

Licensing Committee

Agenda

Wednesday 11 July 2012

7.00 pm

COMMITTEE ROOM 1 - HAMMERSMITH TOWN HALL
KING STREET, W6 9JU

MEMBERSHIP

Administration:	Opposition
Councillor Matt Thorley (Chairman) Councillor Adronie Alford Councillor Victoria Brocklebank-Fowler Councillor Joe Carlebach Councillor Peter Graham Councillor Steve Hamilton Councillor Lucy Ivimy Councillor Alex Karmel Councillor Tom Crofts Councillor Charlie Dewhirst Councillor Gavin Donovan	Councillor Colin Aherne Councillor Michael Cartwright Councillor Wesley Harcourt Councillor Caroline Needham Councillor Daryl Brown

CONTACT OFFICER: Owen Rees
Committee Co-ordinator
Governance and Scrutiny
☎: 020 8753 2088
E-mail: owen.rees@lbhf.gov.uk

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[http://www.lbhf.gov.uk/Directory/Council and Democracy](http://www.lbhf.gov.uk/Directory/Council_and_Democracy)

Members of the public are welcome to attend. A loop system for hearing impairment is provided, along with disabled access to the building.

Date Issued: 03 July 2012

Licensing Committee Agenda

11 July 2012

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1. MINUTES	1 - 5
To approve as an accurate record, and the Chairman to sign, the minutes of the meeting of the Committee held on 6 th July 2011	
2. APOLOGIES FOR ABSENCE	
3. DECLARATIONS OF INTEREST	
If a Councillor has any prejudicial or personal interest in a particular report he/she should declare the existence and nature of the interest at the commencement of the consideration of the item or as soon as it becomes apparent.	
At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a prejudicial interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken, unless a dispensation has been obtained from the Standards Committee.	
Where members of the public are not allowed to be in attendance, then the Councillor with a prejudicial interest should withdraw from the meeting whilst the matter is under consideration, unless the disability has been removed by the Standards Committee.	
4. ANNUAL LICENSING UPDATE	6 - 146
This report is to inform the Licensing Committee about the work of the Licensing Team over the last 15 months. It provides a summary of the Licensing Team's performance for the financial year 2011/12, the Revised Licensing Policy following a change in legislation, the Revised Gambling Policy, The Alcohol Licensing Strategy, changes to the MST process and other licensing issues and cases of interest. It has been submitted to provide an overview of the work of the Licensing Authority and to allow the Licensing Committee to recommend any improvements to the current way of working.	



London Borough of Hammersmith & Fulham

Licensing Committee Minutes

Wednesday 6 July 2011

PRESENT

Committee members: Councillors Colin Aherne, Adronie Alford, Victoria Brocklebank-Fowler (Chairman), Michael Cartwright, Marcus Ginn, Peter Graham, Wesley Harcourt, Lucy Ivimy, Caroline Needham, Tom Crofts and Daryl Brown

Other Councillors: Councillor Greg Smith, Cabinet Member for Resident Services

Officers: Nick Austin, Assistant Director, Public Protection and Safety, Valerie Ellison, Head of Commercial Services, Sanji Manju, Trading Standards Manager, Lewis Aldous, Lisa White, Adrian Overton, Licensing Officers, Jon Gorst, Senior Environmental Services Lawyer, and Owen Rees, Committee Coordinator.

1. MINUTES

RESOLVED THAT:

The minutes of the meeting held on 12th October 2010 be agreed and signed as an accurate record of the proceedings.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Carlebach, Hamilton, Karmel, and Thorley.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. ANNUAL LICENSING UPDATE

Valerie Ellison, Head of Commercial Operations, introduced the report, which set out licensing activity in the 2010-11 municipal year, planned activity for the 2011-12 year and future developments in licensing law and practice. She drew the Committee's attention to the section on training for Licensing Committee members. She said that officers had prepared a training pack to issue to new members, and that this would replace a formal training session. Members would also be invited to consult with licensing and/or legal officers as necessary.

Minutes are subject to confirmation at the next meeting as a correct record of the proceedings and any amendments arising will be recorded in the minutes of that subsequent meeting.

Councillor Needham and Cartwright suggested that new members should attend a Licensing Sub-Committee as an observer. The Committee agreed that new members should be invited to attend a Licensing Sub-Committee before they were invited to sit as a Sub-Committee member.

The Committee then received 3 short presentations on aspects of the report

Shepherds Bush Cumulative Impact Policy

Adrian Overton, Licensing Officer, presented to the Committee on the introduction of the Shepherds Bush Cumulative Impact Zone, which had been agreed by the meeting of Full Council on 29 Jun 2011. The introduction of the zone required premises to explain, should they seek to extend licensable activities, why this would not have an effect, removing the onus on those making representations to do so. The zone had been designed based on extensive research and field observation, and was designed to have a positive impact on the area, by giving sub-committees greater powers to prevent further disruption.

Rebalancing the Licensing Act

Lewis Aldous, Licensing Officer, gave a presentation on the measures within the Police Reform and Social Responsibility Bill, which was currently at the Third Reading stage in Parliament. The measures sought to strengthen the ability of local authorities, the police and residents to meet the licensing objectives. Changes included licensing departments becoming responsible authorities, health authorities receiving the same status, and instituting a need for applicants to consider the local area in their application, together with a number of smaller measures, including changes to the TEN process and an abolition of the proximity requirement for representations.

The Chairman asked officers to outline the changes to the TEN process. Lewis Aldous said that the Bill would add an expedited 5 day application process for TENs, but with the police able to turn down an application made under that process without recourse to a Sub-Committee; the 10 day process would also remain in place, with the addition of Environmental Protection as a responsible authority able to make an objection. Nick Austin, Assistant Director of Public Protection and Safety, said that the shorter process would enable applications to be made at shorter notice, benefiting community events and responsible licensees, without sacrificing the current safeguards.

Councillor Aherne suggested that the elimination of vicinity could be a mistake, meaning that authorities could receive large volumes of representations from people who lived a long way from the premises under consideration. Councillor Smith said that he appreciated those concerns, but that the current rules prevented people from making representations with regards to premises that were more than 0.5 miles from their home or place of business. He said that it would be open to a Sub-Committee how much weight they chose to put on any given representation.

Nick Austin said that the Statement of Licensing Policy could be amended in the light of any legislative change, giving guidance on the relevance of representations.

The Chairman asked about the proposed Early Morning Restriction Orders, and how this would operate. Lewis Aldous said that the orders would enable a licensing authority to set a time period during which a licensable activity would not be allowed to be carried out in a given area. Should such an order be imposed, existing premises with hours that extended beyond that time would be required to vary their licence to conform with the order. Nick Austin said that a strong evidence base would be required for the imposition of such an order, which if drawn on a borough-wide basis, might adversely affect premises that were operating responsibly at present.

Licensing Action Group and Cocaine Swabbing

Lisa White, Licensing Officer, gave a presentation on the work of the Licensing Action Group (LAG). The LAG, which was scheduled to meet fortnightly, brought together officers from licensing and the responsible authorities, to plan work and to monitor premises jointly. She also outlined the cocaine swabbing officers undertook, whereby licensing officers checked for traces of cocaine on licensed premises, and the steps taken when it was found.

Councillor Graham asked if the rate of detection high, and Councillor Crofts asked what measures were taken when cocaine was repeatedly detected. Lisa White said that the rate of detection was high, and that a Drug Indication Notice was issued to premises, as well as the Police being advised. However, Licensing officers had no powers of sanction against a premises in this area.

Councillor Cartwright said that alcohol misuse was likely a larger cause of crime in the borough than cocaine use. Councillor Smith said that the operations aimed to reduce the use of cocaine, rather than necessarily hold the licensee directly responsible for its use. He added that while cocaine use of the type detected may not be as significant in causing associated crime as alcohol, it was a significant part of the high end drugs trade, which was a source of crime in itself, and which the Council and Police were seeking to combat.

Legal Update

Jon Gorst, Senior Environmental Services Lawyer, updated the Committee on individual cases, and case law of interest. He noted that the report had been reformatted following the Committee's request of the previous year. Cases described included The Morrison, which had been the subject of a Section 161 closure notice, and which was the subject of a current appeal, The Raven, which had been the subject of a successful application for review of the licence by the Council's Environmental Protection Service, Booty Supermarket, which had been the subject of a successful application for review of the licence following the detection of counterfeit and contraband alcohol on the premises, and which was the subject of a current appeal, and Supersave, which had been the subject of a successful application for review of the licence following the failure of two test purchases.

He noted the limitations on the power to suspend a licence, whereby an appeal would mean that the suspension of the licence would be lifted until the appeal had been heard.

He also set out the 2 appeals that had been decided during the municipal year. Firstly, he described the appeal made in relation to NISA Local, which had been decided in the local authority's favour. The applicant had applied to extend their hours for off-sales to 24 hours per day, and appealed the Sub-Committee's decision to agree the extension. The court had found against the appellant, with the volume of evidence of street drinking in the area a crucial factor in its decision. The Council had received considerable support from the Police and local residents in contesting the appeal, and considered this crucial to its success.

Secondly, he described a judicial review brought by Prime Foods Ltd against the decision to revoke its licence as the licence holder was insolvent, under Section 27 of the Licensing Act. The judicial review had upheld the Council's decision. However, a recent High Court case, Beechan Pizza vs Coventry City Council, had found that if an insolvent company was subsequently reinstated, its licence should be reissued, and that it should be considered that the licence had never lapsed.

Finally, he described the outcome of Westminster City Council vs the Hope and Glory Public House, which had found in favour of the Council. The court's decision had placed emphasis on the reasoning of the Sub-Committee in hearing the application, stating that "the fuller and clearer the reasons for a decision...the more force they will carry."

Councillor Ginn asked about what the Council did when an issue like Beechan Pizza vs. Coventry City Council arose. Valerie Ellison said that the Council attended regional forums which were able to make collective representations on issues of concern, though the judgement in question was a recent one, and would probably be challenged in the courts. Nick Austin said that Licensing officers had done a great deal of work on fee collection and insolvent companies, though they were restricted by the limitations the Licensing Act placed on the Council's ability to collect debt on unpaid fees. The Council had raised the issue with the DCMS prior to the implementation of the Licensing Act and expected the amendments to the Act to address the issue.

Councillor Ginn asked whether the Council publicised the outcome of appeal hearings. Nick Austin said that appeal decisions were discussed within the licensed trade, and that licensees were keen to be treated fairly in comparison to other licensees.

Licensing and the Police

Police Sergeant Stuart Ratcliffe, Licensing Sergeant for Hammersmith and Fulham, updated the Committee on his work, including his participation in the LAG and the NISA Local appeal. He described the work he was doing to promote licensing to other police working in the area, including the Safer Neighbourhoods Teams, with the consequence of improved intelligence and evidence for

representations. He also said that he would be making a number of applications for review, which would come before the Sub-Committee in the following months.

The Chairman thanked PS Ratcliffe for his attendance, and noted the improved standard of evidence that Sub-Committees were receiving.

Councillor Ivimy said that residents were grateful for the work that had gone into the NISA Local appeal, and the outcome achieved. PS Ratcliffe said that resident input was crucial for appeal hearings, particularly given the time lapse from the Sub-Committee hearing and the different evidential standards. He asked that Councillors convey this to residents where appropriate.

