

City of London Corporation

Licensing Act 2003

Statement of Licensing Policy

January 2013



# CONTENTS

<b>Paragraphs</b>	<b>Heading</b>	<b>Page No</b>
	Introduction	
	Legal Background	
	Scope	
	Licensing Objectives	
	Personal Licences	
	Premises Licences and Club Premises Certificates	
	Determination of Applications	
	Conditions	
	Location of Premises, Licensing Hours and the Prevention of Nuisance	
	Location and Impact of Activity	
	Consideration of the Impact of Licensed Activities	
	Saturation and Cumulative Impact	
	Variable Closing Times	
	Tables and Chairs Outside Premises	
	Smoking	
	Sexual Entertainment Venues	
	Other Controls	
	Protection of Children	
	Drugs	
	Planning	
	Other Integration Strategies	
	Enforcement	
	Discharge of Functions	
Appendix 1	Code of Good Practice for Licensed Premises	
Appendix 2	Activities Exempt from the Licensing Requirement	
Appendix 3	Mandatory Conditions	
Appendix 4	Responsible Authorities	

**CITY OF LONDON CORPORATION**  
**STATEMENT OF LICENSING POLICY**

**Introduction**

1. The City of London is the world's leading international financial and related business services centre – a global powerhouse at the heart of the UK's financial services. It provides dedicated services to the City, from maintaining its infrastructure to top level economic development, as well as carrying out all the services expected of a local authority. It also provides services that affect people outside its geographical boundary – making a contribution to both regional and national prosperity.
2. Although the City is predominantly a business area, there are significant pockets of residential accommodation. In addition to the well-established, concentrated housing developments at the Barbican, Golden Lane, Mansell Street and Middlesex Street, there are smaller scale residential areas including Queenhithe, the Temples, Carter Lane and parts of Smithfield. Residential development has also occurred on a scattered basis in the rest of the City, often involving the redevelopment and conversion of former business premises. It is vital that their residential amenity is protected and this is emphasised in the City's Core Strategy which aims 'To protect existing housing and amenity and provide additional housing in the City, concentrated in or near existing residential communities...'.
3. The City Corporation fully supports the provision of recreational and cultural activities and sees these as being of great benefit to the community, especially people working in a high pressure business environment. To this end, the City Corporation is the third biggest sponsor of the arts in the country, after the Government and the BBC. The Core Strategy contains two specifically relevant strategic policies encouraging, where appropriate, the provision of a wide range of public and private recreational, art, heritage and cultural facilities.
4. The City Corporation aims to reconcile all these facets of life in the City to minimise the potentially damaging tensions that could arise between the business, residential and leisure communities. This Policy Statement sets out the framework within which the City Corporation will consider the grant of licences for activities controlled by the Licensing Act 2003.

**Legal Background**

5. The Licensing Act 2003 (the 'Licensing Act') repealed most of the previous legislation relating to liquor, entertainment and night café licensing and replaced it with a totally new licensing regime. In respect of liquor licensing, responsibility was transferred from the Magistrates Court (Licensing Justices) to local authorities.

6. This enables the City Corporation to grant or reject applications for the sale of liquor, the provision of entertainment or late night refreshment. Conditions designed to ensure public safety, protect children from harm, prevent crime and disorder and public nuisance can be attached to licences. For example, to prevent residents or businesses being disturbed, the City Corporation may restrict licensed hours where it can be shown to be appropriate. However, the ability of local authorities to take decisions is limited either by provisions in the Act, Regulations made under the Act or by guidance from the Home Office.
7. The City Corporation is legally obliged to have regard to the Home Office guidance. The City Corporation may, however, if it is considered appropriate, deviate from the guidance but would need good reasons to do so. This Policy Statement takes full account of the current Home Office guidance.
8. In addition, in formulating this Policy Statement, the City Corporation has had regard to the provisions of the European Convention on Human Rights that everyone has the right to respect for his home and private life and that every person is entitled to the peaceful enjoyment of his possessions. The Human Rights Act 1998 makes it unlawful for a public authority to act in a way that is incompatible with a convention right. Consequently, an aim of this Policy Statement, particularly in relation to the decision-making process of the City Corporation, is to ensure that a licensing decision does not breach such a right.
9. The Equality Act 2010 and prior legislation requires the City to give due regard to the elimination of unlawful discrimination when exercising its public duties, to promote equality between people who share and do not share a particular protected characteristic and to promote good relations between people who share and who do not share a particular characteristic.
10. The Equality Act 2010 defines a number of protected characteristics and generally provides that no one should be discriminated against or subject to less favourable treatment on the basis of these characteristics. The characteristics are age, disability, ethnicity & race, gender, gender reassignment, marriage or civil partnership status, pregnancy or maternity status (including nursing mothers), religious or philosophical belief or non-belief and sexual orientation. It also ensures rights of access to everyday facilities and services and, in the context of disability, may require service providers to consider making permanent physical adjustments to their premises.
11. The City Corporation will expect licensees to be familiar with the contents of any codes of practice issued by the government under the Equality Act 2010.
12. The City Corporation has taken account of the provisions of the Crime and Disorder Act 1998. This requires local authorities to have regard to the likely effect of the exercise of their functions on crime and disorder in their area and to do all they can to prevent such crime and disorder.

