authority expects applicants for premises licences and club premises certificates to have made relevant enquiries about the local area before submitting their application. It is important to recognise that the impacts of licensed activity are not contained within a building. Inevitably there is a wider impact as people travel to and from the premises or congregate outside while it is in operation. Nuisance is best managed by careful consideration of the suitability of the selected site at an early stage. Though each site will be considered upon its own characteristics, locating licensable activities in town centres on main roads well served by public transport will generally offer a better prospect of mitigating the impact of the activity.
216. When a suitable site is identified, operating schedules should be prepared on the basis of a risk assessment of the potential sources of nuisance posed by the premises operation to the local community. The operating schedule should demonstrate an understanding of the level of risk of nuisance and include positive measures to manage any potential risks.
217. Relevant considerations might include
- Preventing disturbance caused by patrons upon arrival; when queuing or being admitted to the premises; while congregating outside the premises; or upon departure. This particularly (though not exclusively) between 23.00 and 08.00 hours;
 - The provision of adequate parking arrangements for customers, preventing illegal parking and obstruction of emergency and other vehicles
 - The prevention of queues of traffic forming outside the premises;
 - The availability of alternative public transport and local provision for licensed taxis or private hire vehicles, including arrangements to ensure their use does not cause disturbance to local residents
 - Preventing noise and vibration escaping from the premises, including from music played upon the premises; public address systems; and customer noise
 - Preventing nuisance from the positioning and operation of plant and machinery such as kitchen extraction systems, ventilation plant, condensers etc
 - The need for regular patrols of the boundary of the premises and / or at the nearest residential points to ensure nuisance impacts are not being experienced by neighbours

- Controlling disturbance that may be caused by the use of external areas. This should include gardens and terraces as well as other open-air areas including the highway (particularly in relation to the smoking ban and passage of patrons between internal and external areas)
- Arranging clear up operations conducted by staff so they do not cause a nuisance and controlling staff departures
- Restricting delivery and collection times (waste, equipment and consumables) to between 08.00 and 20.00 hours
- Limiting any nuisance or glare caused by the positioning of external lighting, including security lighting
- Preventing odour or pests from refuse storage and waste disposal and the accumulation of litter and smokers waste in the vicinity of the premises

218. Applicants are recommended to seek advice from the council's environmental protection team when preparing their operating plans and schedules. Where relevant, applicants are also advised to refer to:

- The Institute of Acoustics "Good Practice Guide on the Control of Noise from Pubs and Clubs"
- Noise at Work Guidance for employers on the Control of Noise at Work Regulations 2005 issued by the Health and Safety Executive and obtainable from <http://www.hse.gov.uk/pubns/indg362.pdf>
- In the case of large music events, the Code of Practice on Environmental Noise Control at Concerts produced by the Noise Council together with Southwark Events Team policies
- Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems produced by DEFRA
- Guidance Notes for the Reduction of Obtrusive Light – Institute of Lighting Engineers (2005)

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

Guide to control measures

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

221. Applicants should note that where the discretion of the authority is engaged following consideration of relevant representations, the licensing authority will consider attaching appropriate conditions to licences to prevent nuisance. This may include additional site specific controls relevant to the planned activities and their timing.