RESOLVED THAT

The report be noted.

Meeting started: 7.00 pm
Meeting ended: 8.41 pm

Chairman

Contact officer: Owen Rees
Committee Co-ordinator
Governance and Scrutiny
☎: 020 8753 2088
E-mail: owen.rees@lbhf.gov.uk

Agenda Item 4



London Borough of Hammersmith & Fulham

LICENSING COMMITTEE 11th JULY 2012

DATE
11th July 2012

ANNUAL LICENSING UPDATE

Wards

SYNOPSIS

ALL

This report is to inform the Licensing Committee about the work of the Licensing Team over the last 15 months. It provides a summary of the Licensing Team's performance for the financial year 2011/12, the Revised Licensing Policy following a change in legislation, the Revised Gambling Policy, The Alcohol Licensing Strategy, changes to the MST process and other licensing issues and cases of interest. It has been submitted to provide an overview of the work of the Licensing Authority and to allow the Licensing Committee to recommend any improvements to the current way of working.

CONTRIBUTORS

Valerie Simpson
Sanju Manji
Lisa White
Adrian Overton
Lewis Aldous
Owen Rees

CONTACT

Valerie Simpson x3905
Sanju Manji x3392

RECOMMENDATION(S):

It is recommended that the Licensing Committee note the report, and make recommendations about any improvements to the current way of working.

NEXT STEPS

The Revised Statement of Licensing Policy 2012, if adopted at Full Council on the 4th July 2012, will take immediate effect.

The Gambling Policy 2013, if adopted at Full Council on 24th October 2012, will take effect on the 31st January 2012.

The Alcohol Licensing Strategy 2012 -2015 was presented at the Crime and Disorder Reduction Partnership Meeting on the 19th June 2012.

Any recommendations for improvement will be considered for inclusion in the Licensing Team's work plan.

1. EXECUTIVE SUMMARY

- 1.1 This report provides a summary update of the work and performance of the licensing team for the period between 1st April 2011 and 31st March 2012. Additional information has also been included in relation to current work activities and recent/pending legislation changes.
- 1.2 Staff changes following a mini reorganisation in April 2011, has resulted in a more holistic and focussed approach to enforcement. This has been complemented by work to enhance existing and consider new licensing policies as part of the Licensing Authority's role to promote the licensing objectives.
- 1.3 The report highlights links with Public Health in relation to joined up partnership working through the Licensing Action Group to promote the responsible selling of alcohol, a revised Statement of Licensing Policy following the legislative changes, and a revised Gambling Policy to strengthen the existing policy.
- 1.4 An overview is provided of the work to improve payments of annual maintenance fees, enforcement action, committee hearing results, and legislation changes.

2. INTRODUCTION

- 2.1 This report is to inform the Licensing Committee about the work of the Licensing Team over the last 15 months.
- 2.2 The licensing team covers a wide range of statutory licensing, registration and enforcement functions in the London Borough of Hammersmith & Fulham. These functions cover premises which sell and supply alcohol or provide regulated entertainment or late night refreshment; gambling premises, gaming machines and lotteries; sex establishments; film classification; marriage venues; non medical poisons; scrap metal dealers and motor salvage dealers.
- 2.3 The Commercial Services team are responsible for the licensing/registration of explosives/fireworks, massage and special treatment premises and therapists and for all animal health/welfare related licensing functions within the division, namely: Riding Establishments, Animal Boarding Establishments, Pet Shops and Dangerous Wild Animals.
- 2.4 The licensing team work in partnership with others to promote the licensing objectives, improve public health and ensure that the Licensing Authority is fulfilling its functions, as efficiently as possible.

3. REPORT

3.1 Staffing

In February 2012 the Head of Commercial Services, was appointed as the Bi borough Head of Environmental Health (Licensing & Trading Standards) and is responsible for the licensing functions in LBHF and RBKC. A licensing service review, across both local authorities, is due to commence in September 2012.

The Licensing Team consists of 3 FTE Public Protection and Safety Officers (Licensing Officers) and the Trading Standards & Licensing Manager (0.5 FTE).

The main processing of licences is carried out by officers in one of the departmental Technical Support teams, who have had specific licensing training as part of the in-house arrangements to provide technical administrative support for the licensing team. As part of bi-borough working and the pending service review, this area will be looked at to identify any improvements that can be made to improve efficiency.

3.2 Team performance, work activity and key achievements in 2011/12

Licensing Act 2003

The Authority has a statutory duty to carry out its function with a view to promoting the four licensing objectives. These are:

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

The work of the Licensing Team involves policy, processing, inspection, enforcement and committee work.

At the 1st April 2012, the authority had 925 licensed premises and had granted 2057 authorisations for personal licence holders under the Licensing Act 2003. The tables below illustrates the team performance during 2011/12, and 2010/11 data has been included for comparison purposes.

The data in table 1 shows that the number of applications received has been consistent with a slight reduction in the number of new and transfer of premises licence applications. There has been an increase in the number of Temporary Events Notices by 5%.

Licence/authorisation type	No. of applications received	
	2011/12	2010/11
New premises licences applications	66	73
New personal licences applications	164	168
New premises licence variations applications	50	50
Designated premises supervisor variations applications	196	198
Transfers of premises licences applications	68	73
Temporary event notices	564	535

Table 1

Licensing Work activity	Total Number	
	2011/12	2010/11
Number of visits to businesses	328	490
Number of complaints investigated	359	336
Number of commenced investigations	127	81
Number of prosecution cases sent to Legal Services	6	4
Number of S19 Closure Notices	16	Data not recorded
Number of S161 Closure Orders	2	Data not recorded
Number of simple cautions	3	2
Number of letters of warning	102	75
Number of visits conducted by licensing officers during operation Condor	160	n/a
Number of visits conducted by Met deployed officers during operation Condor	841	n/a

Table 2

The comparison data for 2010/11 in Table 2 above illustrates the change in our approach to tackling and detecting non compliances of licensed premises by moving towards intelligence led work. There has been a reduction of 33% of visits to businesses carried out by licensing officers. However Operation Condor which was launched in February 2012 to tackle unlicensed activity around the capital to crack down on licensing issues affecting the borough deployed officers from the police to carry out condition checks and support officers in licensing visits. This resulted in visits being conducted at low and medium risk premises where inspections are not conducted routinely due to service resources, burden on businesses and priorities.

As a result of this intelligence officers carried up follow up action which involved sending letters of warnings for minor non compliances and follow up visits were factored in to the work plan for 2012/13. Where a representation is made following an application for a licence a sub-committee is arranged.

In addition where the Service receives a valid representation for a review of a licence a further committee hearing is arranged and where the applicant is not happy with the decision of the committee an appeal hearing must take place. This area of work can take up considerable resource and it is important the service monitors this area of work in light of decisions made.

Table 3 illustrates the work outputs in relation to sub committee work. It is clear from the comparison with 2010/11 that the number of reviews has increased by approximately 400%. These reviews were in the main called by the Metropolitan Police, and supported by Environmental Protection and Trading Standards. Of the 23 reviews in 2011/12 there were 8 appeals to the magistrates court.

Licensing Sub Committees Hearings	2011/12				2010/11			
	Total	Agreed/Granted	Agreed in part	Refused	Total	Agreed/Granted	Agreed in part	Refused
New Premises Licence	10	6	0	4	14	10	0	4
Variation to Licence	2	1	0	1	9	2	0	7
Personal Licence	0	0	0	0	2	0	0	2
Review	23	19	4	0	6	6		
Total	35	26	4	5	31	18	0	13

Table 3

Gambling Act 2005

The Authority has a statutory duty to carry out functions with a view to promoting the licensing objectives. These are:

- Preventing gambling from being a source of crime or disorder being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The team issues premises licences for the following; bingo, betting, adult gaming centres, family entertainment centres, casino and horse racing and dog tracks.

At the 1st April 2011, the authority had granted the following authorisations under the Gambling Act 2005. Table 4 illustrates the team performance during 2011/12 with 2010/11 included as a comparison which shows a decrease in the number of applications for gaming machines in Members Clubs.

Type of Applications	Total	
	2011/12	2010/11
Adult Gaming Centre	0	1
Betting Shop	1	2
Gaming Machine Notifications	13	11
Gaming Machine s in Licensed Premises	0	2
Gaming Machines in Members Clubs	1	5
Total	15	21

Table 4

3.3 Revised Statement of Licensing Policy 2012

The Current Statement of Licensing Policy 2010 was adopted by Full Council and was published in January 2011.

In April 2012 a number of amendments were made to the Licensing Act 203 which made certain areas of the Council's Statement of Policy factually incorrect. Please refer to Section 4 for a summary of the changes.

Following legal advice the policy has been reviewed and updated and a report has been submitted to Full Council with the recommendation to approve the Revised Statement of Licensing Policy 2012. If approved on the 4th July this Forth Edition will take immediate effect.

A copy of the report prepared for the Full Council meeting on the 4th July 2012 is attached at Appendix 1.

In summary the proposed amendments to the Statement of Licensing Policy 2011 are:

- Requirement for Licensing Authorities to review their Statement of Licensing Policy every three years has been deleted and replaced with five years.
- Replacing 'Department of Culture Media & Sport' with the 'Home Office'.

- To update the information in relation to numbers, hours and 'late notices' for Temporary Event Notices (TENs).
- Replacing the term 'Interested party' with 'other persons'.
- Replacing the term 'necessary' with 'appropriate'.
- To update advice regarding non payment of annual licence fees.
- To include additional advice for applicants regarding information to be provided in their operating schedule when submitting an application.
- To include information regarding the Shepherds Bush Cumulative Impact Policy, which was approved by Full Council in 2011.
- Removal of the word 'vicinity' in relation to representations.
- To include the Primary Care Trust and the Licensing Authority as responsible authorities.
- Make minor amendments to some wording of the policy to provide clarity.

3.4 **Draft Revised Gambling Policy 2013**

The Gambling Act 2005 requires the Licensing Authority to review and republish its Gambling Policy every three years. The current policy took effect in 31st January 2010, therefore the revised policy will need to be approved by full council and take effect from the 31st January 2013.

The 12 week consultation period is now underway and will end on the 23rd July. A questionnaire setting out the key changes to the policy is available online at the following link : www.lbhf.gov.uk/gamblingconsultation2012.

The questionnaire and Draft Gambling Policy 2013 can be seen at Appendix 2.

In addition we are looking to include the Mandatory Conditions, and a list of Pool of Conditions as an Annex to the Draft Revised Gambling Policy 2013. These will provide guidance for applicants, residents, Councillors, agencies and responsible authorities when making, commenting on, or considering applications. The list of pool of conditions will not be exhaustive but a guide to help promote the three licensing objectives where considered necessary and proportionate.

We are currently consulting on these conditions and they can be seen at Appendix 3.

3.5 **Alcohol Licensing Strategy 2012 – 2015**

Nationally it has been reported that the café culture society that was envisaged from the introduction of the Licensing Act 2003, has not materialised. Research has also shown that people put their health at risk due to excessive drinking and this has had some damaging effects on some parts of our society.