13. The Policing and Crime Act 2009 introduced further powers for local authorities regarding the regulation of lap-dancing and other sexual entertainment venues. It also contains provisions on alcohol misuse and imposed new mandatory licensing conditions (see Appendix 3 for all the current mandatory conditions).
14. The City Corporation has taken account of the Police Reform and Social Responsibility Act 2011 and the Live Music Act 2012, which both brought in legislative changes to the Licensing Act 2003. The changes have been reflected in this policy.
15. The Licensing Act requires that licensing authorities consult with other responsible authorities and representatives of licensees of all types, together with representatives of local residents and businesses. The City Corporation will have regard to the views of these persons in the determination of policy and its periodic review.

### **Scope**

16. The Act relates to the sale of alcohol, the provision of certain entertainment and late night refreshment.
17. Activities that require a licence under the Licensing Act 2003 and covered by this Policy Statement include:
  - i) retail sale of alcohol
  - ii) supply of hot food or drink from premises from 23.00 to 05.00 hours
  - iii) supply of alcohol to club members
  - iv) provision of entertainment listed below (known as regulated entertainment) to the public or club members or with a view to profit:
    - a) film exhibitions
    - b) performance of a play
    - c) indoor sporting events
    - d) a boxing or wrestling entertainment
    - e) some live music performances
    - f) playing of recorded music
    - g) dance performances
    - h) provision of facilities for making music
    - i) provision of dancing facilities
18. The Live Music Act 2012, which came into effect on 1 October 2012, removes the licensing requirements for certain types of live music performances. The exemptions are set out in Appendix 2 of this document.
19. There are a number of other activities that are exempt from the licensing requirement, details of which are also set out in Appendix 2 of this document.

22. The Act prescribes:
- i) personal licences which cover the licensing of individuals for the retail sale of alcohol
  - ii) premises licences which cover the retail sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment
  - iii) club premises certificates which are required to allow the supply of alcohol or the provision of regulated entertainment to certain clubs
  - iv) temporary event notices which are required for certain licensable activities on a temporary basis
23. The scope of the Policy Statement covers new applications, transfers and variations of premises licences and club premises certificates, temporary event notices and renewals where applicable. It also includes the policy on the review of licences and certificates which could lead to revocation of the premises licence.
24. In general, a reference in the Policy Statement to a premises licence will include a club premises certificate. This policy Statement will cover the period January 2013 to January 2018 but may be amended if there are significant changes in legislation or case law.

### **Licensing Objectives**

25. In carrying out its licensing functions, the authority will promote the licensing objectives set out in the Act. These are:
- i) the prevention of crime and disorder
  - ii) public safety
  - iii) the prevention of public nuisance
  - iv) the protection of children from harm
26. To achieve these objectives, the authority will use its full range of powers and engage all relevant responsibilities including its planning controls, transport controls, crime and disorder policies and powers. The authority will enter into appropriate partnership arrangements, working closely with the Police, the Fire Authority, local businesses, community representatives and local people in meeting these objectives.

### **Personal Licences**

27. The City Corporation recognises it has little discretion regarding the granting of personal licences. In general provided an applicant has a qualification, accredited by the Secretary of State or a certified equivalent, and does not have certain serious criminal convictions, the application is required to be granted.
28. If an applicant has a relevant conviction the Police may oppose the application, in which case a hearing will be held.

## **POLICY**

29. At any hearing the City Corporation will consider carefully whether the refusal of the personal licence would be in compliance with the licensing objectives. It will consider the seriousness and relevance of the disclosed conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The City Corporation will refuse the application if it is satisfied that granting it would not promote the licensing objectives.

## **REASON**

30. Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the City Corporation under the Crime and Disorder Act 1998. A person holding a personal licence should be properly qualified and be able to assist the action against crime. Granting a licence to a known criminal will in many cases undermine rather than promote the crime prevention objective.

