

Licensing Act 2003

**Draft Southwark
Statement of Licensing
Policy
2021 - 2026**

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 The Act repealed existing legislation relating to alcohol, entertainment and late night refreshment and introduced a new licensing regime, administered by the local Licensing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.

The fourth full revision was approved by the Council Assembly on 25 November 2015 and went through an additional mid-term review, which was again approved on 27 March 2019 and establishes this Authority's policy for the period 2021-2026. 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.

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

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

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SECTION ONE – EXECUTIVE SUMMARY

Southwark enjoys a widespread and diverse selection of licensed premises and venues. Around 1,400 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 the management of licensed premises act responsibly in their promotion of the licensing objectives; by running 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.

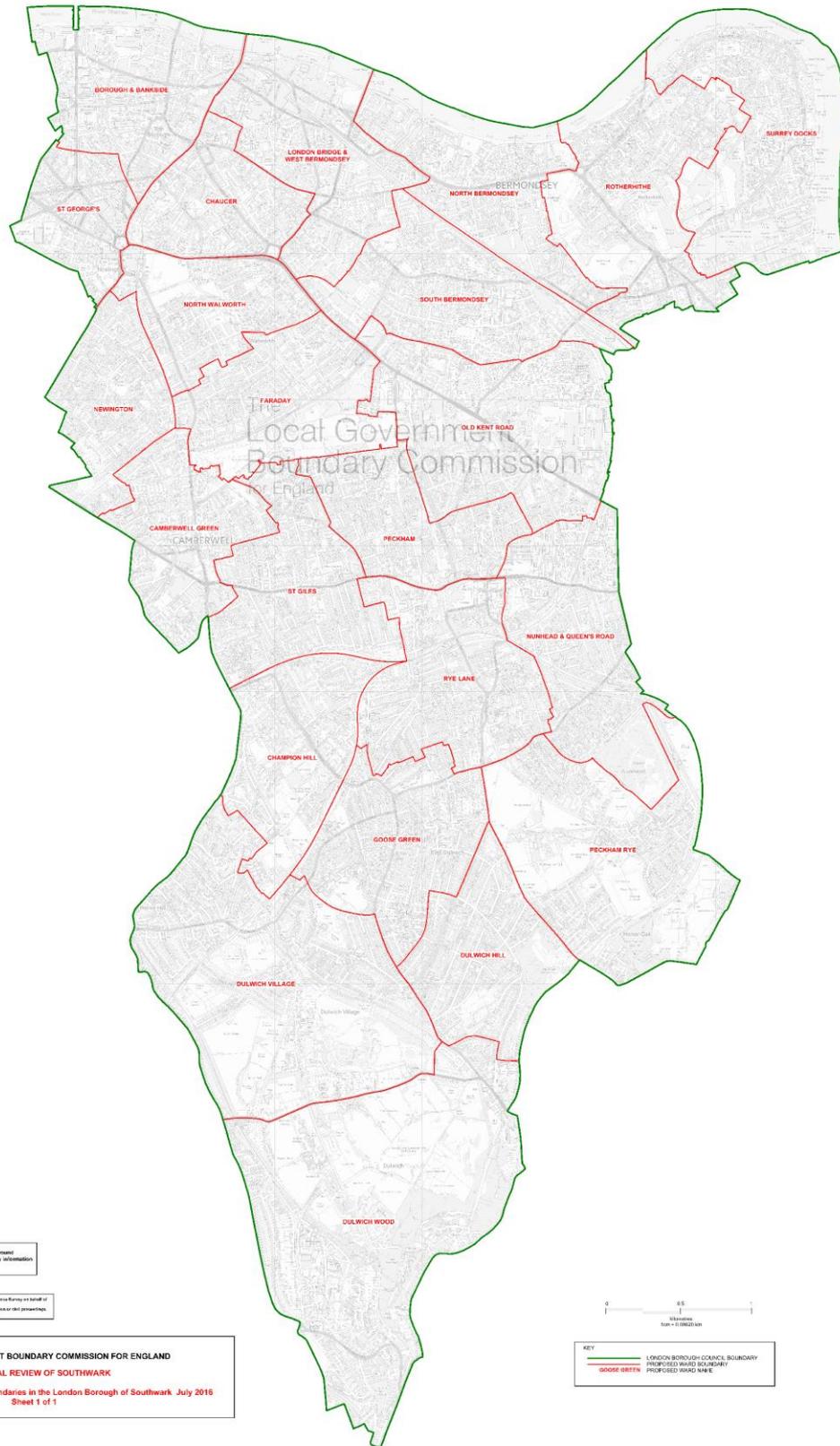
Section 8 deals with the prevention of crime and disorder. It outlines general measures that can be taken to reduce the potential for crime and disorder alongside more specific measures for premises licensed for the sale and supply of alcohol for consumption upon the premises and those operating within 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

SHEET 1, MAP 1



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 2018 estimated the population of Southwark to be 314,200 with 54.6% under 35 years of age. Southwark is a diverse Borough with people from a wide range of ethnicities and backgrounds. Over 120 languages are spoken here, and 11% of households have no members that speak English as a first language. Just over half (54%) of Southwark's population is of white ethnicity, a quarter (25%) black and a third of Asian (11%) or other (10%) ethnicities. The population of Southwark is growing at a faster rate than the national average, up by more than a fifth since 2001 and is projected to continue to increase, growing by almost 20% by 2030. In particular, developments around Old Kent Road, Canada Water and Elephant and Castle, will lead to significant population increases in these communities. Southwark has experienced high levels of international in-migration; of 2011, Southwark had the ninth highest population density in England and Wales at 9,988 residents per square kilometre.
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 (40th nationally) (2015 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 2015, 41.9% of the housing stock in Southwark was social rented. 58.1% of properties were either owner occupied, shared ownership or private rented, compared with 82.6% in England (2014 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 occupations.
6. Southwark continues to face the complex social, health and economic needs of an inner-city population, though Southwark's level of deprivation has improved in recent years. 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; Borough, Bankside and London Bridge; Canada Water; Elephant and Castle; Nunhead; and Peckham.

Leading Southwark

7. The London Borough of Southwark is made up of 23 wards consisting of 63 Councillors. The Labour party currently has 49 Councillors; the Liberal Democrat party has 14; and there are no Conservative party Councillors. 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. Ten 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.
12. Multi-ward forum areas - There are five multi-ward forum areas, each comprising four or five wards

North West area forum

- Borough and Bankside
- London Bridge and West Bermondsey
- Chaucer
- St Georges Wards

North East area forum

- North Bermondsey Ward
- South Bermondsey Ward
- Rotherhithe Ward
- Surrey Docks Ward

West Central area forum:

- North Walworth Ward
- Newington Ward
- Faraday Ward
- Camberwell Green Ward
- St Giles Ward

East Central area forum

- Old Kent Road Ward
- Peckham Ward
- Nunhead and Queens Road Ward
- Rye Lane Ward
- Peckham Rye Ward

South area forum

- Champion Hill Ward
- Goose Green Ward
- Dulwich Hill Ward

- Dulwich Village Ward
- Dulwich Wood Ward

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 Shakespeare's Globe Theatre; the Tate Modern and the Ministry of Sound). Elsewhere across the Borough, there are many other creative hotspots in areas such as the Elephant and 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. Southwark currently has over 1,400 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 11:00hrs and 23:00hrs. 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.

Alcohol-related crime analysis 2016

18. At a local level, the impact of alcohol-related harm in terms of both ambulance call-outs and crime are substantial in Southwark and are not felt evenly across the Borough. Local Southwark data highlights that the impact of alcohol increases during the course of the day and is particular evident in the late evening and early hours of the morning, especially at weekends.
19. The analysis uses local London Ambulance Service (LAS) and Southwark based Metropolitan Police data, from the most recently available 12 month period of July 2017 to June 2018. Where appropriate this has been compared with July 2015 to June 2016 and July 2016 to June 2017 in order to provide context for the direction of travel. The MPS crime dataset is composed of 1,220 Assault with Injury (AWI) offences committed in LB Southwark. AWI was the most common offence type where alcohol was a feature according to the most recently available alcohol profile

of the CSEW, with 57% of AWI offences reported in the CSEW involving alcohol. All Domestic Abuse offences and AWI assaults committed in a domestic setting have been removed from the dataset.