In May 2012 the Government released a national alcohol strategy which signals a radical change in approach and seeks to turn the tide against irresponsible drinking. The national alcohol strategy covers:

- Minimum pricing for alcohol;
- Targeting those that drink to excess and commit crimes and the reduction of alcohol fuelled crime;
- Making 'health' a licensing objective in relation to cumulative impact policies; and
- Sharing of accident and emergency data between hospitals, the police and local authorities.

There are costs, crime and health consequences associated with the irresponsible selling and drinking of alcohol and therefore a local Alcohol Licensing Strategy has been developed which outlines the Licensing Authority's approach to reducing crime, disorder, anti-social behaviour and the negative impact of alcohol on public health, over the next 3 years.

This licensing strategy and delivery plan clearly documents our intentions and is an additional step in our proactive approach towards the prevention and reduction of alcohol related violent crime, disorder and antisocial behaviour and the negative impact on public health.

Working with our partners, we will always strive to adopt best practice around:

- Interventions to tackle the alcohol-fuelled disorder, using enforcement powers to tackle problem premises and problem individuals; and
- Managing the night time economy using partnership approaches.

The reduction of the level of alcohol related crime, disorder and anti-social behaviour and the negative impact on public health will be tackled through the **four** strategic goals below:

- Building an Evidence Base
- Providing Advice and Education
- Regulation and enforcement:
- Improving Public Health

The strategic goals of the strategy require the support of members of the Licensing Action Group (LAG) (see 3.6 below), and the Crime and Disorder Reduction Partnership Group (CDRP) to provide this drive. In addition, the LAG will be key to planning arrangements and ensuring that this strategy is delivered.

The action plan that will be developed to implement this strategy will be monitored through key performance indicators (KPIs), which will be reviewed and agreed annually. Evaluation of the work streams, projects and actions carried out, as part of this strategy will be carried out periodically by members of the LAG and reported annually to CDRP members.

The Strategy was presented to the CDRP members on the 19th June 2012 for comments. The Strategy can be seen at Appendix 4.

3.6 Licensing Action Group (LAG)

In 2010/11 the LAG was inaugurated as a group of key partners who would agree to work together to tackle licensing issues. The group consists of officers from the licensing team, trading standards team, commercial services team, environment protection team, planning enforcement team, the police, the London Fire Brigade (LFB), Drug and Alcohol Action Team (DAAT) and the community safety division.

Since the formation of the LAG, a Memorandum of Understanding (MoU) has been signed by all partners to agree a protocol of working together more effectively. Members of the group recognise the potential negative affects that the irresponsible sales of alcohol can have on public health and to the night time economy.

3.7 Changes to the Message and Special Treatment's process

The Massage and Special Treatment licensing regime aims to safeguard public health and protect children from harm. In 2011/12 a review of the fees charged to businesses wishing to apply for a licence to offer Massage and Special Treatments was carried out.

Fee Structure and Charges

The fees charged for licensing each type of treatment is set by each Local Authority independently and varies considerably between London boroughs. In order to determine whether the proposed fee structure was reasonable, a comparison was made with the existing LBHF fee structure, and the fees charged by LB of Westminster and RB Kensington & Chelsea.

During this review the opportunity was taken to simplify the system to assist promotion of online application and payment facilities and as a significant number of applicants had requested assistance in completing the application forms and in calculating the correct fee that must be paid. In summary the key changes to the fee structure are:

- Fee structure updated to better reflect the degree of hazard associated with treatment and the level of technical expertise required for its control.
- Fee structure updated to represent council resources input necessary to determine the application.
- Prompt renewal before due date will be eligible for a reduced fee rate. If a renewal application is not received prior to the expiry of the special treatment licence a new application is required and the relevant new application fee will apply. Introduction of a reduced renewal fee should encourage prompt renewal and reduce the need for repeated renewal reminder letters to be issued.
- Removal of the requirement to pay a fee for each individual treatment room or cubicle.
- Additional legislative requirement to licence cosmetic laser treatments.

In addition, the fee structure has been simplified, as follows:

- The licensable treatments have been allocated into one of three levels of risk; Levels 1, 2 and 3.
- If there is a higher level of risk to public health from a treatment which is poorly controlled, that treatment is in a higher Level.
- Level 1 treatments are low risk non invasive procedures
- Level 3 treatments are high risk invasive treatments or treatments proven to be commonly detrimental to health if not carried out in a safe manner and may be subject to age restriction to protect children from harm
- Applicants offering more than one treatment will pay a licence fee at the rate relating to the highest risk level treatment offered.

Treatments categorised as Level 3 require a high level of therapist expertise and knowledge to safeguard public health but there is no nationally recognised training qualification. The Level 3 treatments which involve piercing the skin have significant potential to spread infectious blood borne disease. Ultra Violet Tanning has significant potential to cause detrimental health effects including skin cancer.

The fee charged also represents the council resources necessary to determine the application:

- Commercial Services Environmental Health Officers assess the documentation accompanying an application.

- Where a risk assessment indicates it is appropriate, the Commercial Services Environmental Health Officer carries out an inspection of the premises to ensure the standard conditions for licensed premises, which are necessary to safeguard public health and protect children from harm, are being complied with.
- Where a risk assessment indicates it is appropriate the Commercial Services Officer interviews the premises manager and individual therapists about their understanding and execution of infection control procedures to safeguard the health of clients and the therapists themselves and protect children from harm.
- Processing Officers assist applicants, process applications and produce paper licence documents.

Standard Conditions

Section 10 of the London Local Authorities Act 1991 grants the council power to prescribe standard conditions and restrictions applicable to all or a particular class of licensable treatment. The conditions applied to existing special treatment licence have been amended and updated to reflect changes in special treatment practices and legislation:

- Removal of conditions relating to fire safety which are rendered redundant on effective by The Regulatory Reform (Fire Safety) Order 2005
- Addition of conditions relating to cosmetic laser treatments now licensable by the council
- Additional conditions relating to emerging treatment of fish therapy
- Removing overly prescriptive conditions
- Promoting Sensible Risk Assessment
- Simplifying the layout and language used to assist applicant understanding and compliance
- Rationalisation and simplification to shorten the Standard Conditions document

Impact on council income

Overall the total income to the council is estimated to rise slightly. Of a sample 77 businesses the 2012-13 income would be approx £53700 (2% increase applied to current year income). Applying the proposed scheme the estimated income would be approx £55500.

There has been targeted enforcement action taken over the last year or so which has resulted in an increase in the number of beauty salons known to the council who now pay the required fee. There has also been many new businesses opening up in the borough. There are a few remaining businesses who do not hold valid licence and are carrying out unlicensed beauty treatment. Final warning letters have been issued and formal legal action is anticipated to be taken against some of these businesses.

A copy of the revised standard fees can be seen at appendix 5 and the revised standard conditions at appendix 6

4. LEGISLATION CHANGES

4.1 Rebalancing the Licensing Act

The Police Reform and Social Responsibility Act 2011 received Royal Assent. Part 2 of this Act has the effect of amending several sections of the Licensing Act 2003.

On 25 April 2012 a number of Commencement Orders were laid in Parliament enabling a number of these amendments to become effective.

The amendments to the Licensing Act 2003 have required the Home Office to revise the Secretary of State's guidance to Licensing Authorities issued under Section 182 of the Licensing Act 2003. In accordance with the Act the Licensing Authority must have regard to the Guidance when carrying out its licensing functions.

The main amendments to the Licensing Act 2003 and the Secretary of State Guidance are as follows;

- Licensing Authorities and Local Health Bodies become "Responsible Authorities"
- The Term "Interested Party" has been abolished and replaced by "Other Persons"
- The "vicinity" test for persons/businesses making representations for/against licence applications is abolished.
- In addition to the Police, Environmental Health Officers may now submit objections to a Temporary Event Notice (TEN). Objections from both bodies may now be made in connection with any of the four licensing objections, and not just the "prevention of crime and disorder" objective.
- Conditions can now be added to a TENs provided the conditions are already specified on the Premises Licence and appropriate for the promotion of the licensing objectives.
- The period for making objections has increased to 3 working days.
- The limit for the number of days per calendar year an individual premises may hold a TEN is increased from 15 to 21 days.
- The limit that an individual TEN can last is increased from 96 to 168 hours.
- The provision for applicants to submit 'Late TENs' has been introduced. A normal TENs must be submitted at least 10 working days prior to a event. However a Late TENs can be submitted between 5 and 9 working days before the event where there are "Exceptional" reasons for late submission.
- A non payment of the annual licensing fee by a premises licence/club premises certificate holder may result in the premises licence being suspended.
- The statutory review period for a Statement of Licensing Policy's has been extended from 3 to 5 years.
- The criteria on which licensing decisions must be made has been changed from being "necessary" to "appropriate". However steps must still be "proportionate"
- The fine for persistent sales of alcohol to children doubled from £10,000 to £20,000.

Further amendments to the Licensing Act 2003 are proposed to take effect in October 2012. The proposed amendments are in relation to a Late Night Levy (LNL) and Early Morning Restriction Orders (EMROs).

The amendments to the 2003 Act have required the Home Office to revise the Secretary of State's guidance to Licensing Authorities issued under Section 182 of the Licensing Act 2003. In accordance with the act the Licensing Authority must have regard to the Guidance when carrying out its licensing functions.

4.2 Live Music Act 2012

The Live Music Act 2012 will come into effect in October 2012 and it will:

- Remove the licensing requirement for **unamplified live music** taking place between 8am and 11pm in all venues. This will be subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises

- Remove the licensing requirement for **amplified live music** taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised to supply alcohol for consumption on the premises. This will be subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate
- Remove the licensing requirement for **amplified live music** taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- Remove the licensing requirement for the provision of entertainment facilities
- Widen the licensing exemption for live music integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music instead of unamplified live music.

4.3 DCMS Deregulation Proposal

The Licensing Act 2003 brought together nine separate outdated licensing related regimes, and created instead a single Act that controlled alcohol supply and sale, late night refreshment, and "regulated entertainment".

The Government believes that In tidying up the old licensing regimes new problems were created for many wishing to host entertainment events. The Government therefore has proposed a reform of activities currently classed as "regulated entertainment" in Schedule One of the 2003 Act.

The consultation sought views on the removal in certain circumstances of the requirement for a licence in England and Wales to host a performance of a play, an exhibition of a film, an indoor sporting event, a performance of live music, any playing of recorded music, or a performance of dance.

In addition the consultation requested views from interested parties taking the assumption that all regulated entertainment would be deregulated, with the exception of:

- Events for 5,000 or more persons
- Boxing and Wrestling
- Adult entertainment (that falls outside the requirement for a Sexual Entertainment Venue licence).

Recorded music may be deregulated in a similar fashion to live music with limits on audience figures and times of the day/night.

However the DCMS are currently considering the responses to this consultation, and there are no indications of when then deregulation will take place.

5. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

5.1 Not required

6. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

6.1 Not required

7. CONCLUSION

Officers will continue to work in partnership with all statutory agencies to develop new procedures and enforcement policies to facilitate the effective operation of new and existing legislation and to promote the selling of alcohol responsibly.