Preventing nuisance outside of premises

222. Nuisance caused by patrons outside of premises, whether by patrons queuing for entry; enjoying the facility of a beer garden or terrace; or by smokers congregated on the pavement, is of considerable concern to local residents. This forms the basis for many of the complaints received within the authority, especially through the summer months. While people noise is often the main concern, obstruction of the highway preventing people passing by on the pavement and forcing them into the road, can also be both intimidating and dangerous and may also hamper access by emergency services, or street cleansing. Local residents may be further affected by smoke from barbeques and other cooking equipment used in the open air.
223. Licensees have a responsibility for the conduct of their customers while they are in and around their premises. If provision is made for customers to congregate or smoke outside of premises, then sufficient management controls must be put into place to ensure that no nuisance or disturbance is caused to local residents. Failure to control customers outside of premises can result in licence reviews being submitted endangering the continuation of the premises licence.
224. Some simple management controls can be put into place which can significantly reduce the risk of nuisance caused to local residents by customers outside of licensed premises. Consideration should be given to placing controls on:
- Queues of patrons awaiting admission and how these are arranged.
 - The hours of operation of any licensed external area, requiring customers to return back into the premises at a specific time. In residential areas it is suggested that a closing time no later than 22.00 is appropriate.
 - The supervision of patrons using any external area so as to prevent nuisance and disturbance
 - Whether it is appropriate to relay music into any external area (licensees must take care not to cause nuisance at any time of the day or night)
 - The times during which any live music or amplified sound may be played in, or relayed by external speakers into, any external area or marquee. (Note: Any music played or relayed into the external area should cease earlier than the time set on the use of the external area).
 - The numbers of persons using any licensed external area at any one time.
 - The numbers of 'smokers' allowed outside of the premises at any one time.
 - The taking of drinks outside of the premises when patrons step outside to smoke. This encourages customers to return quickly inside. This can be assisted by providing a 'drinks safe' area for patrons who temporarily leave the premises.
 - The areas within which patrons may congregate outside of the premises, restricting them, for instance, to the curtilage or footprint of the premises.
 - The times within which barbecues or other cooking facilities may be provided within any external area
 - The terminal hour for last admissions and readmissions to the premises
 - The reduction of music levels within the premises 30 minutes before closing so as to reduce levels of excitement among patrons upon leaving

- Arrangements made with local cab companies when calling for customers, requiring that they call within the premises for their customers without sounding their horn in the street
- The display of notices at exit points asking patrons to ‘ please leave quietly’ and be mindful of local neighbours
- The supervision of patrons outside of the premises to ensure quick dispersal from the immediate area upon closing time
- The clearance of any litter created by the operation of the premises
- The hours during which external activities such as the handling and removal of waste or musical equipment or the delivery of goods. (Note: It is recommended this is prohibited between 22.00 and 0800)
- Restricting the use of artificial lighting outside of the premises so as to reduce the potential for light nuisance

Preventing nuisance from within premises

225. Nuisance may often be caused by sound escaping from the premises or transmitted through the structure of the building. While some simple management steps may be taken to reduce the problem, it should be understood that in some premises physical works may be necessary to prevent nuisance being caused to local residents. The likelihood of this increases where regulated entertainments are to be provided; the later the intended hour of operation; where residents live adjacent to, above or close by the premises; or where there are other noise sensitive premises close by. Where physical measures are likely to be necessary expert advice should be sought on appropriate measures.

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

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

227. It is important to understand that, even though recent government deregulation initiatives have relaxed the requirements around the licensing of small scale entertainments taking place during day time hours, all operators remain responsible for preventing public nuisance arising from their premises operation. Failure to prevent public nuisance may give rise to deregulation provisions being removed and endanger the continuation of a premises licence.

Outdoor events

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

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

- Set up rigging / de-rigging
- Vehicle movements on and around site
- Patrons congregating and dispersing
- Parking arrangements
- Music and entertainment
- Fireworks and special effects
- Smoke
- Odour from concessions or open food preparation
- Lighting
- Operation of plant & machinery (including generators etc)
- Litter

230. It is recommended that event organisers include a 'nuisance management section' within the Event Management Plan, assessing all nuisance-causing activities and setting out the measures proposed to mitigate any nuisances that are likely to be caused.

231. The nuisance management section should include the following information

- Location & site plan
- Date /hours of operation
- Information on the type of event, with programme and timetable
- Orientation of any stage(s), marquees or potential sources of noise
- Plans for access to & from site and site routes within the event perimeter
- Location of operational plant & vehicles
- Background noise survey and predictive noise assessment
- Details of event and stage management structure including names and contact details for persons responsible for liaison with council and other enforcement officers at the event; for management of sound systems; recording of noise levels; dealing with complaints and keeping records of any

remedial actions; and attending pre-event and post-event audit meetings with the authority

- Details of noise control measures
 - Sound limiting technology to be used
 - Maximum noise / bass levels
 - Selection of equipment etc.
- Location of light sources & light impact assessment
- Litter control, waste management & recycling provisions
- A copy of the pre-event information leaflet to be dropped to occupiers of nearby noise sensitive premises

Other consents

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

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

Introduction to the protection of children from harm

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

The purchase and consumption of alcohol by children and young persons

240. This authority believes that it is completely unacceptable to sell alcohol and associated age-restricted products to children.