## **Premises Licences and Club Premises Certificates**

### **a) Application**

## **POLICY**

31. Applicants for premises licences and club premises certificates are required to produce an operating schedule to accompany their application. In completing the operating schedule, applicants should set out in some detail how they intend to run the premises in order to promote the four licensing objectives. Applicants are expected to have regard to this statement of licensing policy when completing their operating schedules.
32. The City Corporation has produced a Code of Good Practice for Licensed Premises to assist applicants in completing their operating schedules for the promotion of the four licensing objectives. The Code forms part of the City Corporation's statement of licensing policy and is attached as Appendix 1 to this document. The City Corporation will expect all applicants to have regard to the Code and to make a positive commitment to preventing problems from occurring at their premises.
33. In order to reduce the number of representations and the cost for all parties in having to attend a hearing, applicants are strongly urged to attend a pre-application meeting with officers of the City of London. This will give the applicant the opportunity to discuss any issues with the licensing officers and if necessary, the police and environmental health. Officers can discuss all aspects of the application, compliance with the City of London Licensing Policy to pre-empt any unnecessary representations and hearings.
34. The City Corporation will expect:

- i) all applications to be accompanied by a covering statement explaining in some detail the nature of the proposed operation. If the application is for a licence variation, the statement 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
- ii) all applicants to address the licensing objectives in their operating schedule which they are required by the Act to prepare
- iii) all applications to be accompanied by a plan scaled at 1:100 in electronic format together with a hardcopy on A3 size paper using colour where necessary
- iv) 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
- v) 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
- vi) applicants will complete their own detailed risk assessments on their businesses using the Code of Good Practice for licensed premises as a guide
- vii) any proposed changes to the operating schedule, including change of use, to 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

35. 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 in applicable circumstances 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 area around the licensed premises. Any doubts as to whether such a report is required can be discussed in the pre-application meeting. Any sound leakage must be addressed in practical ways such as:

- i) keeping doors and windows closed and providing adequate mechanical ventilation
- ii) reducing sound levels and installing an approved sound limiting device to prevent sound exceeding the appropriate level, both the device and the level to be approved by a suitably qualified acoustic consultant
- iii) providing double door entry to premises with a ventilated lobby, to reduce noise levels generally and during entry and exit of persons to the premises
- iv) installing soundproofing measures to contain sound and vibration



36. 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.
37. 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.
38. 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.
39. The City Corporation recommends that for 'promoted events':
- i) a comprehensive risk assessment is undertaken by the licence holders to ensure that crime and disorder and public safety matters are identified and addressed
  - ii) that the appropriate City of London Police Promoted Event Risk Assessment Form be used for this and submitted to the Police at least 14 days before the event
  - iii) that promoters should have obtained BIIAB Level 2 for Music Promoters
  - iv) that the door supervisor per customer ratio should be 1 : 50
40. In terms of patrons leaving any premises, particularly late at night or early in the morning, the City Corporation will expect the applicant to operate a dispersal policy and to include in the operating schedule practical steps such as:
- i) erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors
  - ii) at appropriate times making loudspeaker announcements to the same effect within the premises
  - iii) instructing door staff to ask customers leaving the premises to leave the area quietly
  - iv) reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down

- v) 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
- vi) banning from the premises people who regularly leave in a noisy fashion
- vii) increasing outside lighting levels
- viii) instituting a mini cab/taxi booking scheme
- ix) any other steps which may be appropriate to prevent noise, or other nuisance, to neighbours of the licensed premises

## **REASON**

- 41. A proactive and preventative approach is a key aspect of good management at licensed premises. One of the greatest irritations to residents trying to sleep is the excessive noise escaping from licensed premises. Noise escape from premises may preclude the grant of a licence or constitute grounds for the review of any licence previously granted. There might also be need for a Noise Abatement notice to be issued under the Environmental Protection Act.
- 42. There can be little doubt that a well-managed licensed venue can benefit the local community. However, there is clearly a risk of local residents being disturbed, particularly if the venue is open late at night because people leaving the premises can be a significant problem in the early hours. Customers may be less inhibited about their behaviour and may be unaware of the noise they are creating.
- 43. City of London Police intelligence indicates that some promoters organising events 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. Consequently, measures need to be in place to prevent these crimes occurring.