20. LAS data gives vital insight into the prevalence of acute alcohol related harm in a way that crime data cannot. As well as intoxication and associated presentations, paramedics will attend assault victims who will never appear in crime statistics due to the victim's unwillingness to report to the Police. There were a total of 2,970 alcohol-related ambulance call outs between July 2017 and June 2018. The number of alcohol related callouts increase during the day, with LAS callouts peaking around 23:00hrs remaining higher than the Borough average until 03:00hrs.
21. There is a 62% increase in LAS callout volumes over the weekend when comparing the Friday to Sunday to the Monday to Thursday period. LAS callouts in the LNL period are most prevalent in London Bridge, Borough High St and Elephant and Castle. Walworth Road, Camberwell and to a lesser extent, Peckham.
22. Public Health England - Local Alcohol Profile summary:
 - Latest available data (FY16/17) for the LB Southwark hospital admission rate for alcohol specific conditions is the fifth highest in London;
 - The admission rate has been notably above the London average for the previous seven years.
23. Crime Summary – Alcohol Related violence:
 - At the national level, in the combined datasets of the 2012/13 and 2013/14 Crime Survey of England and Wales, 70% of violent incidents occurring at the weekend, and 70% of violent incidents occurring in the evening or night, were alcohol-related;
 - Furthermore, 70% of violent incidents in England and Wales (as reported to CSEW) which took place in a public space were alcohol-related, compared with 40% of incidents that occurred in the home and 43% of incidents that happened in and around the workplace;
 - The proportions of violent incidents that were alcohol-related increased as the afternoon and evening progressed, from 23% of violent incidents occurring between midday and 18:00hrs, to 52% were between 18:00hrs and 22:00hrs and 83% occurred between 22:00hrs and midnight;
 - Assaults with Injury offences in the night time period are most prevalent in the London Bridge, Borough High St and Elephant and Castle areas. Walworth Road, Camberwell and to a lesser extent, Peckham.
24. Key findings – within established Cumulative Impact Areas (CIAs):
 - Proportional changes of alcohol related violence across the CIAs are not particularly statistically significant, with a similar level in 2012/13 as in 2018/19;
 - The overall increases in alcohol related LAS call outs are as a result of methodology change;
 - The level of reported alcohol related rowdy behaviour and street drinking in the CIAs is at its lowest since the introduction of the Policy;
 - The geography of alcohol-related incidents of violence, theft and LAS call-outs remained quite consistently within each CIA suggesting their positioning is appropriate.
25. Key findings – within monitor areas:
 - Reports across Violence, ASB and Ambulance data all showed an increase in the monitoring areas, although violence levels and alcohol related rowdy behaviour and street drinking are still lower than in their peak in FY2013/2014;

- Elephant and Castle may be reviewed in the future further to the expected increase in licensed premises.
26. A copy of the latest partnership analysis and the statistics relied on above 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.

SECTION THREE – PURPOSE AND SCOPE OF THE LICENSING POLICY

Purpose of the policy

27. 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

28. 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

29. 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.
30. 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.
31. In general a reference in this policy to a premises licence will also include a club premises certificate.

Definitions – ‘Regulated entertainments’

32. “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.

33. 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’

34. “Late night refreshment” is defined as the supply of hot food or hot drink to members of the public from or in a premise for consumption on or off the premises, between the hours of 23:00hrs and 05:00hrs. Premises include vehicles and stalls.

The licensing objectives

35. 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.

36. 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.

37. 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.

38. Each licence application will be considered on its own merits and in accordance with this policy.

Fundamental principles

39. Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act.
40. 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.
41. 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.
42. 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.
43. 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.
44. 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

45. 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.
46. 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 and 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's 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
 - "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, another controls dogs;
- Campaign work undertaken in conjunction with other partners (such as the Drugs and Alcohol Action Team (DAAT) under Community Safety) 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 Women's Safety Charter;
- The best practice demonstrated and supported by the Purple Flag, Best Bar None and other similar award schemes.

47. 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

48. 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. There is a link to the government guidance accompanying the application forms on the Councils licensing web pages <https://www.southwark.gov.uk/business/licences/business-premises-licensing/beer-late-night-refreshment-and-entertainment-licences>

Applications for licences and consents - General

49. 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.
50. 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.
51. 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

52. 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

53. 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. It is useful to include the plans the size of the original drawing (for example "1:100 when printed at A4"). Ideally, if copies of original plan drawings are submitted, the copies should be made the same size as the original drawing to preserve the scale. Plans should also be made available to Members considering an application in a Licensing Sub-Committee.

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 under this policy 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 or for the purpose of consumption of on or off sales of alcohol and late night refreshment. This includes patio or garden areas, external public areas such as the street and any temporary structures such as marquees or smoking shelters.

Variations and new applications

54. 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

55. 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)

56. 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.
57. 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).
58. 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.
59. 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 (working days do not include the date that the TEN is submitted, or the first day of the event itself). 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.
60. 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 that may be given are exceeded. TEN’s that include regulated entertainment after 23.00hrs within the Notice should include comprehensive details of the event, SIA, a Searching policy and a dispersal plan, so the Police can properly assess the event.
61. 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.
62. 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.
63. 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 “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.

Multiple TENs for a single event

64. Section 171 of the explanatory notes to the Licensing Act 2003 with regards to Section 101 of the Act, “Minimum of 24 hours between event periods”, states that:

“This section provides that there must be a minimum period of 24 hours between temporary events held on the same premises by a premises user, or held by that user and another person who is related to, associated with or in business with that user. This prevents a premises user holding numerous consecutive temporary events as a means of avoiding an application for a premises licence. If a temporary event takes place on premises that are included within or include other premises where another temporary event takes place, then the two events are deemed to take place on the same premises.”

65. In addition to section 101 of the Licensing Act 2003, the Licensing Authority considers that the use of more than one TEN within the same or adjacent premises at similar times to allow an event of over 499 persons attending at any one time is likely to give rise to the increase in public nuisance and crime and disorder. Additionally the increased number of patrons over 499 persons gives a greater concern on the impact of the event on public safety and the prevention of harm to children.
66. Organisers of events whereby patrons will exceed 499 should not use the “light touch” approach with multiple TENS. Such events should be licensed by application for a time-limited premises licence. This will allow for full consultation of the proposal and the measures to promote the licensing objectives and allows greater opportunities to grant the application with appropriate conditions to promote the licensing objectives.
67. Therefore multiple TENs that are at similar times, or within 24 hours of each other, for the premises included within or adjacent to the premises that receive objections from a relevant person will be considered by the Licensing Sub-Committee.
68. Premises users for multiple TENs will be given opportunity to demonstrate how they will ensure that the licensing objectives will not be undermined and that the total maximum capacity of 499 will not exceeded. This will be balanced against evidence provided by the Police and/or Environmental Health Officers.

Major art and pop festivals, carnivals, fairs and circuses

69. 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.

70. 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

71. 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.
72. 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 public notice template in our preferred format is available on the licensing webpages for each licence at: <https://www.southwark.gov.uk/business/licences/business-premises-licensing/alcohol-late-night-refreshment-and-entertainment-licences> which can be printed out onto blue A3 sized paper. Checks will be made to ensure that the summary is properly displayed.
73. The licensing service supports the consultation process by maintaining a public register at:

<http://app.southwark.gov.uk/Licensing/LicenseRegister.asp>.

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

74. 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. Information on preparing an operating schedule is contained within this policy, for more complex applications, e.g. those that may include a variety of differing licensable provisions with differing operational times within the same premises, Applicants may also wish to consult with the Authorities directly with a draft operating schedule prior to submission.

75. This Authority advises that it recognises the Southwark Children's' Social Service as the body competent to provide advice on matters concerning the protection of children from harm.
76. 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.
77. Additionally the Secretary of State has been added as a Responsible Authority and this task is undertaken by the Home Office. Changes to the Act now prevent the issue or transfer of a premises licence to a person who is not entitled to work in the UK. Relaxant offences have also been updated to include the offence of employing a person who is not entitled to work in the UK.