List of Appendices

Appendix Number	Description
Appendix 1	Revised Statement of Licensing Policy 2012, Full Council Report for Full Council meeting on the 4 th July 2012.
Appendix 1a	Final Draft Revised Statement of Licensing Policy 2012
Appendix 2	Consultation Questionnaire
Appendix 2a	Draft Revised Statement of Gambling Policy 2013
Appendix 3	Mandatory and Draft Local Pool of Conditions to be included in the Revised Statement of Gambling Policy 2013
Appendix 4	Alcohol Licensing Strategy 2012 – 2015
Appendix 5	Copy of Revised Fees for MSTs
Appendix 6	Copy of Revised Standard Conditions for MSTs
Appendix 7	Schedule of Applications heard by Licensing Sub-Committee

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Licensing Act 2003	Sanju Manji, Ext: 3392	TTSD – 5 th Floor HTHX
2.	Guidance Issued under section 182 of the Licensing Act 2003	Sanju Manji, Ext: 3392	TTSD – 5 th Floor HTHX
3	Police Reform & Social Responsibility Act 2011	Sanju Manji, Ext: 3392	TTSD – 5 th Floor HTHX



Report to Council

4th July 2012

LEADER

Councillor Stephen Greenhalgh

TITLE Revised Statement of Licensing Policy 2012

Wards

All

SUMMARY:

CABINET MEMBER FOR RESIDENT SERVICES

Cllr Greg Smith

This report seeks approval for the Council's Revised Statement of Licensing Policy 2012, which has been publicly consulted upon.

In April 2012 a number of amendments were made to the Licensing Act 2003 which made certain areas of the Council's Statement of Licensing Policy factually incorrect.

Following legal advice the Statement of Licensing Policy 2010 has been reviewed and updated to ensure that it is in line with the new legislation and associated guidance.

This report outlines the review and consultation process, issues for consideration and the proposed amendments which were subject to public consultation. .

CONTRIBUTORS

Transport & Technical
Services Department

Legal and Democratic
Services

Finance and Corporate
Services

RECOMMENDATIONS:

Council is asked to :

1. Approve the Council's Revised Statement of Licensing Policy 2012 as set out in Appendix 1 of this report.

1. BACKGROUND

- 1.1 The Current Statement of Licensing Policy 2010 at Appendix 2 was adopted by Full Council and was published by the London Borough of Hammersmith and Fulham in January 2011.

This revised Statement of Licensing Policy 2012 is our fourth edition since the introduction of the Licensing Act 2003.

The proposed amendments to the draft revised Statement of Licensing Policy 2012 are detailed in section 2.3 of this report.

2. REPORT

2.1 Introduction

- 2.1.1 The Licensing Act 2003 Act came into force in 2005 and provides a unified system of regulation of the activities of the sale and supply of alcohol, the provision of regulated entertainment, and the provision of late night refreshment.

- 2.1.2 Each licensing authority is required to determine and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the five year period to which the licensing policy applies.

- 2.1.3 The 2003 Act sets out four licensing objectives which the licensing authority has a duty to promote. These are:

- the prevention of crime and disorder,
- public safety,
- the prevention of public nuisance, and
- the protection of children from harm.

- 2.1.4 This Licensing Authority has approximately 925 licensed premises which include the following:-

- Pubs, Bars, Clubs
- Restaurants
- Shops (Off Licences)
- Social Clubs, halls, and Staff restaurants
- Hotels
- Cinemas and Theatres
- Take Aways selling hot food or drink between 11pm and 5am.

- 2.1.5 The licensing authority can only consider matters within the scope of the Licensing Act, and guidance documents, and cannot become involved in the moral issues relating to licensing.

- 2.1.6 The Police Reform and Social Responsibility Act 2011 received Royal Assent. Part 2 of this Act has the effect of amending several sections of the Licensing Act 2003. On 25 April 2012 a number of Commencement Orders were laid in Parliament enabling a number of these amendments to become effective.

- 2.1.7 The amendments to the Licensing Act 2003 have required the Home Office to revise the Secretary of State's guidance to Licensing Authorities issued under Section 182 of the Licensing Act 2003. In accordance with the Act the Licensing Authority must have regard to the Guidance when carrying out its licensing functions.

2.2 Review Process

- 2.2.1 Amendments to the Licensing Act 2003 and the Statutory Guidance has necessitated the review of the Hammersmith & Fulham Statement of Licensing Policy. However, this review is purely for technical, legal reasons, and not to consider any change in Council policy.
- 2.2.2 The Statement of Licensing Policy has been duly revised to reflect changes in legislation and the Guidance, and was reviewed in consultation with the respective responsible authorities as defined by the Licensing Act 2003.
- 2.2.3 The main amendments to the Licensing Act 2003 and the Secretary of State Guidance are as follows;
- Licensing Authorities and Local Health Bodies become "Responsible Authorities"
 - The "vicinity" test for persons/businesses making representations for/against licence applications is abolished.
 - In addition to the Police, Environmental Health Officers may now submit objections to a Temporary Event Notice (TEN). Objections from both bodies may now be made in connection with any of the four licensing objections, and not just the "prevention of crime and disorder" objective and existing licence conditions, can be attached to TENs, in some circumstances.
 - The limit for the number of days per calendar year an individual premises may hold a TEN is increased from 15 to 21 days.
 - The limit that an individual TEN can last is increased from 96 to 168 hours.
 - The provision for applicants to submit 'Late TENs'
 - A non payment of the annual licensing fee by a premises licence/club premises certificate holder may result in the premises licence being suspended.
 - The statutory review period for a Statement of Licensing Policy's has been extended from 3 to 5 years.
 - The criteria on which licensing decisions must be made has been changed from being "necessary" to "appropriate".
- 2.2.4 Further amendments to the Licensing Act 2003 are proposed to take effect in October 2012. The proposed amendments are in relation to a Late Night Levy (LLN) and Early Morning Restriction Orders (EMROs).

2.3 Proposed amendments to the draft Revised Statement of Licensing Policy 2012

- 2.3.1 In summary the proposed amendments to the Statement of Licensing Policy 2011 are:
- Requirement for Licensing Authorities to review their Statement of Licensing Policy every three years has been deleted and replaced with five years.
 - Replacing 'Department of Culture Media & Sport' with the 'Home Office'.
 - To update the information in relation to numbers, hours and 'late notices' for Temporary Event Notices (TENs).
 - Replacing the term 'Interested party' with 'other persons'.
 - Replacing the term 'necessary' with 'appropriate'.

- To update advice regarding non payment of annual licence fees.
- To include additional advice for applicants regarding information to be provided in their operating schedule when submitting an application.
- To include information regarding the Shepherds Bush Cumulative Impact Policy, which was approved by Full Council in 2011.
- Removal of the word 'vicinity' in relation to representations.
- To include the Primary Care Trust and the Licensing Authority as responsible authorities.
- Make minor amendments to some wording of the policy to provide clarity.

2.4 Consultation Process

- 2.4.1 Due to minor factual alterations to the Policy it was considered that a reduced consultation period of three weeks was appropriate to ensure that the Statement of Licensing Policy remains up to date in order to consider and determine licensing objectives.
- 2.4.2 Furthermore the consultation period was justified in these circumstances in order that a valid Statement of Licensing Policy can be produced quickly. This is reinforced by paragraph 13.6 of the Secretary of State's Guidance which states that "it is for each licensing authority to determine the extent of the consultation it should undertake".
- 2.4.3 The Consultation was undertaken between 21st May 2012 and the 11th June 2012.
- 2.4.4 Section 5(3) of the Act requires the licensing authority to consult on its statement of licensing policy with the police, the fire authority and such person's representative of:
- Holders of premises licences issued by that authority
 - Holders of club premises certificates issued by that authority,
 - Holders of personal licences issued by that authority, and
 - Businesses and residents in its area.
- 2.4.5 In addition to the statutory consultees, the following were consulted;
- Responsible Authorities
 - Councillors
 - Resident groups, tenants associations and societies;
 - The Area Child Protection Committee; Health service including PCT, Accident and Emergency and the London Ambulance service;
 - British Transport Police;
 - Public transport undertakers;
 - Neighbouring authorities;
 - British Institute of Inn keeping;
 - Chamber of Commerce;
 - Drug and alcohol action team;
 - Crime and Disorder Reduction Partnership;
 - Trade unions;
 - Other relevant organisations that could be affected by this policy

2.5 Summary of Key Responses

2.5.1 Responses for Residents

We have received two comments from local residents who stated the following:-

"I am glad to see the extension of TENs to 21 days, this can be very useful, and the individual TEN to last up to 168 hours"

"I would like to object any change for Licences policy"

Officer Comments

Due to the amendments to the Licensing Act 2003 the Council has had no option but to change it's licensing policy to ensure that it is factually correct.

2.5.2 Responses from Residents Associations

Two Residents Associations made the following comments :

"Hammersmith Embankment Residents Association : Do not abolish the vicinity test for persons/businesses making representations for/against a licence. Not only is this undemocratic, it strangles the voice of local people who have to suffer from late night licences and the noise and anti-social behaviour this can bring. It is the only leverage we have as a community to barter with local pubs and clubs to limit their hours and control the doors professionally. The limit increase for TENS is also unwelcome. Temporary events should be infrequent and controlled and 15 days should be ample. Why change it ?"

"PRARA - Peterborough Road and Area Residents' Association : We are responding to the written request received by PRARA to contribute to this consultation. We are happy to accept the revised Statement of Licensing Policy 2012"

Officer Comments

The Council has had to amend it's licensing policy to reflect the changes to the Licensing Act 2003. The removal of the vicinity test and an increase in the TENs allocation are two of the many changes which are outside of the Council's control. However the removal of the vicinity test would actually be less restrictive and would allow many more residents to make representation to applications.

2.5.3 Responses from local businesses

Five local businesses responded to the consultation, one of these businesses left the following comment :

"Not happy about this new policy, late payment will suspend the licence"

Officer Comments

The potential suspension of a licence for non payment is another one of the changes to the Licensing Act which have had to be reflected in the Council's policy. The policy does make clear that any non payment could (rather than will) result in the suspension of the licence.

2.5.4 Response from Responsible Authority

2.5.4.1 The Commercial Services team, stated the following:

“18.8 Applicants for such events must consider “The Event Safety Guide” and other guidance published or recommended by the Health and Safety Executive on all aspects of arranging and staging events safely. <http://www.hse.gov.uk/event-safety/index.htm>

Annex 3 Any special effects or mechanical installation shall be planned, commissioned, arranged, subject to inspection and maintenance, operated and stored so as to minimise any risk to the safety of the audience, performers and staff.

The Licensing team stated the following :

Section 18.7 of the Policy should be strengthened to give details of the ‘exceptional circumstances’ when the Council will accept late TENs. Without this information the late TENs process could be used to resubmit TENs when the original ten working day deadline has been missed.

Officer Comments

Section 18.8 of the policy has now been amended to include the proposed wording as has the first ‘special effects’ condition in the pool of conditions at Annex 3.

The Council’s legal team provided the following comments in relation to an amendment of the late TENs process :

“The law doesn’t prevent the application of late tens, but they are dealt with differently, and gives the Police and EH an absolute non-appealable right to say no. This seems to be to the main difference in approach and why they are exceptional - essentially - removing a right a fair hearing because of the lateness. If you wish to introduce a policy in this regard, I would advise that we seek counsel’s advice on this matter”.

