

SUGGESTED AMENDMENTS TO THE CITY OF LONDON STATEMENT OF LICENSING POLICY TAKING ACCOUNT OF THE REPLIES TO THE PUBLIC CONSULTATION SEPTEMBER 2010

Premises Licences and Club Premises Certificates

a) Application

POLICY

(Suggested amendments to current Licensing Policy Paragraph 30)

- The City Corporation will expect:

all applications to be accompanied by a covering note explaining in some detail the nature of the proposed operation, e.g. traditional pub, restaurant, late night bar/club etc. If the application is for a licence variation, the note must also set out the reasons for the variation and whether there are any proposals to change the nature of the operation at the premises;

all individual applicants to address the licensing objectives in their operating schedule which they are required by the Act to prepare;

the operating schedule to have regard to the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community; **and**

the applicant to demonstrate in the **operating** schedule that they have taken appropriate measures to ensure that the premises will be 'good neighbours' and where appropriate **demonstrate that consideration has been given to arrangements for the quick, safe and quiet dispersal of customers from their premises.**

This will mean that applicants will need to complete their own detailed risk assessments on their businesses.

Any proposed changes, to the operating schedule, including change of use must be notified to the Licensing Authority and depending on the nature of the changes proposed, the Licensing Authority may require a new premises licence application or the submission of an application to vary the existing licence.

(Suggested amendment to current Licensing Policy paragraph 31)

- In particular, the City Corporation will expect the applicant to be proposing practical steps to prevent disturbance to local residents. The City Corporation

will expect the applicant to **supply an acoustic report confirming that there will be no noise breakout from the premises that is likely to cause public nuisance to persons living or working in the vicinity of the licensed premises . Any sound leakage must be** addressed in practical ways such as:-

keeping doors and windows closed and providing adequate mechanical ventilation

reducing sound levels and installing a sound limiting device to prevent sound exceeding the appropriate level

installing soundproofing measures to contain sound and vibration.

The Licensing Authority expects that premises intended for the provision of noise generating licensable activities are acoustically controlled and engineered to a degree where the noise from the premises when compared to the ambient noise level will not cause undue disturbance. The Licensing Authority recognises specific difficulties associated with other premises structurally linked to would-be licensed premises and the limit of sound insulation performance that can be achieved, In some circumstances licensed premises with amplified music adjoining or in very close proximity to residential properties may not be appropriate.

(Current Licensing Policy paragraph 32 included for completeness)

- The City Corporation will expect the operators of popular venues, which attract queues, to formulate a system to avoid disturbance to residents. This may sometimes be achieved by simply ensuring that the direction of the queue is away from residential accommodation.

(Current Licensing Policy paragraph 33, included for completeness)

- However, excessive noise and/or disorder will require more rigorous action. It is important that queues formed later in the evening are supervised to keep noise to a minimum. Door supervisors will generally be expected to carry out this role, but they must be given clear instructions as to their duties and responsibilities which should cover other areas of crime and disorder, for example under age drinking and drugs.

(Suggested amendment to current Licensing Policy paragraph 34)

- The City Corporation recommends that for 'promoted events' (as indicated by the City of London Police)

a comprehensive risk assessment is undertaken by the licence holders to ensure that crime and disorder and public safety matters are identified and addressed.

that the appropriate City of London Police **Promoted Event Risk Assessment Form 696** be used for this and submitted to the Police at least 14 days before the event.