Representations

78. 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.
79. 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.
80. 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

81. 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. Applicants will be provided with the complete addresses of all Objectors, as they may wish to challenge whether or not an Objector lives in the local area where the premises is situated. Other personal details will be redacted. If an Objector does not wish for their address to be given, they may ask another party such as their Ward Councillor or local Residents Association to make an objection on their behalf. A Licensing Sub-Committee hearing may be convened to consider the representation and to determine the application. Any representations may form part of the public documents for the hearing, which are available to the public and press. All personal details, including addresses, will be removed from public documents, including online reports.
82. 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.

83. 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

84. 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.
85. 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

86. 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.
87. 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.
88. 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.
89. Table 1 sets out the schedule of delegation of decisions and functions to Licensing Committee, Sub-Committees and Officers. This form of delegation is without prejudice to the Council’s right to redirect an application as appropriate in the circumstances of any particular case.

Table 1 – Table of delegations of licensing functions			
Matter to be determined	Full Committee	Sub-Committee	Officers
Licensing policy	& assembly		
Personal licence		If a Police or Secretary of State objection made	No objection made
Personal licence with unspent convictions		All cases	

Personal Licence where convicted of any relevant offence or foreign offence, or required to pay an		When the Authority becomes aware	
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		If a relevant representation made and not conciliated	If no relevant representation
'Minor' variation of a premises licence / club premises			All cases
Variation of the designated premises supervisor		If a Police or Secretary of State objection made	All other cases
Request to be removed			All cases
Transfer of premises licence		If a Police or Secretary of State	All other cases
Interim authority		If a Police or Secretary of State	All other cases
Review of a premises licence /		All cases unless	
Whether a representation on is irrelevant,			All cases
Decision to object when a Local Authority is a consultee and not			All cases
Temporary event notice		If Police or Environmental Health objection is made	
Variation of a premises licence in respect of a community premises to include		If a Police objection	All other cases
Decision whether to consult other Responsible Authorities on minor variation application			All cases

Licence reviews

90. 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.
91. 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.
92. 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.
93. Any evidence relied upon for a review (or any submitted representation) must be supplied to all parties within the consultation period. Any supplementary evidence following that period must be supplied at least 24 hours before the Hearing. It is the responsibility of the person bringing the review, or making a representation, to ensure that any supporting evidence (written or visual) is in an acceptable and usable format that can be circulated to all Responsible Authorities, the licence holder and any other interested parties. Evidence supplied should be complete at the point that it is submitted, with no expectation that the Council will add to their evidence or produce evidence from previous complaints or applications.

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

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

Annual maintenance fee payments

96. 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.
97. 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

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

99. 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, regeneration and building regulations regimes

100. The planning, regeneration, 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.
101. 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, to allow clarity and consistency both for Applicants; and in response of enforcement action, it is strongly recommended 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 may 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.
102. 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”.
103. 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 or later opening 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*.
104. Further information on planning is available on the Council web site at <http://www.southwark.gov.uk/planning-and-building-control>.

Land owners consent

105. Where licences are granted or temporary event notices are submitted for licensable activities to persons who do not own the premises/land where the licensable activity is to take place, this authorisation does not authorise the use of the premises without the prior consent of the land owner and does not allow an operator to breach any covenants or restrictions on the titles or leases for the use of land/premises.
106. With regards to public or Council owned premises/land there is no implied permission to use the premises/land with the issue of a premises licence without obtaining separate consent from the appropriate Council section, such as Highways, the Housing Dept. or Parks, who is effectively the land owner, to use the land.

Other consents

107. Other consents such as planning permission are separate regimes and a premises licence or temporary event notice cannot be used unless all other relevant consents

are in place. Contact details for obtaining Planning Consent or a Highway's Table and Chairs Licence and applying for the use of a park are in Appendix A under other agencies.

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

How this policy works

108. 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.
109. 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.
110. 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.
111. 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.
112. 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.
113. 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.
114. 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.

115. 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.
116. 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

117. 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 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.

118. Applicants should refer to section 6 of this policy for detail of the current local Cumulative Impact 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

119. 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

120. 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

121. 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 unless extending circumstances have demonstrated multiple breaches of that legislation and the condition/s are to prevent further breaches;
- 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.

Shadow licences

122. The Licensing Authority has received enquiries and applications for premises licences where a licence is already in force. Typically the Applicant is the landlord of the premises where the licence holder of the licence already operating is their tenant. The landlord in many cases is seeking what they term a “shadow licence” on the same or similar terms to the licence already existing.

123. The Authority recognises that there is no restriction in the Licensing Act 2003 for there to be more than one licence to be in effect at any one time at the same premises.
124. The Licensing Authority has concerns however that the holding of additional licences has the potential to undermine the decisions made as a result of determining applications to review a premises licence whereby if one licence was modified, suspended or revoked the premises could effectively continue to operate under the second licence.
125. Similarly Responsible Authorities, including the Police, Trading Standards and the Licensing Team, have expressed concerns regarding the enforcement of the terms and conditions of the premises licences if it is unclear under the authorisation of which premises licence the licensable activities are taking place and who is the relevant premises licence holder and DPS.
126. This Authority also recognises that landlords have powers over their tenants outside of the licensing regime and would expect responsible landlords to exert that control to promote the licensing objectives. Where the landlord is also a licence holder of a premises licence in effect at the premises the Council considers that the landlord has further responsibilities in respect of the operation of the premises to promote the licensing objectives.
127. In order to promote the licensing objectives and provide clarity as to which premises licence is being used to provide licensable activities conditions can be added to the an additional premises licence application, these may include:
- The Licensing Authority and Police are informed at least 14 days prior to the provision of licensable activities under this licence.
 - When this licence is used to provide licensable activities and the licence summary is displayed on the premises, the licence summary of any other premises licence will not be displayed at the same time.
128. To promote the licensing objectives this Authority will take a holistic view of the licensing circumstances at the premises. The Licensing Authority will encourage Responsible Authorities and other persons when submitting an application to review a premises licence, to also consider whether it is appropriate to review all the licences in effect at the premises in order to promote the licensing objectives.
129. In determining applications for a review of a more than one premises licence relating to the same premises each application will be considered individually on its own merits.

SECTION SIX – LOCAL CUMULATIVE IMPACT POLICY AREAS

Cumulative impact

130. 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.
131. Applications made within specified Cumulative Impact Areas (CIAs) are deemed likely to add to the potential impact the policy is intended to avoid. There is therefore an automatic presumption that such applications will be refused, however each application will be judged on its own merits.
132. It is normally the case that a representation citing a relevant CIA will have to be determined at a Licensing Sub-Committee hearing. The Applicant should therefore expect to have to attend a hearing regarding their application from the outset. It is therefore advisable for Applicants to mitigate potential cumulative impact as part of their operating schedule.
133. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider within its licensing policy and is now included in the Licensing Act 2003 under section 5a. Local Licensing Authorities may adopt special cumulative impact or 'saturation' assessment areas where there is an evidential basis for the decision. The retention of any CIA should be reviewed every three years.
134. 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;
 - Evidence from local Councillors;
 - Evidence obtained through local consultation.
135. 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.

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.

136. The effect of publishing a cumulative impact assessment 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.

137. 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 within a three year period.

138. 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.

Southwark regeneration and planning policies

139. Local cumulative impact policies are not intended as a barrier to local regeneration, however regeneration and planning policies and schemes are separate regimes from licensing and each deals with different and separate local issues.

140. Applicants for premises licence and variations in regeneration areas and who have received assistance from the regeneration section of the Council with their planning consents, that receive relevant representations with regards to cumulative impact policies will still be required to adequately address the cumulative crime and disorder and public nuisance issues raised in this policy in order to successfully rebut the presumption against grant. This rebuttal can include evidence that the nature of the area has changed as a result of ongoing regeneration in the area. Applicants will still be expected to address the four licensing objectives within their operating schedule.