In light of the above comments we will reiterate the guidance in relation to exceptional circumstances throughout the policy

2.5.4.2 The Trading Standards team, stated the following:

“15.11 to remove ‘public nuisance and replace with “protecting children from harm”

Officer Comments

15.11 has now been amended as follows :

“The following provides a non-exhaustive list of risks associated with the public nuisance objective that applicants may want to consider when preparing their Operating Schedule.”

has now been replaced with :

“The following provides a non-exhaustive list of risks associated with the protection of children objective that applicants may want to consider when preparing their Operating Schedule”

2.5.4.3 The Metropolitan Police, stated the following:

"We support the proposed changes to the licensing policy in light of the factual amendments to the Licensing Act 2003. We have no other comments."

Officer Comments

No comments

2.5.5 **Response from the Chairman of the Licensing Committee.**

2.5.5.1 It was requested that the two CCTV conditions currently contained in the pool of conditions are replaced with more substantial conditions and endorsed by the Police:

Officer Comments

The following CCTV conditions have replaced the existing two CCTV conditions in the pool of conditions. These conditions have also been endorsed by the Police;

- Appropriate signage will be displayed, in a prominent position, informing customers they are being recorded on CCTV.
- CCTV covering areas inside and outside of the premises should be installed and maintained to police recommendations with properly maintained log arrangements. All images will be stored for a minimum of 31 days.
- A staff member from the premises that is conversant with the operation of the CCTV system will be on the premises at all times that the premises are open to the public. This staff member will be able to show police or authorised local authority officers recent data footage with the minimum of delay when requested. This data or footage reproduction should be almost instantaneous.

2.5.5.2 It was also requested that section 21.3 of the draft revised policy is strengthened to include advice on representations which are made where the author lives a significant distance from the premises. Section 21.3 currently says :

21.3 This Licensing Authority will, however, look at the geographical location of the author of any representation or review application received. Where the author lives or works a significant distance from the premises subject of an application or review, this Authority will examine the content of the representation particularly closely to ensure that it is valid and complies with the requirement of the Licensing Act 2003.

Officer Comments

The following amendment has been suggested in light of the comments :

21.3 This Licensing Authority will, however, look at the geographical location of the author of any representation or review application received. Where the author lives or works a significant distance from the premises subject of an application or review, this Authority will examine the content of the representation particularly closely. We would expect the author to explain in detail how, in terms of the licensing objectives, they would be affected by the application. The Licensing Service would consider rejecting any representations which did not include sufficient detail to outline any harm or disturbance which may be caused.

- 2.5.5.3 It was requested that a separate Annex is added to the Policy to include the Shepherd's Bush Cumulative Impact Policy.

Officer Comments

The Shepherd's Bush Cumulative Impact Policy has now been included as Annex 5 to the policy.

3. RISK MANAGEMENT IMPLICATIONS

- 3.1 The Licensing Authority can only consider matter within the scope of the Licensing Act 2003 and relevant guidance documents and cannot become involved in the moral issues relating to licensing.
- 3.2 Consideration must be given to the four licensing objectives as well as providing the necessary protection to residents, whilst promoting greater choice and flexibility to businesses and their customers.
- 3.3 The review of the Statement of Licensing Policy 2011 will be added to the departmental Risk register to ensure that the risks are managed.

4. CONCLUSION

- 4.1 Careful consideration has been given to the consultation responses and amendments have been made to the revised Statement of Licensing Policy 2012 where it was considered as appropriate.
- 4.2 The Key responses have been summarised in section 2.5 of this report. The Revised Statement of Licensing Policy 2012 at Appendix 1 of this report includes the necessary changes.

5. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

- 5.1 There are currently approximately 925 premises issued under Licensing act licences that have to pay an annual charge due on the anniversary of the initial grant of the licence.
- 5.2 The main amendment that will impact financially will be the proposal to introduce more robust procedures to pursue any unpaid licence fees. Premises may have their licences suspended if they do not pay their annual maintenance fees on a timely basis. This amendment will provide for improved debt recovery across licensing activities.

6. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

- 6.1 The council is under a duty to keep its policy under review and in light of the legislative changes, it is considered appropriate to make these revisions now before the next statutory period (January 2016). The changes to the Licensing Act 2003 and the process of making these revisions are set out above. Once these revisions are adopted, the Council must publish the revised policy.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext. of Holder of File/Copy	Department/ Location
1.	Licensing Act 2003	Adrian Overton Ext 3081	ENV
2	Guidance Issued under section 182 of the Licensing Act 2003	Adrian Overton Ext 3081	ENV
3	Police Reform & Social Responsibility Act 2011	Adrian Overton Ext 3081	ENV
4	List of Consultees	Adrian Overton Ext 3081	ENV
5	Consultation Letter	Adrian Overton Ext 3081	ENV
6	Consultation Questionnaire	Adrian Overton Ext 3081	ENV
7	Full Consultation Responses	Adrian Overton Ext 3081	ENV
8	Draft Revised Statement of Licensing Policy 2012	Adrian Overton Ext 3081	ENV
Responsible officer: Sanju Manji EXT 3392			

APPENDICES

Appendix 1	Draft Revised Statement of Licensing Policy 2012
Appendix 2	Current Statement of Licensing Policy 2011
Appendix 3	Final Draft Statement of Licensing Policy 2012



STATEMENT OF LICENSING POLICY

**January 2011
(revised July 2012)**

London Borough of Hammersmith &
Fulham statement of licensing policy
Issued 7th January 2011 – revised July 2012

This policy has been prepared in accordance
with guidance issued under the latest
Section 182 of the Licensing Act 2003.

**If you would like more information,
please contact us:**

**London Borough of Hammersmith & Fulham
Licensing Authority**
Public Protection and Safety Division
Town Hall Extension
King Street
Hammersmith
London
W6 9JU

Phone: 020 8753 1081

Fax: 020 8753 3922

Email: licensing@lbhf.gov.uk

Website: www.lbhf.gov.uk

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1 Foreword

- 1.1 The Licensing Authority will have regard to this policy when carrying out its functions under the Licensing Act 2003.
- 1.2 The Licensing Act 2003 requires the Licensing Authority to publish this statement of licensing policy. This policy will be used as a guide in decision making with regard to licensing matters.
- 1.3 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken, these are:

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

Each objective is of equal importance. It is important to note that there are no other licensing objectives, therefore these four objectives are paramount considerations at all times.

- 1.4 The Licensing Authority is keen to promote the cultural life of our borough and licensing will be approached with a view to encouraging all forms of licensable activity that are carried out in ways consistent with the Licensing Objectives.
- 1.5 Our licensing policy is designed to build upon the work presently carried out by the Licensing Authority to maintain a dynamic, innovative and attractive place to live, work and relax. The council has prepared a number of strategies that contain visions, aims and objectives to promote, improve and protect the borough. Not only has this Licensing Statement been prepared to promote the four Licensing Objectives under the Licensing Act 2003, the Licensing Authority has had regard to the local strategies which have been developed for the borough, its residents, businesses, workers and visitors. The Licensing Authority intends to secure the proper integration with local crime prevention, planning, transport, tourism and cultural strategies and council's equality agenda by ensuring our licensing statement is consistent with their aims and objectives.
- 1.6 The Licensing Authority will seek to implement the policy in a positive and inclusive way for the whole community.
- 1.7 The council's vision of the improvements it wishes to secure in the local quality of life comes under it's objectives of:
- Putting Residents First
 - Delivering value for money
 - Cracking down on crime and antisocial behaviour
 - A borough of opportunity
 - A cleaner greener borough

- 1.8 Our aim is to target premises, which are causing problems within our communities and have a lighter touch for the majority of businesses and community activities, which enhance peoples' lives by providing worthwhile opportunities for the enjoyment of leisure time without having a negative impact. Premises that are associated with any crime or disorder, threaten public safety, generate public nuisance or threaten the well being of our children will be targeted for enforcement action.
- 1.9 An effective licensing policy, alongside other initiatives, can work towards promoting the positive aspects, such as increasing the leisure industry provision for the community and encouraging regeneration of town centres, as well as controlling the negative impacts such as increase in noise, nuisance, anti-social behaviour and crime and disorder.
- 1.10 Through this policy the Licensing Authority hopes that local people and visitors to Hammersmith & Fulham will have better opportunities to enjoy their leisure time safely without fear of violence, intimidation or disorder while on, arriving at or leaving licensed premises. In addition, and in response to concerns about the impact of longer trading hours on behaviour and disturbance at night, we have given the protection of local residents, whose lives can be blighted by disturbance and antisocial behaviour associated with the behaviour of some people visiting places of entertainment, a central place in our strategy. The Unitary Development Plan (UDP) sets out the council's planning policies for developing land, improving transport and protecting the environment. The council is required to determine planning applications in accordance with the UDP, the London Plan and any other material considerations.
- 1.11 Hammersmith & Fulham is a socially diverse area with a cosmopolitan population, sharing the advantages and disadvantages of inner city life. This presents the challenge of securing the safety and amenity of residential communities while facilitating a sustainable entertainment and cultural industry. To date, the Licensing Authority has been successful in seeking to strike this balance, and has a proven track record of treating each application in a fair and considered way.
- 1.12 Green spaces have been protected and extended throughout the 1990s to improve the local quality of life. The borough is home to one of Europe's largest shopping centres, Westfield, three major football clubs; Chelsea, Fulham and Queens Park Rangers, national exhibition centres; Olympia and Earls Court 2 and one of London's major live entertainment venues, the HMV Hammersmith Apollo.
- 1.13 The Licensing Act requires the Licensing Authority to review the licensing policy every **five** years. All reviews will be subject to further consultation with all stakeholders and any revised policy will be published. Issues that arise concerning implementation of the policy will be recorded in an issue log and taken into account during any review.

2 Introduction and purpose

- 2.1 The Licensing Authority for the London Borough of Hammersmith & Fulham makes this Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.
- 2.2 This policy statement has amongst other things, five main purposes, which are:
 - **To inform Members** of the Licensing Committee of powers of the Licensing Authority and the boundaries within which to make decisions.
 - **To inform licence applicants** of the parameters within which the Licensing Authority will make licensing decisions and how licensed premises are likely to be able to operate within the borough.

- **To inform local residents and businesses** of the considerations which the Licensing Authority will take when making licensing decisions.
- **To inform Responsible Authorities** of their powers under the Licensing Act 2003 to promote the four Licensing Objectives.

2.3 The policy relates to the following activities (known as licensable activities) that are required to be licensed under the act:

- a. The retail sale of alcohol including licensing of individuals, premises, wholesale of alcohol to members of the public and purchases via the internet or mail order;
- b. The supply of alcohol to members of club premises;
- c. The provision of regulated entertainment in the presence of an audience. Regulated entertainment includes:
 - film exhibitions
 - performances of a play
 - indoor sporting events
 - boxing or wrestling events
 - live music performances
 - playing of recorded music
 - performances of dance
 - the provision of facilities for making music and provision of dance facilities (and anything of a similar description);
- d. The licensing of activities on a temporary basis, TENs (temporary event notices); and
- e. The provision of late night refreshment i.e. supply of hot food or hot drink from premises, anytime between 11pm and 5am.