241. The Health and Social Care Information Centre's conducts regular surveys designed to monitor smoking, drinking and drug use among secondary school pupils aged 11 to 15. The most recent survey, conducted during the autumn school term 2013 obtained information from 5,187 pupils in 174 schools throughout England. The report on 'Smoking, Drinking and Drug Use Among Young People in England in 2013' states that:

- In 2013, around two-fifths of pupils (39%) had drunk alcohol at least once. Boys and girls were equally likely to have done so
- The proportion of pupils who have had an alcoholic drink increased with age from 6% of 11 year olds to 72% of 15 years olds
- Less than one in ten pupils (9%) had drunk alcohol in the last week. This continues the downward trend since 2003 when a quarter (25%) of pupils had drunk alcohol in the last week
- Older pupils were more likely to have drunk alcohol in the last week: the proportion increased from 1% of 11 year olds to 22% of 15 year olds.
- Pupils who had drunk in the last week had drunk an average (mean) of 8.2 units, less than in recent years. Boys and girls drank similar amounts.
- Most pupils who had drunk alcohol in the last week had consumed more than one type of drink. Beer, lager and cider accounted for the majority of the alcohol boys drank (63%). Among girls, less than a third of the alcohol was drunk as beer, lager or cider (30%). The remainder was likely to be in the form of wine (25%), spirits (22%), or alcopops (20%).

242. While these figures are generally indicative of declining levels of consumption among secondary school children, Alcohol Concern report

- In a sample of over 2000 15-16-year-olds from the UK, 11% had had sex under the influence of alcohol and regretted it
- Almost one in ten boys and around one in eight girls aged 15 to 16 have unsafe sex after drinking alcohol
- Every year in the UK, more than 10,000 fines for being drunk and disorderly are issued to young people aged 16 to 19
- Almost half of young people excluded from school in the UK are regular drinkers

Access to licensed premises

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

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

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

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

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

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

Mandatory conditions applying to all premises licensed for the supply of alcohol

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

Age verification policies

- The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale of alcohol.
- The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
- The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either (a) a holographic mark; or (b) an ultraviolet feature.

Age verification policies

248. The Southwark trading standards service, as a responsible authority, considers every licence application made to the licensing authority and makes

recommendations on an appropriate range of management controls. In the years since the 2003 Act came into being, under-age alcohol test purchase campaigns have been conducted annually within Southwark by the trading standards team. The results are given in Figure 1.

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

249. While the compliance rates are seen to be improving over the past 4 years, the rate of test purchase failures still leaves room for improvement. It is important that full compliance rates are achieved.

250. Trading standards recommended best management practice for controlling under age sales is set out below. While this is intended as guidance only, this authority recommends that all operators should give careful consideration to introducing these controls into their management practices and including them within their operating schedules.

- That “Challenge 25” is supported as part of the age verification scheme established. The scheme should require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol
- That “Challenge 25” notices be displayed informing customers and staff that sales of alcohol will not be made to anyone appearing to be under 25 unless they can prove they are 18 or over
- That evidence of the scheme (in the form of documented procedures) is maintained and made available for inspection by authorised officers
- That all staff involved in the sale of alcohol shall be trained in the age verification scheme and records of such training shall be retained on the premises and made available for inspection by authorised officers
- That an incident log shall be maintained and details of all age related refusals recorded. This book shall be reviewed monthly by the DPS and any actions taken recorded in the book and signed off by the DPS. This log shall be retained on the premises and made available for inspection by authorised officers
- That if a CCTV recording system is installed inside the premises, it shall be positioned to capture the sale of alcohol. A library of recordings taken by the

system shall be maintained for 31 days and made available to authorised officers upon request