Local cumulative impact Areas (CIAs; previously known as Cumulative Impact Policies, or CIPs)

141. 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.
142. 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.
143. This information is supplemented by periodic reports provided the Council's Environmental Protection Team on noise nuisance complaints and other service and received information.
144. With over 1,400 licensed premises operating within the Borough, parts of Southwark have now reached saturation point. Where this occurs the economic benefits of providing alcohol outlets during the day and/or the night time economy begin to be outweighed by increased public nuisance and crime and disorder, loss of amenity and the costs of excessive alcohol consumption.
145. 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 CIAs are located in
- Borough and Bankside;
 - Camberwell;
 - Peckham.
146. Detailed maps are available from the Licensing Team. However, the boundaries of each local CIA 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 Licensing (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.
147. The Authority also has three monitoring areas, where consideration may be given to introducing additional CIAs if the crime data analysis supports their implementation in the future. These monitoring areas are:
- Elephant and Castle;
 - Old Kent Road;
 - Walworth and East Street.

Borough and Bankside CIA

148. 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.
149. 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 / Snowfields / Bermondsey Street directly north to the river frontage and then westward back to the Lambeth border.
150. The classes of premises within the area to which the policy shall apply will be night-clubs / public houses and bars / restaurants and cafes / off-licences, supermarkets and grocers.

Camberwell CIA

151. 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.
152. 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 Crespigny Park / Denmark Hill following the Lambeth boundary to Coldharbour Lane / Denmark Road / Flodden Road and Camberwell New Road returning to the start.
153. 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 CIA

154. 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.
155. The boundary of the area is defined as follows – Commencing on Peckham High Street at the junction with Kelly Avenue progressing to Gattonby Street / Sumner Road / Jocelyn Street / cross Peckham Hill Street / Goldsmith Road / Meeting House Lane / Consort Road / Heaton Road / Sternhall Lane / McDermott Road / Macted Road / Bellenden Road / Chadwick Road / Lyndhurst Way / Peckham Road to junction with Talfourd Road and back to start.
156. 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.

Review of CIAs

157. CIAs must be reviewed every three years, to see if supporting crime statistics justify their relevance, or if those monitoring areas now justify a CIA introduction. Analysis is done, comparing any changes over long and short-term periods, looking at crime

data from the Metropolitan Police and the London Ambulance Service over the last seven years. Anti-social behaviour calls to the Police, categorised as rowdy behaviour or street drinking have also been included. This data analysis is available in Appendix X. Reviewing these figures for the CIAs and the monitoring areas, the proportions do not change significantly.

158. At this time, all three CIAs are to remain in place and unchanged. The monitoring areas are to remain in place and unchanged. There is a notable level of crime in the Elephant and Castle area, but it is considered at this time, to be as a result of the location being a major transport exchange hub, with those responsible for alcohol-related crime passing through the area; rather than as a result of local alcohol-led premises. As this area is undergoing significant regeneration, with many additional future alcohol-licensed venues planned, this will be reassessed in the future.

Rebutting the presumption against grant within a CIA

159. 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.

160. 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.

161. 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.

162. 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 /or together with a table meal and /or in a designated area;
- Members may take steps to grant a premises licence outside of the recommendations of the Policy to promote the use of licensed premises by groups that are not well serviced with licensed premises within the Borough.

163. 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.

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

Cumulative impact outside local CIAs

165. Where an application for a grant a new premises licence, or to vary an existing, premises licence is made in an area that is not part of a cumulative impact policy area there is a presumption to grant.

166. The Authority will accept representations that include evidence of cumulative impact issues that relate, or could relate, to the operation of the premises and the licensing objectives as a relevant consideration in determining an application.

167. While a rebuttable presumption not to grant in a cumulative impact area does not apply to applications to review a premises licence, cumulative impact can form part of a representation with supporting evidence.

Early morning restriction orders (EMRO)

168. There are no EMROs in Southwark at the time of writing this policy, however this Authority may introduce an EMRO if it feels it is 'appropriate' for the promotion of any of the licensing objectives.

SECTION SEVEN – HOURS OF OPERATION

Licensing hours

169. 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.
170. 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”.
171. 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.
172. 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.
173. 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, or to disturbance and / or disorder in the area late at night. 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.

174. 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. 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.
175. 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.
176. 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 or early morning, apply equally to the off licensed as the on licensed trade. Applicants seeking licences to provide for the sale or supply of alcohol for consumption off the premises are directed to this guidance also.

Table 2 – Suggested closing times of licensed premises

Type of premises	Major town centres and strategic cultural area	District town centres	Local centres and small shopping parades	Residential areas
	Bankside and Borough London Bridge Canada Water Elephant and Castle (including Walworth Road) Peckham St Mary's Churchyard (Rotherhithe)	Camberwell Herne Hill Lordship Lane Note: Borough and Bankside and 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 Forest Hill Road Peckham Park Road Great Suffolk Street Southampton Way Southwark Park Road	All other
Restaurants and cafes	Fri – Sat 01:00 Sun – Thurs 00:00	Fri – Sat 0:100 Sun – Thurs 00:00	Fri – Sat 00:30 Sun – Thurs 23:30	Fri – Sat 00:30 Sun – Thurs 23:30
Public houses, wine bars, or Other drinking establishments and bars in other types of premises	Fri – Sat 00:00 Sun – Thurs 23:00	Fri – Sat 00:00 Sun – Thurs 23:00	Fri – Sat 00:00 Sun – Thurs 23:30	Fri – Sat 00:00 Sun – Thurs 23:30
Hotel bars and	No restrictions for	No restrictions	No restrictions	No restrictions

guest houses	residents	for residents	for residents	for residents
Night clubs (with 'sui generis' planning classification)	Fri – Sat 03:00 Mon - Thurs 01:00 Sun 00:00	Fri – Sat 01:00 Sun – Thurs 00:00	Not considered appropriate	Not considered appropriate
Off-licences and alcohol sales in grocers and supermarkets	00:00 daily	00:00 daily	23:00 daily	23:00 daily
Take-away establishments LNR	Fri – Sat 01:00 Sun - Thurs 00:00	Fri – Sat 01:00 Sun – Thurs 00:00	Fri – Sat 00:00 Sun – Thurs 23:00	Not considered appropriate
Cinemas and theatres	02:00 daily	01:00 daily	00:00 daily	23:00 daily
Vessels	23:00 daily	23:00 daily	23:00 daily	23:00 daily
Qualifying members' clubs	02:00 daily	01:00 daily	00:00 daily	23:00 daily
Event premises/ spaces where sale of alcohol is included in, and ancillary to, range of activities including meals	Fri – Sat 01:00 Sun – Thurs 00:00	Fri – Sat 01:00 Sun – Thurs 00:00	Fri – Sat 00:00 Sun – Thurs 23:00	23:00 daily

177. It should be noted that there are three areas which are strategic cultural areas that are situated outside a major town centre, two for part of the Borough and Bankside SCA and a third area in Rotherhithe, these are listed below:

- Shad Thames area bounded by Tower Bridge Road, Tooley Street, St. Saviours Dock and the River;
- Triangle area bounded by Bermondsey Street, Tower Bridge Road and the Railway;
- St Mary's Churchyard area Rotherhithe.

178. It is recognised that these areas, although of mixed use, have a high residential usage and consideration for the later hours beyond those recommended for a residential area should be accompanied by evidence that the proposal is intended to enhance the provision of arts, culture and tourism in the area.

179. For premises that do not fall within one of the types of premises listed the on sale of alcohol shall be considered to fall within the premises type for a bar, some examples may be breweries with a tap room for on sales of alcohol, a hotel bar for non-residents, a bar or supply of alcohol in an office/workspace and event spaces which does not fall into the event premises/space category.

180. Similarly for types of premises that sell off sales of alcohol but do not fall within one of the listed categories shall be considered to fall within the premises type for an off

licence, for instance “petrol stations,” where the restriction to sell alcohol under section 106 of the Licensing Act 2003 does not apply, the premises may be considered as predominately being a grocers.

181. Where the sale of alcohol is not considered the primary activity of the premises, then it is appropriate to condition the sale of alcohol as ancillary to the primary activity, for instance to qualify for the restaurant hours alcohol should be mainly ancillary to the provision of food.

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

- Major town centres – Canada Water, Elephant and 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.