## **POLICY**

- 44. The City Corporation will expect:
  - i) the premises to be presented to the highest possible standards of safety
  - ii) the applicant to have addressed the requirements of Health & Safety at Work and Fire Safety legislation and, where appropriate, the Technical Standards published by the District Surveyors Association. The plans of the premises which must be submitted will be expected to provide evidence of compliance with health and safety matters. Evidence of current safety certificates may be required
  - iii) the operating schedule to detail how the premises will be properly managed and maintained to ensure public safety at all times

## **REASON**

45. Public safety is about protecting the safety and the lives of patrons. It is the wish of the City Corporation that anyone visiting a licensed venue in the City can do so in complete safety and premises may be inspected to ensure that they have been constructed with safety in mind and are well managed and maintained.
46. It is the policy of the City Corporation that there should be comprehensive facilities and access for people with disabilities wherever practicable. The City Corporation will, therefore, expect the needs of disabled people to be addressed in the operating schedule.
47. Wherever practicable, disabled people should not be treated in a less advantageous way than non-disabled people. In addition, there are responsibilities under the Equality Act 2010 and prior legislation that place statutory duties on licensees to ensure that such facilities cater for everyone's needs.

## **b) Consultation**

### **POLICY**

48. It is the policy of the City Corporation that it will always endeavour to make all those affected by an application aware of applications and of the opportunity to make representations. In doing so, every application for a premises licence will be required to be advertised by both the licensing authority and the applicant which will bring the details of the application to the notice of residents and other persons. The applicant will also be required to send a copy of the application to the Police, Fire Authority and other relevant responsible authorities.
49. The local authority will advertise all new licence applications and applications to vary existing licences on the City of London web site. We will also notify any person by email the details of such applications where a person so requests to be kept informed.

### **REASON**

50. The grant of a licence could have a significant impact on the lives or businesses of those living or working in the area around the premises for which a licence is sought. It is only right, therefore, that all those likely to be affected by an application are made aware of it and of the opportunity to make representations.

### **Determination of Applications**

#### **OVERRIDING POLICY PRINCIPLE**

51. 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 Regulations made under the Act.

## **Conditions**

### **POLICY**

52. Licence conditions will depend on the individual application and will be imposed where appropriate 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.
53. It is the policy of the City Corporation that, when considering and applying conditions, such conditions should be clear, appropriate and enforceable. Conditions will be focussed on matters that are within the control of the individual licence holder.
54. Suggested model conditions have been produced to assist applicants, responsible authorities and other persons when proposing and determining conditions for a premises licence, but all should ensure that the conditions apply specifically to the premises and meet the criteria of clarity, appropriateness and enforceability.
55. Suggested model conditions are neither exclusive nor exhaustive. They do not restrict applicants, responsible authorities or other persons 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 appropriate for the promotion of the licensing objectives under the Licensing Act 2003.
56. A premises licence that contains conditions imposed by the City Corporation, or agreed by the applicant, shall also be subject to the statutory mandatory licensing conditions. See Appendix 3 for the full list of mandatory conditions.

### **REASON**

57. The Government's view is that, in general, there should not be standard conditions, some of which might be inappropriate to individual premises. Instead, conditions should depend on the premises and activities concerned, with a view to ensuring that the licensing objectives are achieved.

## **Location of Premises, Licensing Hours and the Prevention of Nuisance**

58. The view of the Government is that longer licensing hours should be encouraged in the interests of avoiding a concentration of disturbance and ensuring that nuisance is minimised to local residents. The Government believes that shops and public houses should generally be permitted to sell alcohol during the hours they intend to open. Entertainment providers should be encouraged to provide a range of entertainment during their operating

hours and to promote live music, dancing and theatre for the wider cultural benefit of the community.

59. The City Corporation understands the view of the Government, but considers that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example, the risk of residents' sleep being disturbed by patrons leaving licensed premises is obviously greater at 02.00 than at 23.00. Residents have a reasonable expectation that their sleep will not be unduly disturbed between the hours of 23.00 and 07:00.

## **POLICY**

60. It is therefore the policy of the City Corporation to strike a fair balance between the benefits to a community of a licensed venue, and the risk of disturbance to local residents and workers. Notwithstanding that all applications will be determined on their merits.

## **REASON**

61. This policy is aimed at the fulfilment of the licensing objective of 'the prevention of public nuisance'.

## **Location and Impact of Activity**

62. 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.
63. 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, which includes the footway, by customers of the licensed premises smoking, drinking and eating on the public highway.