- That a personal licence holder shall be on the premises at all times that alcohol is supplied
- That an EPOS (electronic point of sale) system is installed at the premises, it shall be configured to prompt the operator to check proof of age when an alcoholic product is scanned. This prompt should require the operator to confirm the purchaser is over 18 before the next item can be scanned or the transaction completed
- That the DPS shall ensure that, as far as is reasonably practical, alcohol is displayed in an area which can be constantly monitored or supervised by staff, separate from goods likely to be purchased by persons under 18
- That, if any advertising campaigns or promotions of alcohol are planned, the premises licence holder shall ensure they are carried out in a socially responsible manner and that they do not encourage irresponsible drinking. If authorised officers raise concerns about any promotion the premises licence holder shall discontinue it

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

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

The (Southwark) Proof of Age (PAL) London card

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

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

254. Anecdotal evidence is that traditionally many venues only accepted driving licences and passports because of concerns that other forms of ID were too easily copied or forged. This is not the case. In fact the most commonly copied document is the driving licence. Cards bearing the PASS hologram cannot be easily copied and from 2014 all PASS approved cards for over 18s have a standardised front face design to improve confidence.

255. PASS means Proof of Age Standards Scheme which is UK's national proof of age accreditation scheme, endorsed by the Home Office, the Association of Chief

Police Officers (ACPO), the Security Industry Authority (SIA) and the Trading Standards Institute.

256. For further information on introducing an age verification policy, to access the training programme or to obtain the materials itemised above, please contact the trading standards service.
257. It is recognised that upon occasions some under-age sales are made through intimidation or fear. Licensees experiencing such problems are advised to discuss their situation with licensing or trading standards officers. Furthermore, the council's health and safety team offers conflict resolution training aimed at helping deal with the threat of violence and aggression in the workplace. For contact details please see appendix A.

Children and responsible drinks promotions

258. The Portman Group operates, on behalf of the alcohol industry, the 'Code of Practice of the Naming, Packaging and Promotion of Alcoholic Drinks' to ensure that alcohol is marketed responsibly and only at adults.
259. The Code applies to all alcohol marketing (including naming, packaging, and promotion of products, event sponsorship and point of sale material) which is primarily UK targeted and not already subject to regulation by the Advertising Standards Authority (ASA) or Ofcom.
260. The Code can be viewed at <http://www.portmangroup.org.uk/codes/alcohol-marketing/code-of-practice> .

Mandatory licence condition applying to premises licensed for film exhibitions

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

Requirement for age classification

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

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

Film Classification

263. As indicated, films intended only for local exhibition may be classified by the local licensing authority as an alternative to the BBFC. This Authority has a Film Viewing Board for that purpose.
264. In order for a local age classification to be considered, however, it is important that good notice (at least 28 days) is given of the proposed exhibition. It is necessary for the board to view the version of the film that is intended to be exhibited and so a good quality copy on acceptable media is required in advance of the exhibition.

265. Please contact the licensing team to discuss your exhibitions (asee appendix A for contact details)

Regulated entertainment provided for children

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

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

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

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

Child sexual exploitation (CSE)

268. Sexual exploitation is when a child under the age of 18 is manipulated into having sex or engaging in sexual activities, usually in return for something. It is a form of abuse and a crime.

269. This Authority and its partners are committed to tackling and preventing the sexual exploitation of children and young people.

Operation Makesafe

270. Operation Makesafe is a pro-active initiative intended to raise awareness of signs of child sexual exploitation. The programme, which was developed from a pan London CSE awareness operation first launched in 2014, aims to deploy police officers to intervene before any harm occurs to the young person identified.

271. All licensed operators are strongly encouraged to sign up to this programme and ensure that staff are alert to potential signs of CSE. Examples of signs to look out for include:

- Adults who appear secretive or are trying to hide the fact that they are with a young person
- Adults befriending young people, including buying them food and drinks
- Young people being picked up and taken to hotels, particularly at odd times of the day and night
- Adults who frequently come into the premises with different young people
- Young people who, although with peers, look uncomfortable and under duress

272. Licensees are advised 'say something if you see something' and to call 101 quoting operation makesafe (www.met.police.uk). Issues relating to child sexual exploitation can also be raised with the multi-agency hub. Further information, including publicity materials, are available from the police and council licensing teams (see appendix A for contact details).