2.4 The two main types of licence issued under the legislation are personal and premises licences. Club premises certificates can also be issued for qualifying clubs carrying out qualifying club activities. TENs may be issued for licensable activities involving no more than 499 people & lasting no more than 168 hours (7 days). References to licences in this document include certificates, TENs or other permissions under the act.

2.5 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act. The conditions attached to licences and / or Temporary Event Notifications will be focused on matters that are within the control of individual licensees.

Accordingly, conditions will centre on the premises and on the vicinity of those premises. What is in the vicinity will depend on the facts of each individual case. But the Licensing Authority will primarily focus on the direct impact of the activities at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

2.6 Every application made to the Licensing Authority will be considered on its own merits. This policy will be used as a basis in coming to consistent and transparent decisions on licence applications.

2.7 The Licensing Authority has taken full account of the guidance issued to it by the Secretary of State under section 182 of the Licensing Act (available from www.homeoffice.gov.uk). Where it is necessary to depart from that guidance, the Licensing Authority will give its reasons for doing so.

- 2.8 Additionally in formulating this policy document the Licensing Authority has had regard to the provisions of the European Convention on Human Rights, the Equality Act 2010 and has also taken into account the provisions of the Crime and Disorder Act 1998.
- 2.9 The scope of this policy covers all applications made under the Licensing Act 2003. Designated sports grounds, events and exhibition centres are the subject of separate legislation. Consideration of applications for premises licences will be limited to those activities that are licensable under the 2003 Act.
- 2.10 Nothing in this policy will undermine any person from applying for a variety of permissions under the act.
- 2.11 The Policy has been drawn up in consultation with a number of bodies and organisations, including:
- Metropolitan Police;
 - London Fire, Emergency and Planning Authority;
 - Representatives of holders of premises licences in the borough;
 - Representatives of holders of club premises certificates in the borough;
 - Representatives of holders of personal licences in the borough;
 - Representatives of residents and businesses in the area, including resident groups, tenants associations and societies;
 - The Area Child Protection Committee; Health service including PCT, Accident and Emergency and the London Ambulance service;
 - British Transport Police;
 - London Underground;
 - Neighbouring authorities;
 - British Institute of Inn keeping;
 - Chamber of Commerce;
 - Drug and alcohol action team;
 - Crime and Disorder Reduction Partnership; and
 - Trade unions;
- 2.12 This revised policy comes into force on the 4th July 2012.
- 2.13 This policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers.

3 Fundamental principles

- 3.1 In carrying out its licensing functions, the Licensing Authority will actively seek to promote the four Licensing Objectives set out in section 4 of the act, these are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance;
 - The protection of children from harm.
- 3.2 To achieve these objectives the Licensing Authority will use its full range of powers and engage all relevant responsible authorities including those relating to planning, transport, crime and disorder. Accordingly, the Licensing Authority will enter appropriate partnership arrangements, working closely

with the police, the fire authority, local businesses, community representatives and local people in meeting these objectives.

- 3.3 The Licensing Authority has significant experience and awareness of the requirements of, and issues surrounding, the entertainment and leisure industry, and we will work with our stakeholders to ensure mutual co-existence.
- 3.4 The Licensing Act 2003 provides the entertainment and leisure industries with greater freedom and flexibility to meet the demands of its customers but also provides some extra powers for the Licensing Authority and the police to work closely to protect residents from disturbance.
- 3.5 Deregulation inevitably brings with it a higher degree of self-regulation by licence and certificate holders. This shift means that the primary responsibility for controlling activities on licensed premises firmly rests on the licence holders and managers of such premises. This Licensing Authority, with support from the other enforcement agencies will keep the activities of these licence holders under review. This means that all concerned must work closely together in partnership for the community of which both businesses and residents form a part.
- 3.6 Responsible Authorities or other persons may view applications for Club Premises Certificates and Premises Licences, and may make representations to the Licensing Authority where they believe the application undermines one or more of the Licensing Objectives. (see Glossary of terms for other persons and Responsible Authority definitions)
- 3.7 All relevant representations will be considered during the decision making process, unless they are considered to be frivolous, vexatious or repetitious. All representations must be made to the Licensing Authority. Only written representations sent by e-mail, post or hand delivered will be accepted, however, where circumstances prevent this, the Licensing Authority shall consider any other forms of representation on a case by case basis.
- 3.8 If relevant representations are received by the Licensing Authority, the application will be determined by a Licensing Panel consisting of a sub committee of Councillors of the Licensing Committee. Where no relevant representation has been made applications will be granted by licensing officers under delegated powers. In making decisions on licence applications, the Licensing Panel must have regard to the Licensing Act 2003 and relevant Regulations, the Guidance published by the Home Office under s.182 of the Licensing Act 2003, and this Statement of Licensing Policy.
- 3.9 Applicants should also have regard to these documents when preparing their application
- 3.10 Where relevant representations have been received by the Council, conditions attached to licences , certificates and / or Temporary Event Notices will be tailored to the individual style and characteristics of the premises and events concerned, and they will relate to the licensing objectives and be restricted to matters within the control of individual licence holders.
- 3.11 In making decisions on licensing applications and in imposing conditions, the Licensing Authority will primarily focus on the direct impact 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 relating to the four Licensing Objectives.

4 Licence Conditions

Schedule 4 of the Policing and Crime Act 2009 amended the Licensing Act 2003 to give the Secretary of State the power to impose new mandatory licensing conditions in relation to the supply of alcohol under licence.

These new mandatory licensing conditions apply to all existing and future premises licences which authorise the supply of alcohol, and these conditions override any conditions already included in a premises licence or club premises certificate, so far as they are identical to the existing conditions or inconsistent with, and more onerous than, the existing conditions. The new conditions will apply to every licence and certificate authorising the sale and supply of alcohol from the point they come into force.

Mandatory Conditions

4.1 The original mandatory conditions are listed at Annex 1.

New mandatory conditions have been introduced for all existing and future Premises Licences and Club Premises Certificates authorising the sale and supply of alcohol, see Annex 2 for details.

The new conditions:

- Ban irresponsible drink promotions;
- Ban the dispensing of alcohol directly into the mouth; and
- Ensure that customers have access to free tap water so that they can space out their drinks and not get too intoxicated too quickly.
- Require an age verification policy to be in place to prevent underage sales; and
- Ensure that customers have the opportunity to choose small measures of beers, ciders, spirits and wine.

Local Pool of Conditions

4.2 Appropriate and proportionate conditions, which relate to the Licensing Objectives will be drawn in particular circumstances from the National Pool of Conditions, issued by the Home Office. Further information regarding these conditions can be found at www.homeoffice.gov.uk. This does not preclude the Licensing Authority from attaching other conditions for the promotion of the four licensing objectives.

The Licensing Authority has its own local pool of conditions (see Annex 3 for details) that it will apply to premises, as appropriate, for the promotion of the licensing objectives. Applicants should consider the National Pool and local pool of conditions and incorporate them into their operating schedules, as they consider appropriate, to promote each of the Licensing Objectives.

Football Conditions

4.3 The Licensing Authority acknowledges that it is unique in the fact that it has 3 major football clubs within its boundaries. Given the size of our borough and the raised level of risk of crime and disorder occurring on match days any premises in the vicinity of our football grounds will be expected to robustly deal with this area in their operating schedule.

- 4.4 Where a relevant representation is made in respect of an application made by a licence holder, by the Police or another Responsible Authority the Licensing Authority may apply enhanced “match day” conditions to assure the Licensing Objectives are met. This may include but is not limited to the following conditions:
- Restriction of hours in the run up to and after ‘Kick Off’
 - Restriction of sales of alcohol in glass bottles or the use of glass for any drinks on match days
 - Conditions for premises to robustly control the spillage of customers onto the highway through overcrowding to prevent their customers from drinking or taking alcohol out onto the street outside the premises on match days
 - The ability for the Police or Licensing Authority to require the premises to close on grounds of Public Safety if required
 - Having door supervisors on duty
 - Having a Designated Premise Supervisor/Personal Licence Holder on the premises
 - Using display cabinets with shutters for alcohol
- 4.5 The Licensing Authority acknowledges that off licences can also play a major part in the overall impact on the crime and disorder objective and as such would seek to ensure these conditions are also mirrored as required on off licences identified by the Police and Licensing Authority as having a potential impact. The Police and Licensing Authority are especially keen to control the sale of glass bottles on match days and as such may require that no bottles are sold on match days.
- 4.6 It has also been the experience of the Licensing Authority that at times it may be required to completely close ‘off’ and ‘on’ licensed premises depending on the information received by the Football Intelligence Unit. In order to ensure this can be effectively controlled the Licensing Authority and the Football unit will liaise with premises at the earliest opportunity in order to discuss closure. Informal cooperation will always be preferred however where formal closure under Section 161 is required, this may lead to a review of that premises licence and the potential for additional conditions to be imposed.
- 4.7 Licence holders will be required to ensure that they and their staff comply at all times with all conditions attached to their licence.

5 Licensing hours

- 5.1 Where there is a relevant representation, the Licensing Authority will consider each particular case on its merits having regard in particular to the following matters:
- Whether the licensed activities are likely to cause an adverse impact especially on local residents, and, if there is potential to cause adverse impact, what, if any, appropriate measures will be put in place to prevent it;
 - Whether there will be a substantial increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area;
 - Whether there is a suitable level of public transport accessibility to and from the premises at the appropriate times;
 - Whether the activity will be likely to lead to a harmful and unmanageable increase in car parking demand in surrounding residential streets suffering high levels of parking stress or on roads forming part of the Strategic London Road Network or the London Bus Priority Network leading

to a negative impact on the Licensing Objectives relating to the prevention of crime, disorder and nuisance;

- Whether the premises has an authorised or lawful use under town planning legislation;
- Whether there have been any representations made by the Police, or other relevant agency or representative.

- 5.2 The Licensing Authority will closely scrutinise extended hours applications to ensure that the Licensing Objectives are met. In determining an application the licensing committee might decide that the circumstances are such that a restriction on hours is the only appropriate means to achieve the Licensing Objectives. If an hours restriction is imposed, the Licensing Authority will normally require that customers should be allowed a minimum of thirty minutes to consume alcohol. For example where the supply of alcohol on the premise is permitted to 11pm, and the opening hours of the premise are until 12 midnight, the drinking up time would be between 11pm to 12 midnight.
- 5.3 In determining representations to an application, which incorporates an external area to the premises, the licensing committee might decide that the circumstances are such that a restriction on hours in that area is the only appropriate means to achieve the Licensing Objectives.
- 5.4 The Licensing Authority will not normally approve an application for a licence unless the applicant can demonstrate that the premises have the appropriate (in terms of the activity and hours sought) planning permission or lawful use.
- 5.5 Exceptions may be made where special circumstances can be demonstrated by the applicant why the application should be considered and approved although the planning status of the premises has not been finalised.
- 5.6 It will be the normal policy of the Licensing Authority to allow shops, stores and supermarkets to provide sales of alcohol for consumption off the premises at any times (in line with permitted planning hours) when the retail outlet is open for shopping unless there are good reasons based on the Licensing Objectives for restricting those hours. Should there be evidence regarding street drinking issues, issues in relation to public nuisance and disorder issues in the vicinity of this type of premises, the Licensing Authority may restrict the hours of sale of alcohol.