## **POLICY**

64. In relation to operating schedules:
- i) the City Corporation will expect that all operating schedules indicate the steps an applicant is taking to comply with the licensing objectives
  - ii) 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
  - iii) 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:

- a) restricting the number of customers permitted in certain outside areas and/or at certain times
  - b) limiting the number of customers permitted on the premises at any one time
  - c) not permitting customers who are smoking to take drinks outside with them
  - d) the arrangements in place for the regular removal of used glasses, crockery and cutlery
  - e) locating smoking areas away from residential premises
  - f) using door supervisors and employees to monitor possible public nuisance issues with a ratio not less than 1 door supervisor for every 100 customers
  - g) 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
  - h) 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 area around their premises as urinals
  - i) how they will work with other licensees in the area to combat nuisance caused by night time visitors creating noise and urinating in the alleyways, street corners and open pavements in the area around the premises
- iv) 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:

- a) in premises that could potentially become overcrowded, for example bars, pubs, clubs, and other places of public assembly
- b) where an engineered solution or BS 9999 has been used to increase capacity
- c) where capacity is risk critical, for example where the premises use has a higher occupancy factor than that which the building was designed for
- d) where applicable, capacity should normally be inclusive of staff and performers. Management should be able to demonstrate a realistic method of controlling capacity

- e) in order to promote the licensing objective of public safety, the issue of the use of candles should be addressed in the fire risk assessment of all premises where candles may be used. The City Corporation requires all measures identified and recommended by the London Fire Brigade during their audit/inspection to be adopted and implemented at all times, so as to reduce or remove the risk of danger to public safety

## **REASON**

- 65. Any activity involving public entertainment or eating or drinking on the premises has the potential to impact adversely on the surrounding area due to noise, smells, or congestion on the footway. It may also be caused by the customers being noisy on departure or leaving litter. The impact of noise generated by these activities, especially customers departing either on foot or in cars, is particularly intrusive at night when ambient noise levels are much lower.
- 66. Although largely commercial, much of the City is very sensitive to the impact of licensed activities because it is close to either residential areas or areas of late night financial business. The impact of traffic going to and from licensed premises can be considerable. Even where a majority of customers arrive on foot or by public transport, the numbers of people dispersing may be significant.

## **Consideration of the Impact of Licensed Activities**

### **POLICY**

- 67. 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:
  - i) the type of use
  - ii) the proposed hours of operation
  - iii) the means of access to and exit from the premises by patrons
  - iv) 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
  - v) 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:

- a) past demonstrable adverse impact from the activity especially on local residents and businesses
- b) any appropriate measures which have been agreed and put into effect by the applicant to mitigate any adverse impact
- c) adoption of the City Corporation's Code of Good Practice for Licensed Premises

## **REASON**

68. The prime purpose of this part of the Policy Statement is to achieve the licensing objective of preventing public nuisance. In furtherance of this aim, the Statement lists particular matters that the City Corporation will take into account in considering whether a licensed activity is likely to cause an adverse impact, particularly to local residents:
- i) the precise nature of the activity, especially for entertainment, will be a factor in considering the impact of the activity
  - ii) levels of noise from licensed premises which may be acceptable at certain times of day may not be acceptable later in the evening or at night when ambient noise levels are much lower
  - iii) with any adverse impact it may be possible to take steps to mitigate or prevent the impact and if such measures are reliable an activity may be licensed. In accordance with Government advice, the decisions taken by the City Corporation will obviously be focused on matters within the control of individual licensees and others granted relevant permissions and the steps they can take to achieve the licensing objectives. Accordingly, these matters will centre on the premises and places being used for licensable activities and the likely impact of those activities on members of the public living, working or engaged in normal activity in the area concerned
69. In reaching its decisions, the City Corporation acknowledges the difficulty a licence holder has in preventing anti-social behaviour by individuals once they are beyond the direct control of that licence holder. However, it will also take into account that the licensing objective of preventing public nuisance will not be achieved if patrons from licensed premises regularly engage in anti-social activities to the detriment of nearby residents or businesses. Furthermore, it will also take into account its responsibility under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder in the City. The aim of the Policy is, therefore, to achieve a holistic and balanced approach to these difficult issues.

## **Saturation and Cumulative Impact**

### **POLICY**

70. In determining an application, the authority will take into account, in the interests of public safety and the avoidance of nuisance, any representations relating to the negative cumulative impact that the existence of a saturation of premises in one area may have. A saturation of licensed premises can



attract customers to the area that has an impact on the surrounding area beyond the control of individual licence holders.

71. The City Corporation will take this into account whenever it receives representations about cumulative impact on the licensing objectives if warranted within a specific area.

## **REASON**

72. The impact from licensed premises increases considerably in areas where there are concentrations of such venues. The adverse effects from licensed activities are particularly acute in some areas of the City. The City Corporation will consider the effects of licensed premises saturation which may cause a significant negative cumulative impact in such areas.