Entertainment involving striptease and nudity

273. Applicants proposing activity that includes adult entertainment are also referred to the policy set out at pages 46-48. The victims of "people trafficking" often include young females under 18, and this is a further reason why the policy makes reference to it.

SECTION TWELVE - ENFORCEMENT

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

- A commitment to multi-agency working

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

APPENDIX A – CONTACT DETAILS

THE LICENSING SERVICE

Advice and Guidance

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

In writing

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

By phone: Customer service centre on 020 7525 2000

By Fax - 020 7525 5705

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

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

OTHER RESPONSIBLE AUTHORITIES

Commissioner of Police for the Metropolis

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

The London Fire and Emergency Planning Authority

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

The Environmental Protection Team (the “responsible authority” dealing with nuisance and pollution issues) **The Occupational Health and Safety Team** and **The Trading Standards Service**

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

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

Council Offices
5th Floor Hub 2
Tooley Street

London, SE1
Tel: 020 7525 2000

Southwark Childrens' Social Care Services

C/O Interim Practice Group Lead QAU and
Local Authority Designated Officer (LADO)
Southwark Council
Sumner House
Sumner Road
Peckham
SE15 5QS
Telephone: 0207 525 0689

Multi Agency Hub

Tel: (Day) 02075251521. Out of Hours 02075255000

Public Health

Dr Richard Pinder
Lambeth and Southwark Public Health
1st floor, Hub 2, PO BOX 64529
London, SE1P 5LX
Email: PublicHealth.Licensing@southwark.gov.uk

Notes:

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

OTHER AGENCIES

**Access Officer &
Chair of Southwark Disablement Association**

2 Bradenham Close
London, SE17 2QB
Tel: 020 7701 1391

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

C/O Southwark Regulatory Services
PO BOX 64529
London
SE1P 5LX
Tel: 020 7525 2000

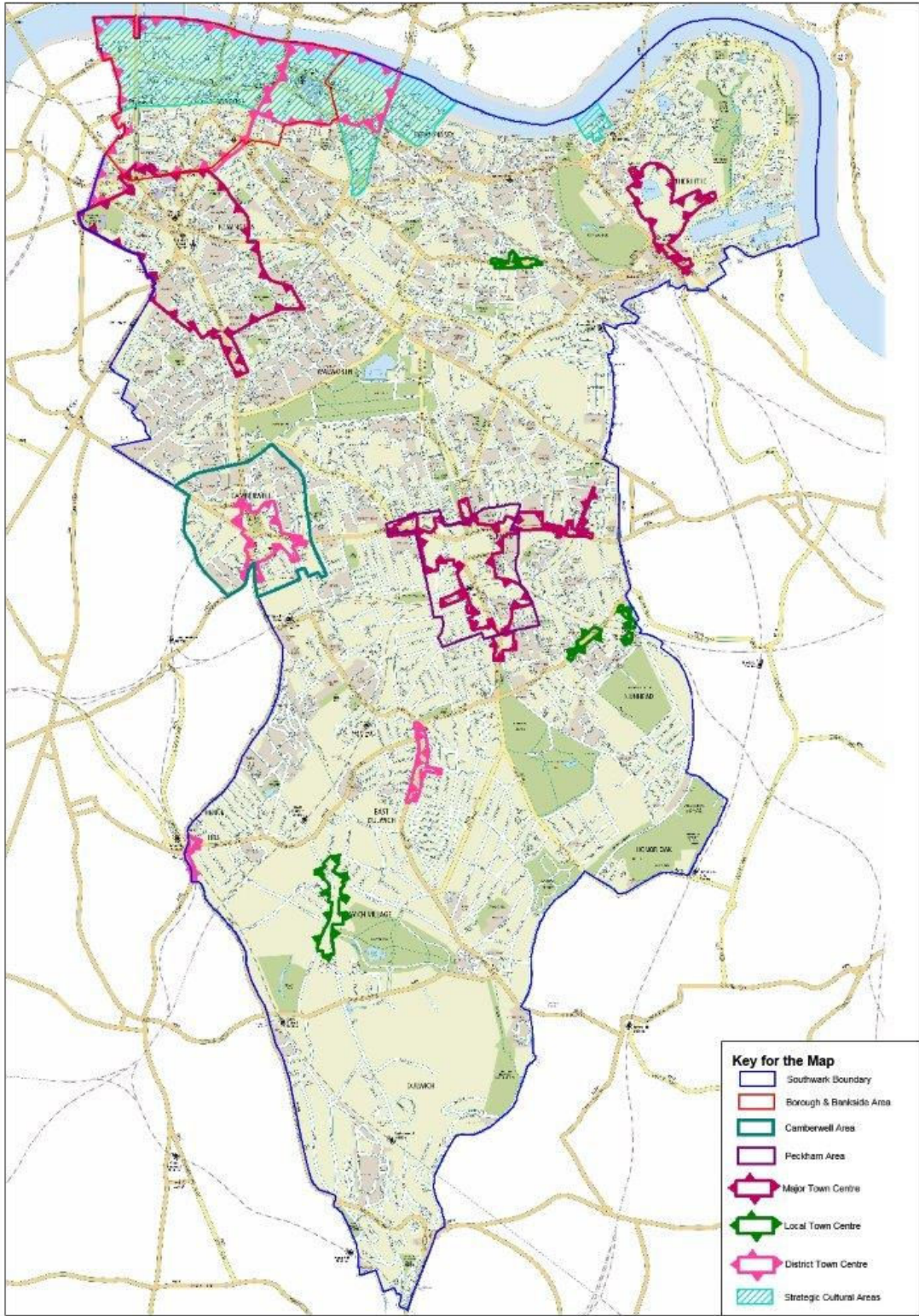
Street Trading (for shop front licences)