That promoters should have obtained BIIAB Level 2 for Music Promoters

That the door supervisor per customer ratio should be 1 : 50

(Suggested amendment to current Licensing Policy paragraph 35)

In terms of patrons leaving any premises, particularly late at night or early in the morning, the City Corporation will expect the applicant to **include** in the operating plan practical steps such as:-

erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors
at appropriate times making loudspeaker announcements to the same effect within the premises

instructing door staff to ask customers leaving the premises to leave the area quietly

reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down

in appropriate cases, having door supervisors or a manager patrolling nearby streets to assess for themselves whether there is a problem and how best to deal with it

banning from the premises people who regularly leave in a noisy fashion;

increasing outside lighting levels

instituting a mini cab/taxi booking scheme

any other steps which may be necessary to prevent noise, or other nuisance to neighbours of the licensed premises

REASON

(Suggested new paragraph to existing Licensing Policy to be inserted after current paragraph 37)

City of London Police intelligence indicates that some promoters applying to perform in the City have connections to gangs or convictions for violent crimes. Also, there have been a number of incidents where promoted events, attended by rival gangs, have resulted in violent

exchanges. Measures need to be in place to prevent these crimes occurring.

Determination of Applications

OVERRIDING POLICY PRINCIPLE

- In determining a licence application, the overriding principle adopted by the City Corporation will be that each application will be determined on its individual merits. The process adopted for determination will, in all cases, follow that required by the Regulations made under the Act.

Conditions

POLICY

(Current Licensing Policy paragraphs 44 and 45 included for completeness)

- Licence conditions will depend on the individual application and will be imposed where necessary to meet the licensing objectives. Licence conditions will not be imposed where the City Corporation is satisfied that other regulatory regimes provide sufficient protection to the public eg. health and safety at work and fire safety legislation.
- It is the policy of the City Corporation that, when considering and applying conditions, such conditions should be open, transparent and reasonable. **Suggest delete “open, transparent and reasonable” and substitute “clear, necessary and enforceable”.**

(Suggested new paragraphs to the existing Licensing Policy to be inserted after the current paragraph 45)

Suggested model conditions have been produced to assist applicants, responsible authorities and other interested parties when determining suitable conditions for a premises licence, but all should ensure that the conditions apply specifically to the premises and meet the criteria of clarity, necessity and enforceability.

Suggested model conditions are neither exclusive nor exhaustive. They do not restrict applicants, responsible authorities or interested parties in proposing additional or alternative conditions. Nor do they restrict the City of London, when determining contested applications, from imposing any reasonable condition on a licence that it considers necessary for the promotion of the licensing objectives under the Licensing Act 2003

Any conditions imposed by the City Corporation, or agreed by the applicant, shall be subject to the statutory mandatory licensing conditions. See Appendix 2 for the full list of mandatory conditions.

Location and Impact of Activity

(Paragraph 51 of current Licensing Policy included for completeness)

- In all cases, the granting of a licence will depend on the impact of an activity, particularly on local residents or late night businesses. Consideration will be given to relevant matters including, but not limited to, the level of noise and vibration, litter, people coming and going, queuing and any potential for criminal activity or disorder.

(Suggested new paragraph to be inserted after the current paragraph 51 of the Licensing Policy)

- **The City Corporation takes note of the nuisance and potential danger to pedestrians and particularly to disabled people, and those using access equipment or items such as pushchairs by the obstruction of the highway by customers of licensed premises smoking, drinking and eating on the public highway.**

POLICY

(Suggested amendments to paragraph 52 of the current Licensing Policy)

In relation to operating schedules,

- the City Corporation will ensure that any operating schedule indicates that the applicant is taking appropriate steps to comply with the licensing objectives.

Any operating schedule submitted in respect of premises shall include proposed times of operating and details of how the applicant intends to comply with the licensing **objectives and in particular, how the outside areas will be managed to prevent noise, smell, or obstruction nuisance to neighbours and the public.**

The proposals in the operating schedule should include:

an assessment of the potential for public nuisance arising from customers smoking, eating and drinking in outdoor areas and on the public highway outside the premises and how this is to be managed with particular reference being made to:

restricting the number of customers permitted in certain outside areas and/or at certain times

limiting the numbers of customers permitted on the premises at any one time

not permitting customers who are smoking to take drinks outside with them

the arrangements in place for the regular removal of used glasses and crockery and cutlery

locating smoking areas away from residential premises

using door supervisors and employees to monitor possible public nuisance issues with a ratio of not less than 1 door supervisor for every 100 customers

providing a form of demarcation and or physical barrier acceptable to the Highways Authority to be used to mark the boundary of the area outside the premises where customers are allowed to drink.