6. Cumulative Impact

- 6.1 In determining an application, where there has been a relevant representation, the Licensing Authority will, where appropriate, take into account the cumulative (collective) effect of the number, type and density of licensed premises already existing in the area. A saturation of licensed premises can attract customers to an area to such a degree, that it has an adverse impact on the surrounding area beyond the control of individual licence holders.
- 6.2 Where the cumulative effect of many licensed premises within an area gives rise to problems of public disorder and nuisance in the surrounding area the council may consider it inappropriate for any further licensed premises to be established in the area or capacities to be increased. In such circumstances, an application for a licence for activities, which would undermine the promotion of any of the four Licensing Objectives would be refused.

- 6.3 In 2009 the Licensing Authority identified Fulham Broadway as an area where the number, type and density of premises providing licensable activities after 11pm was having a serious negative impact on the local community and local amenities. In order to ensure that residents are protected from the negative impact of late night local licensing activities, the Licensing Authority has adopted a special policy. This policy is set out in Annex 4 and will be applicable to all applications where relevant representations are made in that area, except applications for Personal Licences. The special policy will be reviewed regularly to assess whether it is still needed or should be expanded or amended.
- 6.4 In 2011 the Licensing Authority also identified Shepherd's Bush as an area which was suffering adversely from the concentration of a number of licensed premises in a specified area. After an extensive evidence gathering process a new policy was approved by full council in June 2011. The Policy is set out in Annex 5. This policy is also only applicable where relevant representations are made in the area specified.
- 6.5 The absence of a special policy in other areas does not prevent any Responsible Authority or other persons from making representations on the grounds that the premises will give rise to a negative cumulative impact in the area in question, on one or more of the four Licensing Objectives.
- 6.6 Where there is sufficient evidence that another particular area has reached a point where existing licensing activity is at such levels that if by granting a licence, it would contribute to the negative impact in the area, the council may adopt a special policy in relation to that area.
- 6.7 If any further special policies were adopted it would not be absolute and each application would still have to be considered on its own merits.
- 6.8 In coming to any decision regarding cumulative impact the Licensing Authority will also have regard to other mechanisms outside of the licensing regime which may also be available to address this issue, these are:
- Planning controls (where development or change of use is involved, or where trading hours are limited by planning conditions)
 - Police enforcement of the normal law concerning disorder and anti-social behaviour.
 - Prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
 - Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises.
 - The power of the police, other responsible authorities, a local resident, business or Councillor to seek a review of the licence or certificate in question.

7 Promotion of other strategies

- 7.1 The Licensing Authority will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing. Only appropriate, proportionate and reasonable licensing conditions will be imposed on such events. The council recognises that as part of implementing cultural strategies, account needs to be taken of the need to encourage and

promote a broad range of entertainment, particularly live music, dancing, street arts and theatre for the wider cultural benefit of the community.

- 7.2 Arrangements have been made for licensing committees to receive, when appropriate, reports on the needs of the local tourist economy.
- 7.3 The Licensing Authority will keep the licensing committee apprised of the employment situation in the area and the need for new investment and employment where appropriate.
- 7.4 The Licensing Authority will also report to local transport committees with regard to the need to disperse people from town centres in order to avoid concentrations of people that can produce nuisance and disorder.
- 7.5 The Equalities Act 2010 obliges public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups. The council has an Equal Opportunities Policy and this revised Statement of Licensing Policy will be monitored for any adverse impact on the promotion of opportunities for all.
- 7.6 The council will ensure its various strategies and policies are joined up to achieve the Licensing Objectives in the interests of clarity for applicants and effective determination. This will include taking into account the following:
- Public Protection and Safety Division's Enforcement Policy;
 - Crime and Disorder Reduction strategy;
 - Licensing strategy
 - National Alcohol strategy
 - Community Safety strategy;
 - Drugs and Alcohol strategy;
 - Equal Opportunities policy;
 - Cultural and Tourism strategies including promotion of live music and community events;
 - Objectives of the Private Security Industry Authority;
 - Responsibilities under Anti Social Behaviour Act 2003;
 - Home Office Safer Clubbing Guide. See: www.drugs.gov.uk/Reports;
 - LACORS/TSI Code of Practice on Test Purchasing (Note LACORS is now Local Government Regulation – LGR)
 - Health Act 2006
 - Violent Crime Reduction Act 2006
 - Clean Neighbourhoods and Environment Act 2005

8 Prevention of crime and disorder

- 8.1 The Licensing Authority will require the applicant to detail in their operating schedule the steps proposed to ensure the deterrence and prevention of crime and disorder, on and in the vicinity of the premises, having regard to their location, character, condition, the nature and extent of the proposed use and the persons likely to resort to the premises. Please refer to Section 15 – Operating Schedule.
- 8.2 The Licensing Authority will require the licence holder to indicate what steps will be put in place to control the excessive consumption of alcohol and drunkenness on relevant premises in order to reduce the risk of anti social behaviour occurring elsewhere after customers have left the premises.

- 8.3 The Licensing Authority is aware of the link between the supply of discounted alcohol and incidents of alcohol related disorder as well as the impact that excessive consumption of alcohol or binge drinking can have on public health and will consider whether any measures or restrictions can be placed on alcohol sales to prevent binge drinking and promote 'sensible drinking'. See Annex 2.
- 8.4 The Licensing Authority will use the powers contained within the Licensing Act to ensure operators' promotional activities do not undermine the Licensing Objectives. Where alcoholic drinks are heavily or extensively discounted, or there are other forms of promotion such as 'two for one' or 'drink all you can' offers, this is likely to encourage excessive consumption or binge drinking and result in alcohol fuelled incidents of crime and disorder and implications for public safety, public nuisance and may expose children to risk of harm. See Annex 2.
- 8.5 Any premises found to be participating in heavily discounted and irresponsible alcohol drinks promotions will be considered as high risk premises for multi-agency compliance and enforcement visits. See Annex 2.
- 8.6 The responsible authorities have stated that where evidence shows that a premises' alcohol drinks promotions are undermining one or more of the Licensing Objectives, then they may instigate a review of the licence.
- 8.7 Off Licences, shops, supermarkets and stores selling alcohol for consumption off the premises potentially have a high risk of crime and disorder as well as being targeted as an easy premises from where to acquire alcohol. Such premises can contribute to anti social behaviour and disorder through the consumption of alcohol on the street and in open spaces by groups of drinkers, through the sale of alcohol to children, and through the sale of alcohol to street drinkers and persons who are already drunk.
- 8.8 The Licensing Authority expects off licences to show particular diligence in areas where these problems are prevalent, and to strictly monitor the way they sell alcohol where the premises are located close to schools and hostels and similar premises that provide shelter or services to alcohol dependent persons.
- 8.9 It is important that staff working at off licences are suitably trained in the Licensing Act 2003 and can discharge their duties in full compliance with the licence conditions and requirements of the Act. This includes the ability to competently check a customer's age with acceptable forms of identification where necessary. The Licensing Authority will particularly consider the following matters where they are material to the individual application:
- The likelihood of any violence, public order or policing problem if the licence is granted;
 - The measures taken to control admission to the premises, and to take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside the premises, where and to the extent that these matters are within their control, for example the use of Security Industry Authority registered door supervisors to control customers on the pavement or in a beer garden, as a result of the smoking ban,.
 - Past conduct and prior history of complaints proved against the premises;
 - Whether a dispersal policy has been prepared to minimise the potential for disorder as customers leave the premises; and
 - Any relevant representations.

- 8.10 If there are concerns about illegal drugs, applicants must show that they can comply with the Home Office guidance Safer Clubbing in relation to the control of illegal drugs on their premises. They should agree a protocol with the Licensing Authority and the police on the handling of illegal drugs found on their premises.
- 8.11 If there are concerns about weapons, applicants must show that they can comply with the control of weapons on their premises. They should agree a protocol with the Licensing Authority and the police on the handling of weapons found on their premises.
- 8.12 Conditions will, so far as possible, reflect local crime prevention strategies, and the Licensing Authority will also have regard to the views of the local Crime and Disorder Reduction Partnership.
- 8.13 Police powers to deal with any disorder have been strengthened and they have a key role to play in the prevention of crime and disorder on licensed premises.
- 8.14 The Police and the Licensing Authority will need to work closely together in order to ensure that this important objective of the Act is fulfilled by any applicants. As a result the Licensing Authority and the Police will sign up to a Memorandum of Understanding. This document will provide an outline of how the Licensing Authority will liaise, communicate and work to ensure full and proper consultation and effective joint working with this key responsible authority.
- 8.15 It is recommended that applicants discuss the crime prevention procedures in their premises with the Licensing Authority and the police before making a formal application. Licences for any form of public entertainment will be subject to conditions to prohibit entertainment (including film exhibitions) which are likely to lead to disorder or stir up hatred or incite violence towards any section of the public on the grounds of colour, race, ethnic or national origin, disability, religious beliefs, sexual orientation or gender.

9 Public safety

- 9.1 The Licensing Authority will require the applicant to detail in their operating plan the steps proposed to ensure the physical safety of people using the relevant premises or place. Please refer to Section 15 – Operating Schedule
- 9.2 Maximum occupancy limits in the premises licence will be specified only where necessary for the promotion of public safety or the prevention of disorder. Where a capacity limit is already specified in a fire risk assessment, the Licensing Authority will not normally include a limit as a licence condition.
- 9.3 The Regulatory Reform (Fire Safety) Order 2005 ('the Fire Safety Order') now means that any conditions imposed by the Licensing Authority that relate to any fire safety requirements or prohibitions that are or could be imposed by the Order automatically cease to have effect.
- 9.4 The exception to this will be in cases where the council and the enforcing authority for the fire safety order are one and the same body. For example in designated sports-grounds and stands where the council enforce the fire safety order. In such circumstances fire safety conditions should not be set in new licences, but conditions in existing licences will remain in force and be enforceable by the Licensing Authority.

- 9.5 Safe capacities will be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. If no safe capacity has been imposed through other legislation, a responsible authority may consider it necessary for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and may make representations to that effect. In certain circumstances, capacity limits may be necessary in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile. The types of premises subject to safe capacities will be the following;
- Nightclubs
 - Cinemas
 - Theatres
 - Other premises where regulated entertainment is being provided within the meaning of the act
- 9.6 The Licensing Authority will, where appropriate, attach conditions to a licence to ensure public safety, dealing with the following:
- Checks on equipment at specified intervals;
 - Standards to be maintained, e.g. temporary electrical installations to comply with British Standards;
 - The number of people on the premises to ensure it is appropriate having regard to the activities taking place and reliable ways of counting the number;
 - The steps taken to manage the risk from glass, the use of bottle bins, glass collectors and door supervisors to prevent glass being taken off the premises;
 - The use of door supervisors to manage the entrance and exit from the premise and, to protect public safety as customers leave the premises;
 - The provision of air conditioning and ventilation;
 - Measures to protect against overcrowding; and
 - Consideration of the needs of disabled people and appropriate provisions.