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

Late Night Levy

184. Southwark carried out a formal consultation on the introduction of a late night levy across the Borough, in accordance with the Police Reform and Social Responsibility Act 2011 and relevant Regulations. The determination to introduce the levy was made by Full Council on 17 July 2019 with an implementation date of 01 September 2019.

185. The levy is a discretionary power, which this Council has adopted. The purpose of the levy is to assist Local Authorities and the Police to manage and improve the night time economy. The Levy will allow the Council to charge a fee to businesses that are licensed to sell/supply alcohol between 00:01hrs and 06:00hrs. This charge applies whether these licensed (permitted) hours are used or not and is dependent on the rateable value of the premises and the levy amounts are set by the Government

186. Exemptions from the levy:

The following premises are allowed an exemption:

- a) Premises with overnight accommodation. This exemption does not apply to any premises which serve alcohol to members of the public who are not staying overnight at the premises;
- b) Theatres and cinemas. This exemption only applies if alcohol is sold during the late night supply period, only for consumption on the premises, to ticket holders, participants in the production or invited guests to private events; they must be bona-fide theatres or cinemas and the sale of alcohol must not be their primary purpose;
- c) Community Amateur Sports Clubs. These are clubs registered as Community Amateur Sports Clubs that are entitled to various tax concessions including relief from business rates;

- d) New Years Eve premises only. This applies to premises which are authorised to sell/supply alcohol between midnight and 06:00hrs, and applies ONLY on New Year's Day;
187. Temporary Event Notices (TENs) and the levy:
- TENs are exempt from the Late Night Levy because they are not included within the scope of the legislation governing the levy.
188. Reduction:
- The Council has decided that a reduction of 30% be granted to premises licence holders in relation to on-trade premises that are in receipt of Small Business Rate Relief (as specified in Part III of the Local Government Finance Act 1988) and have a rateable value of £12,000 or less.
189. Spending of the levy revenue:
- The Council can recover all costs associated with the administration of the levy system. These are the costs that the Council incurs with the introduction or variation, administration, collection and enforcement of the levy.
190. The amount leftover after the above deductions (the net levy revenue) must be split between the Mayor's Office of Policing and Crime (MOPAC) and the Council, on a 70/30 basis, in favour of MOPAC. However MOPAC has agreed that the whole amount will be held in a central trading account. The allocation of this funding will then be managed through our current Night Time Economy contract with the Metropolitan Police.
191. The Council is restricted as to what it can use the funds for; it must be used to fund services to tackle late night alcohol-related crime and disorder and services connected to the management of the night-time economy. The Council can only spend the money on the following measure:
- Reduction of crime and disorder;
 - Promotion of public safety;
 - Reduction or prevention of public nuisance;
 - Cleaning of any relevant highway or relevant land within the Borough.
192. How the remaining monies will be spent is decided by a Board made of Police, Council and representatives of local residents and businesses.

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

193. 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.
194. 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.
195. Relevant issues might include:
- Anti-social behaviour;
 - Drunkenness on the premises;
 - Public drunkenness;
 - Violent behaviour;
 - The possession of weapons;
 - Drugs use;
 - 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.
196. 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.
197. 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.
198. 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.

199. 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.
200. 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

201. 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

202. 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

203. 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

204. 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 and a member of staff on duty that is able to operate the CCTV system;
- **The removal of low cost, high strength alcohol from offer** – To help reduce street crime and violence and anti-social behaviour from public drunkenness. Any beers or ciders above 6.5% are considered high strength;
- **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.

Premises supplying alcohol for consumption upon the premises

205. 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. Premises should be using reusable polycarbonate plastic receptacles as the alternative to glass. Single use plastics (both receptacles and straws) should not be used unless there is no alternative. Note: All plastic glasses, both single use and reusable, must carry the approved CE mark when used for draft beer, cider and wines;
- **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;
- **Off sales to be sold in sealed containers for consumption away from the premises to minimize public nuisance.**

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

206. 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. A minimum of two SIA would be expected on most premises;

- **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 instructions;
- **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 Risk assessments** Management should carry out a risk assessments on all DJ and Live music events and advise Police of any medium or high-risk events so advice can be obtained to minimise the risk to the public. To participate in the voluntary partnership for venues and promoters (Safer Sounds crime reduction partnership);
- **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;
- **Police promote the use of CCTV to prevent and assist with detection of crime and terrorism. The following conditions should be included within relevant applications in consultation with the Police Licensing Unit.**
 1. That a CCTV system be installed at the premises, be maintained in good working order and be continually recording at all times the premises are in use. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises;
 2. That all CCTV footage be kept for a period of 31 days and shall be made immediately available to Officers of the Police and/or Council on request;
 3. That a member of staff shall be on duty at all times the premises is open who is trained in the use of the CCTV system and who is able to view, and download to a removable device, CCTV footage at the request of Police and / or Council Officers.

Note on DPA retention and disposal of captured images

207. The Data Protection Act 2018 controls how your personal information is used by organisations, businesses or the government. Where a premise collects personal data, including CCTV images and ID scanners in licensed premises, the licence holder should have a formal procedure in place regarding the use, retention and destruction of this data within a reasonable time period. Everyone responsible for

using personal data has to follow strict rules called 'data protection principals'. They must make sure the information is:

- used fairly, lawfully and transparently;
- used for specified, explicit purposes;
- used in a way that is adequate, relevant and limited to only what is necessary;
- accurate and, where necessary, kept up to date;
- kept for no longer than is necessary;
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage.

See: <https://www.gov.uk/data-protection>

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

208. 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.
209. 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.
210. 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.
211. Furthermore, this Authority expects that authorisations of other staff to sell and supply alcohol made by the designated premises supervisor, preferably in written form; and any other personal licence holders must be meaningful and be properly carried out.
212. 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.
213. 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

214. 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 [M](#).

Police promotion event risk assessments

215. 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 (or public nuisance). 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.
216. Risk assessment should be completed by the management for all 'significant events' and when they are assessed as medium or high risk by the management or have an audience of over five hundred the Police should be informed. This Licensing Authority anticipates that these will be forwarded to the Metropolitan Police and a consultation will take place. Risk assessments should be submitted to the Metropolitan Police more than 14 days of any proposed event and debrief forms submitted within 14 days of the conclusion.

217. 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 live music, DJs or MCs performing to a recorded backing track; runs anytime between the hours of 22:00hrs and 04:00hrs; 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

218. The Licensing Authority along with the Responsible Authorities have concerns that the licensing objectives are engaged by the operation of premises where nudity, partial nudity or adult entertainment of a sexual nature is carried out. Applicants are required to state in their Operating Schedule that they propose to offer nudity, partial nudity or adult entertainment of a sexual nature.

219. Other than in the context of film classification, censorship of the content of regulated entertainment is a proper function of licensing law, and cannot be properly related to the licensing objectives. The Council as the Licensing Authority does not seek to censor the content of regulated entertainment; matters of indecency are covered by other legislation.

220. 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.

221. The Council in its role as the Licensing Authority seeks to regulate the location of premises offering nudity, partial nudity or adult entertainment of a sexual nature, in pursuit of the licensing objectives of the prevention of crime and disorder and prevention of public nuisance. It seeks to regulate the way in which this type of entertainment is conducted in order to prevent crime and disorder, promote public safety and protect children from harm (including sexual exploitation) when undertaking licensing functions.

222. Dance that is sufficiently sexual in nature continues to be regulated. Performances of dance which are “relevant entertainment” within the meaning of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) are not deregulated, regardless of the size of the audience or the time of day. “Relevant entertainment” is defined in the 1982 Act as a live performance or live display of nudity that, ignoring financial gain, can be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.