## **Variable Closing Times**

73. One of the aims of the new licensing regime is to prevent concentrations of patrons exiting the premises at 23:00 as happened under the inflexible licensing hours of the previous liquor licensing arrangements. The Government has abolishing fixed licensing hours in favour of hours suitable for individual premises.

## **POLICY**

74. In areas containing a number of licensed premises, the policy of the City Corporation will be to encourage licensees to vary their closing times so that patrons leave for natural reasons over a longer period. Notwithstanding that, each application will be determined on its merits.

## **REASON**

75. The aim of this policy is to minimise disturbance and strain on transport systems. It is also designed to prevent the replication of the existing large scale departures of patrons, whatever the hour, to the detriment of the licensing objectives of preventing public nuisance and crime and disorder.

## **Tables and Chairs Outside Premises**

76. The provision of tables and chairs outside premises, either on the highway or on private land, can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture. However, late at night these same tables and chairs can contribute to noise problems. This is because they can encourage patrons and passersby to loiter rather than disperse.
77. The placing of tables and chairs on the public highway requires the consent of the City Corporation's Planning & Transportation Committee. On private land, such consent is not needed.

## **POLICY**

78. The City Corporation may determine hours of operation, for example by setting additional conditions where appropriate to meet the licensing objectives, taking into consideration crime and disorder, noise safety and local residents' amenities and would wish to see details of the proposed operation in the operating schedule.

## **REASON**

79. This policy is designed to strike a fair balance between the needs of those wishing to enjoy refreshment in the open air and the need to prevent problems concerning safety and nuisance.

## **Smoking**

80. Legislation in relation to smoking in enclosed spaces came into force on 1 July 2007. From that date it became illegal to smoke or to fail to prevent smoking in a smoke-free place.

## **POLICY**

81. The City Corporation may take into consideration the possible effect of people leaving licensed premises to smoke when determining licence applications. This relates to safety of patrons and passers-by and also nuisance from noise or litter.

## **REASON**

82. This is to take into account any concerns relating to safety and nuisance from people outside premises.

## **Sexual Entertainment Venues**

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

## **Other Controls**

84. 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:
- i) planning controls
  - ii) positive measures to create a safe and clean City centre environment in partnerships with local businesses, transport operators and other local authority departments

- iii) the provisions of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- iv) powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
- v) Police enforcement of the general law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices
- vi) the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- vii) the confiscation of alcohol from adults and children in designated areas
- viii) 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
- ix) the power of the Police, other responsible authorities or other person or business to seek a review of the licence or certificate in question. See Appendix 4 for contact details of the responsible authorities

## **POLICY**

85. 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**

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

## **Protection of Children**

87. The protection of children from harm is an important licensing objective. Nevertheless, the City Corporation will not normally impose conditions requiring or prohibiting the admission of children to any premises, believing this should remain a matter of discretion for the licence holder and takes account of the view of Government that the use of licensed premises by children should be encouraged. However, it will, where appropriate, impose conditions designed to protect children.

## **POLICY**

88. The City Corporation will take strong measures to protect children from harm. Examples of premises where the introduction of additional controls are likely to be appropriate are:
- i) where entertainment or services of an adult or sexual nature are commonly provided

- ii) where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
  - iii) where there is a known association with drug taking or dealing
  - iv) where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines)
  - v) where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises
89. While in some circumstances it may be appropriate to impose a complete prohibition, the City Corporation will in other situations consider imposing requirements such as:
- i) limitations on the hours when children may be present
  - ii) limitations or the exclusion of the presence of children under certain ages when particular specified activities are taking place
  - iii) limitations on the parts of premises to which children might be given access
  - iv) age limitations (eg. no person under 18)
  - v) requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult)
  - vi) full exclusion of those people under 18 from the premises when any licensable activities are taking place
90. Where the exhibition of films is permitted, the authority will expect the age restrictions of the British Board of Film Classification (BBFC) or the City Corporation in respect of the films to be exhibited to be complied with.
91. In relation to specialist Film Festivals where it is desired to show films not classified by the BBFC, the City Corporation will classify the films concerned, provided adequate notice has been given. To achieve consistency and the protection of children, the City Corporation will use the guidelines published by the BBFC.
92. In addition, the City Corporation will use its other statutory functions to ensure the protection of children from harm with particular emphasis on the sale of alcohol to underage persons.

## **REASON**

93. These policies are designed to allow flexibility for the licensee to ensure that, where appropriate, licensed premises are suitable for children but to ensure they are adequately protected.