the steps they intend to take to educate their customers and prevent public nuisance arising from litter and prevent the use of alleyways, street corners, and open pavements in the vicinity of their premises as urinals

how they will work with other licensees in the area to combat nuisance caused by night time visitors creating noise and urinating in the alley ways, street corners and open pavements in the vicinity of the premises.

(Suggested additional paragraphs to be inserted after paragraph 54 in the current Licensing Policy)

With regard to the licensing objective of public safety, the issue of capacity should be addressed in the fire risk assessment for the premises use. This does not mean that every premises must have a capacity figure. However there should be evidence that the responsible person has considered the number of persons who can be safely evacuated through the available exits.

A safe capacity figure will be expected in the following circumstances:

- 1. • in premises that could potentially become overcrowded, for example bars, pubs, clubs, and other places of public assembly,**
- 2. • where an engineered solution or BS 9999 has been used to increase capacity,**
- where capacity is risk critical, for example where the premises use has a higher occupancy factor than that which the building was designed for.**

Where applicable, capacity should normally be inclusive of staff and performers. Management should be able to demonstrate a realistic method of controlling capacity.

Consideration of the Impact of Licensed Activities

POLICY

(Suggested amendments to paragraph 55 of the current Licensing Policy)

- When considering whether any licensed activity should be permitted, the City Corporation will assess the likelihood of it causing unacceptable adverse impact, particularly on local residents and businesses, by considering the following factors amongst other relevant matters:

the type of use

the proposed hours of operation

the means of access to and exit from the premises by patrons

the measures that are proposed to avoid nuisance being caused to residents and businesses in particular from outside smoking, drinking and eating in terms of noise, obstruction of the highway and anti-social behaviour.

The matters set out in the City Corporation's Policy in relation to operating schedules, which will include, among other factors,

any negative cumulative impact of licensed premises in an area and, in considering any application for review of premises already licensed, the City Corporation may take into account evidence of the following:-

past demonstrable adverse impact from the activity especially on local residents and businesses; or

any appropriate measures which have been agreed and put into effect by the applicant to mitigate any adverse impact.

Sexual Entertainment Venues

(Suggested new paragraph to replace paragraphs 71 to 75 of the current Licensing policy which refer to Sex-Related Activities)

The City Corporation will formulate separate policy for applications for Sexual Entertainment Venues in the City and applicants should refer to that policy for guidance.

The Queen's Diamond Jubilee and London 2012 Games

(Suggest that this paragraph is inserted after paragraph 98 in the current Licensing Policy, as a separate heading, before "Other Integration Strategies")

The City Corporation is fully committed to a safe and successful Diamond Jubilee and 2012 Games. The City Corporation recognises that the resources of the police and emergency services will be planned out and prioritised for the security of major events before, during and after the Jubilee and Games from May 1 2012 until October 31 2012. Due

consideration will be given by the City Corporation to representations from the Police in relation to licence applications for activity during the games time on the grounds of public safety and security when police and other emergency services resources are insufficient to deal with the risks presented. Where, as a result of representations from a responsible authority, it is identified that a licence or proposed event presents a risk that the licensing objectives will be compromised, it is [the City Corporation's policy] likely that such applications will not be granted

Other Controls

(Paragraphs 76 – 78 of the Current Licensing Policy included in full, for clarity)

- The Government's view is that Statements of Licensing Policy should indicate other mechanisms that are available for addressing issues of customers behaving badly away from licensed premises such as:
planning controls

positive measures to create a safe and clean **City** centre environment in partnerships with local businesses, transport operators and other departments of a local authority

the provisions of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols

powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly

Police enforcement of the general law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices

the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk

the confiscation of alcohol from adults and children in designated areas

Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises causing a nuisance

the power of the Police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question. **See Appendix 3 for contact details of the responsible authorities.**

POLICY

It is the policy of the City Corporation to consider very carefully the implications of granting a licence when the hours sought extend into the early hours of the morning.