223. In almost all cases where a performance of dance is potentially licensable as both the provision of relevant entertainment (under the 1982 Act) and regulated entertainment (under the 2003 Act), the 1982 Act disapplies the entertainment licensing regime in the 2003 Act in favour of its stricter regime for the control of sex establishments. However, an authorisation under the 2003 Act rather than the 1982 Act will continue to be required where:

- the premises are not licensed as a sex entertainment venue under the 1982

- Act, and;
- relevant entertainment has been provided at those premises on no more than 11 occasions in any 12 month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any other such occasion.
224. It is also possible that adult entertainment may take place at certain times on the premises. For example, a premise may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 20:00hrs.
225. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, Responsible Authorities and Licensing Authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
226. 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.
227. When considering applications within this policy, the Licensing Authority will have particular regard to whether the premises are in the vicinity of the following:
- Residential accommodation;
 - Schools;
 - Places of worship;
 - Other premises where entertainment of a similar nature takes place;
 - Community centre;
 - Youth clubs;
 - Any other premises in the vicinity as appear necessary to the Licensing Authority on the facts of each application.
228. Where appropriate, the Licensing Authority will also take into account the cumulative effect of a number of such premises on the character of the area in question.
229. Where such applications are made the Applicants are required to state in their Operating Schedule that they propose to offer nudity, partial nudity or adult entertainment of a sexual nature. The following matters may be necessary to promote the licensing objectives and Applicants should consider whether any of the following measures are reasonably required:
- A code of conduct for performers and appropriate disciplinary procedures, developed in consultation with the Police and the Council;
 - 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.

230. Conditions will be imposed, as may be necessary, requiring that all service is to seated customers; prohibiting the participation of customers in performances and maintaining a minimum distance of one metre between performers and customers, and between performers during performances. There will also be conditions on the installation and operation of CCTV and retaining recordings of performances and on the employment of supervisors. The Licensing Authority may attach other conditions as appropriate.

231. Applications for premises which provide music, dance and late night refreshment, that do not specify that there will be nudity, partial nudity or adult entertainment of a sexual nature, services or other entertainment which may give rise to concern in respect of children in the relevant part of the application (currently Box N of the application form), will be asked to accept a “no nudity and no adult entertainment of a sexual nature” condition.

232. Where a premises user gives notice of an event under a temporary event notice in the form as prescribed in regulations made under the 2003 Act the user will be required to describe key aspects of the proposed event. This must include whether they will be undertaking any relevant entertainment as defined in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (i.e. displays of nudity designed to sexually stimulate any member of the audience including, but not limited to lap dancing and pole dancing).

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

233. 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.

234. 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

235. 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. Applicants are asked to give consideration to appropriate control measures within their risk-assessments and operating schedules.

236. 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.

237. 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

238. 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.
239. 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.
240. 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.
241. 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.
242. 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 <https://outdoorartsuk.org/product/safety-guidance-for-street-arts-carnival-processions-and-large-scale-performance/>
- **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.

243. 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).

244. 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.

245. 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.

246. 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

247. 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

248. 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

249. 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 an alternative to alcohol (and free tap water when requested);
- 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.

Road safety outside Premises

250. Licence holders or Applicants that wish use an area of public highway or other public space as part of their licensable area, must take reasonable steps to ensure the safety of patrons using such public space. Whilst giving consideration to Hostile Vehicle Mitigation (HVM), the Applicant must determine if HVM is
- a) Justifiable;
 - b) Affordable;
 - c) Sustainable;
 - d) Proportionate;
 - e) Effective;
 - f) Reasonable.
251. This Authority may licence items under the Highways Act 1980, administered by the Highways Licensing Team Highwayslicensing@southwark.gov.uk . In these cases it is the responsibility of the business to provide safe areas for patrons to stand sit or smoke. Any street furniture in a footway must have a highway licence. There may be a requirement to limit the number of people outside at any one time as part of that licence to protect the passing public and customers from overcrowding.
252. If a business applies to the Authority to use a carriageway for a standing or seating area, there must be consultation with the Metropolitan Police and Metropolitan Police Counter Terrorism Officers (CTSA) in addition to consent from the Highway Licensing Team. Recommendations by the Police/CTSA will be included in the conditions of any licence issued by the Authority. It is the responsibility of the business to ensure any recommended measures are in place, the cost of implementing these measures are also the responsibility of the business. Consideration must be given to the following legislation and advice notes for any items in a carriageway.

<https://www.gov.uk/government/publications/safety-at-street-works-and-road-works>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/820082/170614_crowded-places-guidance_v1b.pdf

Safe capacities

253. 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 while licence conditions should not duplicate other statutory provisions, for instance the Regulatory Reform (Fire Safety) Order 2005, Licensing Authorities and Licensees should be mindful of requirements and responsibilities placed on them by other legislation, when setting a safe capacity which would apply at any material time when the licensable activities are taking place and make representations to that effect.
254. 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.

255. 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.
256. 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.
257. For guidance in calculating safe capacities Applicants may refer to the London District Surveyors Associations Technical Regulations referenced in this Section, or smaller venues RU SAFE? (2014): a guide to running small venues free download <http://www.abtt.org.uk/shop/guidance/ru-safe/>

Ensuring safe departure of those using the premises

258. 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

259. 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.
260. 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.

261. 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 provide a safe environment for women by doing the same. Further information, advice and support are available on the Council's website or by contacting the Licensing Unit. <https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

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

Introduction to public nuisance

262. 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.

263. 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.

264. 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.

265. 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 22:00hrs and 08:00hrs;
- 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 08:00hrs and 20:00hrs;
- 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;
- Preventing odour from food preparation and have adequate kitchen extraction systems in place.

266. 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 EMAQ (2018) ;
- Guidance Notes for the Reduction of Obtrusive Light – Institute of Lighting Engineers (2005);
- Southwark's Environmental Protection Team's Technical Guidance for Noise (2017).

267. 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. Where appropriate, an acoustic report / noise impact assessment can also be submitted to support an application.

Guide to control measures

268. 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

269. 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

270. 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.

271. 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.

272. 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. It is suggested that a closing time no later than 22.00 is appropriate. No drinks allowed outside after this time;
- All off sales to be sold in sealed containers for consumption away from the premises;
- The supervision of patrons using any external area so as to prevent nuisance and disturbance;
- Setting a maximum occupancy figure for the premises to address the likely impact of public nuisance from patrons arriving and leaving the premises, particularly in CIAs and/or where the application seeks to continue beyond recommended closing times;
- Setting a maximum capacity figure for the outside area to control the number of patrons at any one time and the potential noise from the use of the area;
- 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 22.00hrs and 08:00hrs);
- Restricting the use of artificial lighting outside of the premises so as to reduce the potential for light nuisance;
- Ensuring any/all external plant (i.e. air conditioning units, kitchen extraction systems etc.) are maintained and serviced so as not to create any additional unnecessary noises;
- The time and number of people allowed to use shisha or similar pipes in any area.

Preventing nuisance from within premises

273. 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.

274. 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;
- Management should ensure that there are sufficient toilet facilities on the premises.

275. 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

276. 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.

277. 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 and machinery (including generators etc.);
- Litter.

278. 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.

279. The nuisance management section should include the following information

- Location and site plan;
- Date /hours of operation. It is suggested a finishing time of 22:00hrs is appropriate; however an earlier finish time may be requested subject to local circumstances;
- 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 and from site and site routes within the event perimeter
- Location of operational plant and 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 and 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 and light impact assessment;
 - Litter control, waste management and recycling provisions;
 - A copy of the pre-event information leaflet to be dropped to occupiers of nearby noise sensitive premises.

Other consents

280. Licensees should be aware that a range of other consents may be necessary to provide smoking shelters or space heaters, awnings, tables and chairs, metal or rope barriers 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

281. 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.

282. 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.

283. 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.

284. Applicants are advised to seek advice from the Southwark Children's' 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.

285. 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.

286. 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.