Street trading office

Dawes Street
London, SE17

Southwark Events Team & Safety Advisory Group (SAG)
C/O Council Offices
PO BOX 64529
London
SE1P 5LX

APPENDIX B – MAP OF AREA CLASSIFICATIONS AND CIPS



APPENDIX C - OTHER RELATED LEGISLATION AND STRATEGIES

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

Other relevant legislative requirements

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

The Anti-Social Behaviour Crime and Policing Act 2014

The Anti-Social Behaviour, Crime and Policing Act 2014 defines 'anti-social behaviour' as "conduct that has caused, or is likely to cause, harassment, alarm or distress to any person"; "conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises"; or "conduct capable of causing housing-related nuisance or annoyance to a person".

The Act contains a range of powers intended to support local authority and partner bodies deal with anti-social behaviour. These include powers of premises closure in cases of nuisance or disorder which may support primary legislation.

The Clean Neighbourhoods and Environment Act 2005

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

The Crime and Disorder Act 1998

Section 17 of the Crime and Disorder Act 1998 is aimed at giving the vital work of crime and disorder reduction a focus across the wide range of local services and putting it at the heart of the local decision-making. It places a duty on key authorities, including local authorities and the police and fire and rescue authorities, to do all they reasonably can to prevent crime and disorder in their area.

All local authorities must fulfil their obligation under section 17 of the Act when carrying out their functions as licensing authority under the 2003 Act. The council as licensing authority must consider how the exercise of its functions impacts upon and contributes toward the prevention of crime and disorder within its area.

This statement of licensing principles is intended to support the work of the local Crime and Disorder Reduction Partnership, the Safer Southwark Partnership through measures under both the **Crime and Disorder Reduction Strategy**; the **Violent Crime Reduction Strategy** and the **Alcohol Strategy**.

The Environmental Protection Act 1990

The Act provides the fundamental structure and authority for waste management and control of emissions into the environment.

The management of statutory nuisance is set out in Part III of the Act. The Act places a duty on a local authority to investigate complaints of statutory nuisance from people living within its area.

Equality Act 2010

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations.

The Act also imposes a public sector equality duty. This means that public bodies, including this licensing authority, must consider all individuals when carrying out their day to day work – in shaping policy; in delivering services; and in relation to their own employees.