## **Drugs**

94. Recent surveys indicate a general increase in the use of illegal drugs, involving a wider range of substances. This is particularly true of what are often referred to as 'recreational drugs'. The misuse of such drugs holds grave dangers and has led to fatalities.
95. Other factors may have contributed to these deaths, such as a lack of drinking water, excessive drinking of water, an overly hot environment with inadequate ventilation, or a lack of adequate information about drugs.
96. Drugs alter the way people behave, so their distribution and possession is controlled by law. Controlled drugs are usually manufactured and supplied illegally, which attracts criminal involvement in their distribution. Drugs manufactured illegally often vary in quality and strength which puts people taking such drugs in further danger.
97. The City Corporation recognises that drug use by young people in a club environment is not something that applies to all licensed premises. However, many entertainment venues, such as night clubs and dance venues, can be popular with both drug users and suppliers.

## **POLICY**

98. The City Corporation will expect licensees of venues to take all reasonable steps to prevent the entry of drugs into premises under their control, to take appropriate steps to prevent drugs changing hands within the premises and to take practical measures to prevent tragedies as a result of drug misuse by way of management and design of the premises.
99. In particular, the City Corporation will expect licensees of such venues to be familiar with the contents of Chapter 4 (drug awareness) of the BIIAB Level 2 National Certificate for Entertainment Licensees and to be following the recommendations of that handbook. The BIIAB is a legal entity, and is the British Institute of Innkeeping Awarding Body. The City Corporation will also expect licensees to be following the recommendations of the book 'Safer Clubbing' issued by the London Drug Policy Forum and endorsed by the Home Office.
100. Failure to follow these recommendations, and those set out in the Code of Good Practice for Licensed Premises, on a voluntary basis could lead to the licence being reviewed with the possibility of revocation. In appropriate cases the City Corporation will consider imposing the recommendations detailed in these publications by way of licence conditions.

## **REASON**

101. The purpose of this policy is to further the crime prevention objective and to ensure public safety by preventing harm and loss of life caused by drug abuse, overheating and other factors.

## **Planning**

102. Any premises for which a licence is required should normally have an authorised use under town planning legislation.

## **POLICY**

103. It will be the policy of the City Corporation that applications for premises licences in respect of permanent commercial premises will be reminded of the need to secure the necessary planning consent, if not already obtained, before carrying on their licensable activities. An application for any variation of a licence would not relieve the applicant of the need to apply for planning permission or building control consent where appropriate.
104. Coordination of these functions will be facilitated by the Licensing Committee and the Planning & Transportation Committee, each committee being kept informed of the actions taken.

## **REASON**

105. This policy is to avoid unnecessary duplication and, thereby, comply with Home Office guidance. Licensing applications will not be a re-run of the planning process and will not cut across decisions taken by the local planning authority. However, there could be occasions when a licence is refused for licensing reasons where an authorised planning use exists.

## **Other Integration Strategies**

### **POLICY**

106. The City Corporation will continue to work in partnership with the City of London Police, the City of London Crime and Disorder Reduction Partnership, Transport for London and other agencies and organisations which impact on the Corporation's licensing responsibilities. In particular, the City Corporation commends initiatives such as 'Safety Thirst' or equivalent accreditation schemes relating to the responsible promotion of City venues as welcoming to all.

### **REASON**

107. The City Corporation recognises that there are many interlinking strategies introduced for the good management of its area and its night-time economy. Many of these strategies are not directly related to the promotion of the four licensing objectives, but indirectly impact upon them. Co-ordination and integration of such policies, strategies and initiatives are therefore important.

## **Enforcement**

108. Where necessary, enforcement action will be taken in accordance with the principles of good enforcement, as set out in the Legislative and Regulatory Reform Act 2006, the Enforcement Concordat and the Regulators' Compliance Code, which promote consistency of enforcement throughout the country. Action taken will meet the requirements of the City of London's

Department of Markets and Consumer Protection’s Policy Statement on Enforcement.

109. In particular, enforcement action will have regard to the fundamental principles recommended by the Better Regulation Task Force for good enforcement:
- i) risk assessment – i.e. focusing on activities that give rise to the most serious risks or where hazards are least well controlled
  - ii) consistency – i.e. similar approaches in similar circumstances to achieve similar ends
  - iii) transparency – i.e. helping licensees to understand what is expected and distinguishing between statutory requirements and guidance
  - iv) proportionality – i.e. action taken should be proportional to the risk presented
110. The authority will establish protocols with the local Police and the Fire Authority on enforcement issues to avoid duplication and to provide for the most efficient deployment of City Corporation, Police and Fire Authority officers in respect of inspection of licensed premises and the enforcement of licensing law.
111. The policy of the City Corporation will always be a light touch inspection regime for well-managed and maintained premises, with a targeted and graduated inspection and enforcement regime for problem and high-risk premises.