REASON

This is because many of these mechanisms may be of limited effectiveness and value in dealing with anti-social behaviour away from the premises.

Appendix 2 Mandatory Conditions

Alcohol

There shall be no sale or supply of alcohol when there is no Designated Premises Supervisor (DPS) in respect of this premises licence or at a time when the DPS does not hold a personal licence or when his/her licence is suspended.

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

The responsible person shall take all reasonable steps to 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 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–**
 - (a) 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);**
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);**
 - (c) provision of 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;**
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–**

- (i) the outcome of a race, competition or other event or process, or**
- (ii) the likelihood of anything occurring or not occurring;**
- (e) 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.**

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

- The policy must require individuals who appear to the responsible person to be under 18 (or such age specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.**

The responsible person shall ensure that where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic 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:

- Beer or Cider: ½ pint**
- Gin, Rum, Vodka or Whisky: 25ml or 35ml**
- Still wine in a glass: 125ml**

Customers must be made aware of the availability of the above measures.

Door Supervisors

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Relevant Authority.

Films

Admission of children (under the age of 18) to any exhibition of films must be restricted in accordance with the film classification body designated as the authority under s4 Video Recordings Act 1984.

Clubs

A Club Premises Certificate which authorises the supply of alcohol for consumption off the premises must include the following conditions:

The supply must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the certificate, to members of the club for consumption on the premises

The alcohol supplied for consumption off the premises must be in a sealed container

The supply of alcohol for consumption off the premises must be made to a member of the club

Appendix 3

Responsible Authorities

- ❖ **City of London Police, Licensing Office,
78 -83 Upper Thames Street London EC3R 3TD**
- ❖ **London Fire & Emergency Planning Authority,
Fire Safety Regulation: North East Area 2
London Fire Brigade
169 Union Street
London SE1 0LL**
- ❖ **Department of Environmental Services (Pollution)
City of London Corporation, PO Box 270 Guildhall,
London EC2P 2EJ**
- ❖ **Department of Planning & Transportation,
City of London Corporation, PO Box 270 Guildhall,
London EC2P 2EJ**
- ❖ **Department of Community & Children's Services
City of London Corporation, PO Box 270, Guildhall,
London EC2P 2EJ**
- ❖ **Department of Environmental Services (Trading Standards)
City of London Corporation, PO Box 270 Guildhall,
London EC2P 2EJ**
- ❖ **Department of Environmental Services (Food),**
City of London Corporation, PO Box 270, Guildhall,
London EC2P 2EJ**

**** In respect of Corporation of London owned premises the Responsible Authority for health and safety as listed above will be substituted for the HSE address below:**

- ❖ **Health and Safety Executive,
Rose Court, 2 Southwark Bridge,
London SE1 9HS**
- ❖ **Adjoining Local Authorities where premises cross over a boundary
(appropriate address as applicable).**

Additional notifications will be required if the “premises” is a moving vessel (e.g. pleasure boat on the Thames). These are listed below:-

- ❖ **Maritime & Coastguard Agency**

**Orpington Marine Office
Central Court
1B Knoll Rise
Orpington
Kent
BR6 0JA**

❖ **Port of London Authority
Harbour Master (Upper District)
Bakers' Hall
7 Harp Lane
London
EC3R 6LB**

❖ **Metropolitan Police
Thames Division
98 Wapping High Street
London
E1 9NE**

The actual applications together with a cheque for the required fee made payable to "City of London Corporation" should be sent to:-

**Department of Environmental Services,
Licensing Office
City of London Corporation,
PO Box 270, Guildhall,
London EC2P 2EJ**