287. 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

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

289. The NHS Digital 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 2016 obtained information from 12,051 pupils in 177 schools throughout England. The report on 'Smoking, Drinking and Drug Use Among Young People in England in 2016' states that:

- In 2016, around half of pupils (44%) 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 15% of 11 year olds to 73% of 15 years olds;
- One in ten pupils had drunk alcohol in the last week. data prior to 2016 is not comparable due to a change in the survey question, however, older versions of the survey showed a decline in the proportion of pupils who had drunk in the last week between 2003 and 2014;
- Older pupils were more likely to have drunk alcohol in the last week: the proportion increased from 1% of 11 year olds to 24% of 15 year olds;
- Pupils who had drunk in the last week had drunk an average (mean) of 9.6 units. Mean consumption was lowest among 11 to 13 years olds (6.9 units) and highest among 14 year olds (11.1);
- Most pupils who had drunk alcohol in the last week had consumed more than one type of drink. Boys were more likely than girls (87% vs 70%) to have drunk beer, lager and cider. Girls were more likely than boys to have drunk spirits (65% vs 53%), alcopops (40% vs 31%) and wine, martini or sherry (49% vs 25%);
- 9% of pupils said that they had been drunk in the last four weeks, including 7% of pupils who had been drunk once or twice, and 2% more often than that. This proportion increased with age, with 23% of 15 year olds reporting that they had been drunk at least once in the last four weeks;
- 10% of pupils reported buying alcohol from an off licence, and 8% said they bought it from a store or a supermarket.

In 2016, 1071 year 8 and 10 pupils in Southwark took part in the Health and Wellbeing Related Behaviour Survey. The survey found that:

- 8% of pupils had at least one alcoholic drink in the week before the survey;
- 4% of pupils responded that they got drunk on at least one day in the seven days before the survey, while 1% said they did so on more than one day.

290. 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

291. 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 05:00hrs at other premises supplying alcohol for consumption on the premises, under any such authority.

292. 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.

293. 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.

294. 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

295. 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

296. 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	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%
2014 - 2015	51	43	84%
2015 - 2016	22	14	64%
2016 - 2017	36	29	81%
2017 – 2018	39	28	72%
2018 – 2019	43	37	86%

297. There appears to be a close correlation between compliance rates and the number of test purchases undertaken. These statistics date back to when the current Licensing Act 2003 came into force (i.e. 2005). There was a big drop off in test purchasing between 2009 and 2012 and again in 2015 and 2016. These drop off are reflected in sharp dips in compliance rates. This could either reflect the concentration during that period on the worst run premises or it could be that more active test purchasing leads to greater vigilance on the part of the trade. It should be noted that all test purchasing is conducted on the basis of intelligence and past performance.
298. 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.
299. An age verification scheme, such as “Challenge 25” is a mandatory licence condition.
300. Best guidance codes of practice have been produced by what was then BRDO (now the Office for Product Safety and Standards, are reflected in the first two bullet points below:
- “The Age Related Products and Services Framework” produced by the OPSS provides detailed guidance on best practice in the field of age restricted products;
 - “The Code of Practice Age Restricted Products and Services” produced by OPSS provides best practice on the undertaking of age restricted product test purchasing exercise;
 - 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.

301. 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

302. 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.

303. Over 10,000 cards have been issued since 2007. We work with schools in Southwark to try and ensure students obtain the Proof of Age Cards London.
304. 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.
305. 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.
306. 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. The service website can be accessed at www.southwark.gov.uk/tradingstandards
307. 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

308. 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.
309. 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.
310. The Code can be viewed at <http://www.portmangroup.org.uk/codes/alcohol-marketing/code-of-practice/code-of-practice>.

Mandatory licence condition applying to premises licensed for film exhibitions

311. 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.
312. Applicants are expected to include within their operating schedule arrangements for restricting children from viewing age-restricted films.

Film Classification

313. 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.
314. 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. The following information to be provided by the proposed exhibitor:
- a synopsis of the film program(s) must be sent to the Licensing Unit 28 days in advance of the proposed screening date, where possible, giving sufficiently detailed and accurate information on any potentially controversial issues such as: discrimination, drugs, horror, imitable behaviour, language, nudity, sex, theme, violence and in particular anything considered over 18 (e.g. R18);
 - information on active and thorough child protection policies including any permission processes required to be obtained for children to appear in any film exhibition;
 - information on how staff are informed on policies and matters that may be significant at the time of the exhibition;
 - information on feedback and evaluation procedures;
 - information as to the steps that will be taken to display notices inside and outside the premises so that persons entering can readily read them and be aware of the classification attached to the film;
 - information on the use of sufficient ushers/stewards (minimum 18 years old) to be in attendance at the entrance to the viewing room at all times, to ensure that only children who may view the film or exhibition are permitted access.
315. A fee to offset the costs in classifying a film, based on the film duration, will be charged.
316. The Licensing Authority will not reclassify films already classified by the BBFC except where the parts of the film have been edited to remove content that may result in a lower classification.
317. Please contact the Licensing Team to discuss your exhibitions (see appendix A for contact details).
318. Where a premises licence does not authorise the showing of a film, a minor variation can be applied for to add this to the licence for permanent authorisation, or alternatively a Temporary Events Notice can be sent to the Licensing Authority if it is a one-off event.

Regulated entertainment provided for children

319. 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 staffs 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.

320. 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)

321. 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.

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

London Safeguarding Children's Board

323. The London Safeguarding Children's Board provide advice and guidance for licensed premises operators and their staff in their policy 'Safeguarding Children Policy for Licensed Premises' which can be viewed using the link provided http://www.londoncp.co.uk/chapters/sg_licensed.html. All operators are advised to display a copy of the procedure and accompanying poster available upon the premises.

324. Operators writing the policies and procedures for their premises staff may also include appropriate measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

Child sexual exploitation and communities

325. It's better to prevent children from being harmed than having to help children recover from the trauma of being sexually exploited. The Council and Southwark Police are carrying out widespread community education to ensure everyone knows what to do to prevent harm to children, and we're sure that you too have a big role to play. If you're reading this website then you're most likely, like us, very concerned about child protection. Because we have so many concerned and active citizens in Southwark, we've recently started up a Keeping Children Safe Volunteer's Team. So far the Team has successfully run a stall at a school's open day to listen to the ideas of young people. We want volunteers to do more and we'll support them to do so. If you're interested in volunteering, contact Kevin Dykes at kevin.dykes@southwark.gov.uk or telephone: 020 7525 5601.

Southwark Safeguarding Children's Board

326. Southwark Council, local Police, health services, local schools, community and faith groups and the voluntary sector all come together to keep children safe at the Southwark Safeguarding Children's Board.

<https://safeguarding.southwark.gov.uk/>

327. The Safeguarding Board wants to reach parents, children and young people, and all local organisations with information about stopping child sexual exploitation. There are 9 different "types" of child sexual exploitation. Sexual exploitation often happens alongside other forms of child exploitation, such as forcing children to break the law by carrying drugs or weapons, and using that to blackmail a child. It's easy to understand the danger to children when their "best friend" is a criminal. There's a role for everyone to play to put a stop to this and we'll support you in playing your role.

Entertainment involving striptease and nudity

328. 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

329. 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.
330. 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.
331. 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.
332. The regulatory services enforcement policy is currently under a review, the amended enforcement policy will take effect on publication. The Enforcement Policy dated 13 February 2007 remains until the new policy is agreed.
333. 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.
334. 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.
335. 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.
336. 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.
337. 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.

338. 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 (e.g. Challenge 25 scheme).
339. 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.
340. 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.
341. 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.
342. 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.
343. 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

Southwark Licensing Team

Regulatory Services
3rd Floor Hub 1
PO Box 64529
London SE1P 5LX
E-mail: licensing@southwark.gov.uk

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: <https://www.southwark.gov.uk/business/licences>

Responsible Authorities

Southwark Licensing Team

Regulatory Services
3rd Floor Hub 1
PO Box 64529
London SE1P 5LX
E-mail: licensing@southwark.gov.uk

Health and Safety

Floor 3, Hub 1
Southwark Council
PO Box 64529
London
SE1P 5LX
E-mail: ohs.regen@southwark.gov.uk

Please note – this address is for premises that come under the Council for health and safety enforcement. Other premises such as Council-owned premises will come under the HSE and boats under the Maritime and Coastguard Agency.