**Discharge of Functions**

112. The Act provides that the functions of the licensing authority (including its determinations) are to be taken or carried out by its Licensing Committee (except those relating to the making of a statement of licensing policy or where another of its committees has the matter referred to it). The Licensing Committee may delegate these functions to sub-committees or, in appropriate cases, to officials supporting the licensing authority. Where licensing functions are not automatically transferred to licensing committees, the functions must be carried out by the licensing authority as a whole and not by its executive.

113. The discharge of functions are as follows:

<b>Matters to be dealt with</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence	If a Police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made

Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a Police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Police objection	All other cases
Application for interim authorities	If a Police objection	All other cases
Applications to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a police or environmental health objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If Police objection	All other cases
Decision whether to consult other responsible authorities on a minor variation		All cases
Determination of a minor variation application		All cases



Licensing Code of Good Practice

**Activities Exempt from the Licensing Requirement**

- (1) Film exhibitions for the purposes of advertisement, information, education etc.
- (2) Film exhibitions that form part of an exhibit put on show for any purposes of a museum or art gallery.
- (3) Music whether live or recorded, which is incidental to other activities which do not require a licence.
- (4) Live music as follows:
  - i. amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises;
  - ii. amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment); and
  - iii. unamplified live music between 8am and 11pm in all venues
- (5) Use of television or radio receivers for the simultaneous reception and playing of a programme.
- (6) Any entertainment or entertainment facilities at a place of public religious worship.
- (7) Entertainment at garden fetes or similar functions unless there is an element of private gain.
- (8) Morris dancing or any dancing of a similar nature or a performance of un-amplified live music as a part of such a performance.
- (9) Entertainment on road vehicles in motion.

**Mandatory Conditions****Alcohol**

- (1) 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.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- (3) 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.
- (4) 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:
  - i) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
    - a) 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)
    - b) drink as much alcohol as possible (whether within a time limit or otherwise)
  - ii) 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)
  - iii) 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
  - iv) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
    - a) the outcome of a race, competition or other event or process
    - b) the likelihood of anything occurring or not occurring
  - v) selling or supplying alcohol in association with promotional posters or flyers on, or in the area around 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

- (5) 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).
- (6) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- (7) 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.
- (8) 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.
- (9) 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:
  - i) Beer or Cider: ½ pint
  - ii) Gin, Rum, Vodka or Whisky: 25ml or 35ml
  - iii) Still wine in a glass: 125ml

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

### **Door Supervisors**

- (10) 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**

- (11) 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**

- (12) A Club Premises Certificate which authorises the supply of alcohol for consumption off the premises must include the following conditions:
  - i) 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

- ii) the alcohol supplied for consumption off the premises must be in a sealed container
- iii) the supply of alcohol for consumption off the premises must be made to a member of the club

**Responsible Authorities**

- ❖ **Licensing Authority**  
Markets and Consumer Protection  
PO Box 270, Guildhall  
London EC2P 2EJ
- ❖ **Police**  
City of London Police, Licensing Office,  
78 -83 Upper Thames Street  
London EC3R 3TD
- ❖ **Fire and Rescue**  
London Fire & Emergency Planning Authority,  
Fire Safety Regulation: North East Area 2  
London Fire Brigade  
169 Union Street  
London SE1 0LL
- ❖ **Primary Care Trust**  
City and Hackney Primary Care Trust  
Director of Public Health  
Clifton House, 75-77 Worship Lane  
London EC2A 2DU
- ❖ **Environmental Health**  
Department of Markets and Consumer Protection (Pollution)  
City of London Corporation  
PO Box 270 Guildhall,  
London EC2P 2EJ
- ❖ **Planning**  
Department of Planning & Transportation,  
City of London Corporation  
PO Box 270 Guildhall,  
London EC2P 2EJ
- ❖ **Child Protection**  
Department of Community & Children's Services  
City of London Corporation  
PO Box 270, Guildhall,  
London EC2P 2EJ
- ❖ **Trading Standards**  
Department of Markets and Consumer Protection (Trading Standards)  
City of London Corporation  
PO Box 270 Guildhall,  
London EC2P 2EJ

❖ **Public Safety**

Department of Markets and Consumer Protection (Food),\*\*  
City of London Corporation  
PO Box 270, Guildhall,  
London EC2P 2EJ

\*\* In respect of City of London Corporation owned premises, the Responsible Authority for public 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 Markets and Consumer Protection  
Licensing Office  
City of London Corporation,  
PO Box 270, Guildhall,  
London EC2P 2EJ