It also requires that public bodies

- Have due regard to the need to eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

This Authority recognises Southwark's diversity as one of its strengths and is committed to creating a more inclusive community. Our aim is to ensure that nothing within this Statement of Licensing Policy discriminates against any group within the community and will pursue any opportunity to promote equality of opportunity and good community relations. To this end, the authority will undertake equalities impact assessments of the policy at regular intervals to identify the effects the policy may have had for different groups and take appropriate action to prevent direct and indirect discrimination which may have been the result of the policy statement.

As will be noted from the information provided in section 12 of this document, contact can be made with our licensing and related services in a number of ways. Our customer contact centre is available 24/7. Our services can receive telephone; email and postal communications. Advice and information is provided on our web site or direct from our offices. Officers will make personal calls by appointment. If you require our services and have difficulties using our services please talk to us and explain exactly what your needs are to help us understand what adjustments may be necessary to the way we provide our services.

We also recognise that other service providers providing licensable activities including shops, hotels, pubs, theatres and more hold similar responsibilities. Service providers have an obligation to make reasonable adjustments to premises or to the way they provide a service. Sometimes it just takes minor changes to make a service accessible.

While access for people with disabilities is not one of the four licensing objectives, this council expects that responsible licensees will comply with the requirements of the Equality Act 2010. As such the licensing service will work closely with the Southwark Disablement Association (SDA) to ensure that disabled people are not treated less favourably than other people for a reason related to their disability. As part of this arrangement this authority will inform the SDA of new licence applications and will

support the SDA and licensees in improving access to services. The SDA can provide advice to any licensee on reasonable adjustments – contact details are provided in section 12 of this policy.

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

The Gambling Act 2005

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

The Health Act 2006

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

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

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

The Health and Safety at Work Regulations 1999 state that

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

- (2) Every self-employed person shall make a suitable and sufficient assessment of -
 - (a) The risks to his own health and safety to which he is exposed whilst he is at work; and
 - (b) The risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking,”

The Health and Safety Executive helpfully provides a range of example risk-assessments which may be viewed at <http://www.hse.gov.uk/risk/casestudies/> . The

examples provided include for night-clubs, pubs, village halls, off-licences and convenience stores.

The Human Rights Act 1998

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

Regulatory Reform (Fire Safety) Order 2005

The Regulatory Fire Safety (Reform) Order 2005 covers general fire safety in England and Wales. In the majority of premises, local fire and rescue authorities enforce this fire safety legislation. Under the Regulatory Reform (Fire Safety) Order 2005 the “responsible person” as defined by the order, must

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

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

Other strategies and policies

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

Alcohol Harm Reduction Strategy

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

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

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

Southwark Cultural Strategy 2013-2018

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

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

While this authority is naturally concerned that local community events do not cause disturbance in the local neighbourhood, it also recognises the wider benefits of cultural events for local communities. As such, this authority will be aware of the need to avoid measures which deter live music, dancing and theatre by imposing indirect costs of a disproportionate nature under licensing controls. Live performance is central to the development of cultural diversity and vibrant and exciting communities, where artistic freedom of expression is a fundamental right and greatly valued. Traditional music and dancing are parts of our cultural heritage. Music and dancing helps to unite communities and particularly in ethnically diverse communities, new and emerging musical and dance forms can assist in the development of a fully integrated society. It should also be noted that the absence of cultural provision in an area can itself lead to the young people being diverted into anti-social activities that damage communities and the young people themselves.

The council has also pursued a policy of seeking premises licences for its open spaces in its own name. Where such licences are in place, performers and entertainers may not need to obtain a licence or give a TENs themselves in order to perform. Instead they would require permission from the council as premises licence holder. Details of licences held by community venues may be viewed at <http://licensing.southwarksites.com>

Southwark Enforcement policy

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

Southwark Violent Crime Reduction Strategy

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

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 **Better Regulation Delivery Office's Code of Practice on Age Restricted Products** which deals with the involvement of children in the enforcement of legislation concerning the sale of age-restricted goods
- Furthermore, the objectives of the **Private Security Industry Authority (SIA)** will be taken into account in all issues relating to the provision of door supervision at licensed operations

This policy will also be checked for consistency with all current legislation, strategy, policy and guidance on an annual basis.