Southwark Planning

The Council's Building and Development Control Services
Council Offices
5th Floor Hub 2
Southwark Council
PO Box 64529
London
SE1P 5LX
E-mail: planning.enquiries@southwark.gov.uk

Trading Standards

Southwark Council
Floor 3, Hub 1
PO Box 64529
London
SE1P 5LX
E-mail: TradingStandards.Regen@southwark.gov.uk

Environmental Protection Team

Southwark Council
Floor 3, Hub 1
PO Box 64529
London
SE1P 5LX

E-mail: Environmental.Protection@southwark.gov.uk

The Chief Officer of Police

PC Graham White and PC Ian Clements
C/O Southwark Police Licensing Unit
323 Borough High Street
London, SE1 2ER

E-mail: SouthwarkLicensing@met.police.uk

Tel: 0207 232 6756

Home Office Alcohol Licensing Team

Lunar House
40 Wellesley Road
Croydon CR9 2BY

E-mail: Alcohol@homeoffice.gsi.gov.uk

The London Fire and Emergency Planning Authority

Fire Safety Regulation: South East Area 3
London Fire Brigade
169 Union Street
London, SE1 0LL

E-mail: FireSafetyRegulationSE@london-fire.gov.uk

Telephone number: 020 8555 1200 Extension: 36500

Fax Number: 020 8536 5924

Public Health Policy Officer

Public Health Team
1st Floor Hub 2 PO Box 64529
London SE1P 5LX

E-mail: publichealth.licensing@southwark.gov.uk

020 7525 0025

The Local Safeguarding Children Board

Southwark Social Services
PO Box 64529
London SE1P 5LX

E-mail: gau.safeguarding@southwark.gov.uk

Tel: 020 7525 4646

Note: 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.

Other Agencies

Southwark Disablement Association
Cambridge House
1 Addington Square
Camberwell
London, SE5 7JZ

Email: sda@sdail.org

Tel: 020 7358 7740

Environmental Enforcement Team (providing the Council's 24 hour rapid response service by the Noise and Nuisance Team)
C/O Southwark Regulatory Services
PO BOX 64529
London
SE1P 5LX
Tel: 020 7525 5777
Email: environment@southwark.gov.uk

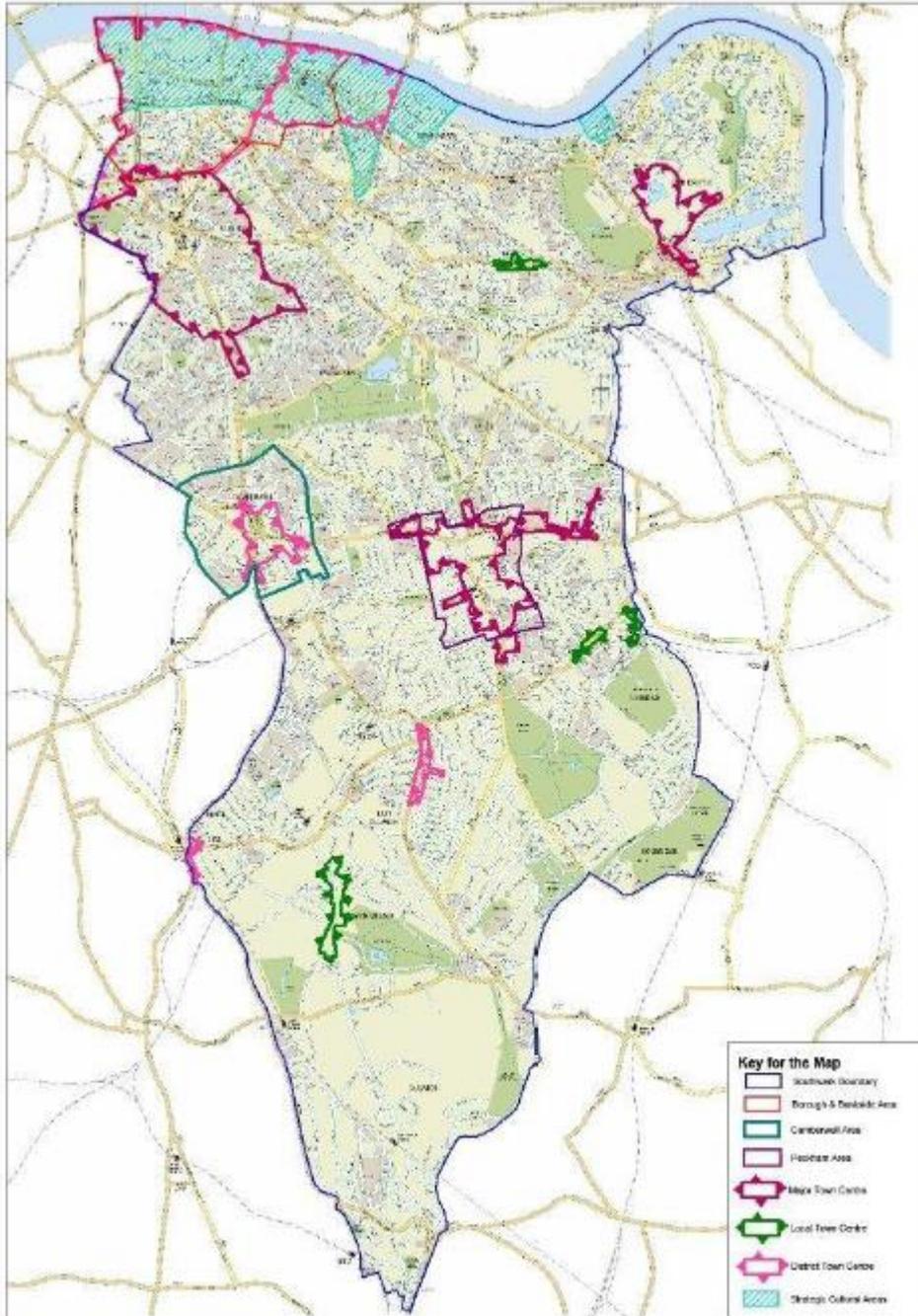
Markets and Street Trading (e.g. for selling street food on the highway and in open spaces)
SAST House
47-53 Dawes Street
London
SE17 1EL
Tel: 020 7525 6000

Tables and Chairs/Street Furniture Licensing (or other temporary articles on the highway)
Southwark Council, Network Management, Regulatory Services
Highways Licensing Team, Floor 3 Hub 1
PO BOX 64529,
London, SE1 5LX
Website <https://www.southwark.gov.uk/business/licences/roads-and-highway-licences/street-furniture-licence>
Email Highwayslicensing@southwark.gov.uk

Culture and Events Team
Environment and Leisure
3rd floor – Hub C
PO Box 64529
London
SE1P 5LX
Tel: 020 75253422
Email: events@southwark.gov.uk

Southwark Children's 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) 020 7525 1521. Out of Hours 020 7525 5000

APPENDIX B – MAP OF AREA CLASSIFICATIONS AND CIAS



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 23:00hrs and 07:00hrs.

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 stated in Paragraph 159, Members may also look to grant a premises licence outside of the recommendations of the Policy in order to promote the use of licensed premises by groups that are not well serviced with licensed premises throughout the Borough

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. The Southwark Disablement Association can provide advice to any Licensee on reasonable adjustments – contact details are provided in section 12 of this policy.

Alternatively, see government's planning and access for disabled people good practice guide

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7776/156681.pdf

Public Sector Equality Duty

(1) A Public Authority must, in the exercise of its functions, have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a Public Authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) tackle prejudice, and
- (b) promote understanding.

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are—

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

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.

Children Act 2004

Section 11 of the Children Act places a duty on a range of organisations, agencies and individuals to ensure their functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children. This specifically includes local Licensing Authorities.

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’s Alcohol Reduction Plan 2017 -2020

Southwark’s Public Health Directorate and Drug and Alcohol Action Team have developed this action plan alongside partners from across the Council, Southwark NHS Clinical Commissioning Group, providers and the voluntary and community sector. One of the aims of the plan is to reduce the burden of alcohol-related harm on individuals and communities in order to promote a safer borough to live, work and socialise in. In order to do so, local stakeholders, including the Local Licensing Authorities and the other Responsible Authorities, will work together to protect the streets and communities of Southwark from the negative impacts of alcohol while preserving a vibrant night time economy and use the tools at their disposal to protect families, homes, and workplaces from the harms of alcohol.

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;
- The Public Health England's new guidance for alcohol commissioning 2019-20 identifies a number of population-level actions to reduce alcohol-related harms, including a role for Public Health divisions to actively contributing to the local vision for alcohol licensing.

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