10 The prevention of nuisance

- 10.1 The Licensing Authority will require the applicant to demonstrate within the operating plan how they intend to prevent nuisance arising, prevent disturbance and protect amenity so far as is appropriate to ensure that the Licensing Objectives are met. Where there is a relevant representation regarding extended hours, the Licensing Authority will not permit an extension unless it is satisfied that the Licensing Objectives would be met. Please refer to Section 15 – Operating Schedule
- 10.2 In considering an application, the Licensing Authority will consider the adequacy of proposed measures to remove or effectively manage the potential for nuisance and anti-social behaviour.
- 10.3 The Licensing Authority will particularly consider the following matters where they are material to the individual application:
- One of the most common complaints the Licensing Authority receive is about nuisance caused by customers as they leave licensed premises at night. The Licensing Authority recommends that primarily alcohol led premises such as nightclubs and pubs, located close to any residential premises, implement a dispersal policy at their venue. All relevant staff should be trained on any policy, and all reasonable steps should be taken to ensure it is adhered to. Further guidance on

dispersal policies can also be found on the NOCTIS website at www.noctisuk.org/

- The proximity of residential accommodation;
- The type of use proposed, including the likely numbers of customers, proposed hours of operation and the frequency of activity;
- The steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
- The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises. This will usually be of greater importance late at night and/or in the early hours of the morning. However nuisance can arise at any time of the day or night so the Licensing Authority will consider representations from Responsible Authorities and/or Interested Parties relating to potential nuisance from any activity at all times dependant on the merits of the application/steps taken or proposed to prevent nuisance.
- Limiting the number of people permitted to use a garden/other open-air areas, including those for the use of smoking, at any one time.
- Restricting the use of a garden/other open-air areas, including those for the use of smoking, after a particular time e.g. 11:00pm (or such earlier time as may be considered appropriate).
- The steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction;
- The steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly;
- The arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;
- The provision for public transport in the locality (including taxis and private hire vehicles) for patrons;
- The level of likely disturbance from associated vehicular and pedestrian movement to and from the premises;
- The delivery and collection areas and delivery/collection times;
- The siting of external lighting, including security lighting that is installed inappropriately;
- The arrangements for refuse disposal, storage and the prevention/tidying of litter (including fly posters and illegal placards);
- The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees;
- The history of the applicant in controlling anti-social behaviour and preventing nuisance;
- The generation of odour, e.g. from the preparation of food;
- Any other relevant activity likely to give rise to nuisance;
- Any representations made by the Police, or other relevant agency or representative;
- Whether a dispersal policy has been prepared to minimise the potential for disturbance as customers leave the premises.

11 Protection of children from harm

- 11.1 The Licensing Authority will require operating plans to specify the measures and management controls in place to protect children from harm. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff. Please refer to Section 15 – Operating Schedule

- 11.2 The legislation recognises the right of licence holders (serving alcohol) to allow accompanied children into their premises at any time. The Licensing Authority will not normally seek to limit their access (above that specified in the act) to any premises unless it is necessary for the prevention of physical, moral or psychological harm. Where this is considered likely, upon consideration of a relevant representation, conditions will be imposed that restrict children from entering all or part of licensed premises:
- At certain times of the day;
 - When certain licensable activities are taking place;
 - Under certain ages, e.g. 16 or 18;
 - Unless accompanied by an adult.
- 11.3 The Licensing Authority will particularly consider if:
- There is entertainment or services of an adult nature commonly provided;
 - There have been convictions, Fixed Penalty Notices (FPNs) or cautions for serving alcohol to minors or premises with a reputation for under-age drinking;
 - There is a known association with drug taking or dealing;
 - There is a significant element of gambling on the premises;
 - There is a presumption that children under 18 should not be allowed (e.g. to nightclubs, except when under 18 discos are being held);
 - There are licensable activities that are likely to appeal to minors/children under 16 taking place during times when children under 16 may be expected to be attending compulsory full-time education;
 - There have been representations from police, the Local Safeguarding Children Board, Trading Standards or other relevant agency or representative.
- 11.4 The sale of alcohol to a minor is a criminal offence and Trading Standards will conduct appropriate covert test purchasing exercises and will take account of any complaints and intelligence. The Licensing Act 2003 permits the use of children under the age of 18 to undertake test purchases.
- 11.5 Where a sale of alcohol has been made on the same premises, to a minor on two or more different occasions within three months the premises licence could be suspended for a defined period.
- 11.6 Where there are restrictions (whether imposed by statute or by the Licensing Authority) on the sale or supply of goods or the provision of services or the showing of films or other entertainment to children below a certain age, then the licensee will be required to demonstrate that they have in place a system for verifying the age of the children intended to be supplied with such goods, services or entertainment. Training should be given to all persons who might be in a position to serve or refuse such children. The training should include a basic understanding of the law, seeking proof of age, verifying the authenticity of proof of age cards and handling and recording refusals. See Annex 2.
- 11.7 Conditions may be imposed on licences for premises where children will be present at places of public entertainment to the effect that a sufficient number of adults must be present to control the access and egress (including safe transport home) and to ensure their safety.
- 11.8 The Licensing Authority will expect operating plans to specify the measures and management controls in place to prevent alcohol being served to children, other than in those limited

circumstances permitted by the act. See Annex 2.

- 11.9 The Licensing Authority commends the [Portman Group Code of Practice](#) on the naming, packaging and promotion of alcoholic drinks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older. The Licensing Authority recommends that the applicant refer to the Retailer Alert Bulletin by which the Portman Group tells licensed retailers, which products have been found to be in breach of the code, and should be removed from sale.
- 11.10 There may be occasions where a display of film is required and needs to be classified by the Licensing Authority or the need for a classification needs to be waived. In this case applicants must apply to the Licensing Authority for this to be carried out.
- 11.11 Nothing in the above interferes with the right of a licence holder to preclude children from their premises. Conditions requiring the admission of children to premises cannot be attached to licences.
- 11.12 The 'Responsible Authority' in relation to the protection of children from harm is the council's Local Safeguarding Children Board and in particular the child protection officer. The Trading Standards service will also have certain responsibilities particularly in relation to the underage sales of age restricted products.

12 Premises licences

- 12.1 An application for a premises licence must be made in the prescribed form to this Licensing Authority. The application must be accompanied by:
- The required fee;
 - An operating schedule;
 - A plan of the premises in a prescribed form;
 - If the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the designated premises supervisor. This person will normally have been given day to day responsibility for running the premises by the premises licence holder.
- 12.2 Please note the fee for a premises licence is payable annually on the anniversary of the granting of the application. Non payment of this fee will be treated by the Licensing Authority as a serious matter and could result in the suspension of the licence.
- 12.3 Officers will determine on a case-by-case basis which premises require an inspection, and will arrange for such inspection.
- 12.4 The Licensing Authority will proactively monitor licensable activity within the borough and carry out a programme of risk based inspections.

13 Variations to existing premise licences

- 13.1 Where a premise licence requires a *material* change to the licence a variation application should be made. This would include an increase in the capacity of the premises, a change in the hours of operation of the premises, a change to the way the premises is to operate in regard to the operating schedule or a request to vary an existing condition attached to the licence. The procedure is similar to the process for a new application, in that it will require a 28 day consultation period and a site notice to be displayed.
- 13.2 The Licensing Act was amended to include the ability of premises licence and certificate holders to apply to vary their existing licence for a *minor* variation.
- 13.3 A minor variation application may not be used to vary the licence to:
- vary substantially the premises
 - vary the Designated Premise Supervisor
 - authorise the sale by retail of alcohol
 - authorise the supply of alcohol at any time between 11 pm and 7 am
 - authorise an increase in the amount of time on any day during which alcohol may be sold by retail
- 13.4 There are 4 main types of variation suitable for the minor variation application:
- Minor changes to the structure or layout of a premises
 - Small adjustments to licensing hours (except for the sale/supply of alcohol)
 - Removal of out of date, irrelevant or unenforceable conditions and volunteered conditions
 - Licensable activities: adding/removing certain licensable activities, including live music
- 13.5 Applications are made to the Licensing Authority on prescribed forms. The application must be advertised on a **white A4 notice** at the premises, and contain basic details such as a brief description of the proposed variation; name of the applicant or club; address of the premises; and date by which any other persons may make representations. There is no requirement for the applicant to advertise the application in a local newspaper. Applicants can volunteer conditions as part of the minor variations process, whether from their own risk assessment of the variation, or from informal discussions with the responsible authorities or the Licensing Authority.
- 13.6 There are no hearings under the minor variation process. The application will be determined by licensing officers under the Delegated Authority powers of the Council.
- 13.7 There is no requirement for applicants to notify responsible authorities of their application. Responsible authorities only become involved at the request of the licensing officer. The guidance states that licensing officers “must consult relevant responsible authorities if there is any doubt about the impact of the variation on the Licensing Objectives and they need specialist advice, and take their views into account in reaching a decision.” The guidance also states “in many cases the Licensing Authority may be able to make a decision without consultation”.
- 13.8 Other persons may make representations based on the Licensing Objectives. Representations do **not** trigger a hearing under the minor variations process, but the guidance states that licensing authorities must take any representations into account in arriving at a decision.

- 13.9 The timescale set out in the legislation is 15 **working** days. Day one is the first working day after the day the Licensing Authority receives the application. The Licensing Authority must then process the application and determine it within 15 working days.
- 13.10 If the Licensing Authority fails to determine the application within 15 working days, the application is deemed refused, and the fee must be returned to the applicant.
- 13.11 The first 10 working days of the 15 working day period constitute a consultation period in which other persons may make representations to the Licensing Authority. During this period officers may consider the application and may consult relevant responsible authorities. A determination of the application cannot be made during the 10 working day period; a decision on the application must be made during the remaining 5 working days.
- 13.12 The key test by the Licensing Authority is whether the proposed variation could impact adversely on any of the four Licensing Objectives.” Licensing officers have no power to impose conditions; only conditions volunteered by the applicant can be added to the licence under the minor variations procedure. The determination must be to grant or to refuse an application. There are notice requirements following determined applications.
- 13.13 **Granted applications:** the Licensing Authority must notify the applicant of any variation granted, together with the time that the variation will take effect. This will usually be as stipulated in the application, but if the applicant stipulates a date before the notice of determination is given, the Licensing Authority will specify a later time in the notice.
- 13.14 **Refused applications:** the Licensing Authority must give notice to the applicant that the application has been refused, together with the reasons for the refusal. Applications that have been rejected under the minor variations process can then be the subject of a full variation application or of a revised minor variations application. The minor variations refusal does not affect any subsequent variation application in respect of the same premises. Licences and summaries will be re-issued on the grant of a minor variation to reflect the changes made.

14 Planning Permission

- 14.1 The local planning authority exercises its powers to control opening times of all new establishments seeking planning permission, where harm would otherwise arise.
- 14.2 Applications for premises licenses should normally relate to premises with an existing lawful use for the activities proposed.
- 14.3 Licensing applications will not be a re-run of the planning application. The granting by the licensing committee of any variation of a licence, which involves a material alteration to a building, would not relieve the applicant of the need to apply for planning permission or building regulation control where appropriate.
- 14.4 The council's Planning Policies are currently set out in its Unitary Development Plan (UDP) and subsequently in the Local Development Framework, supplemented by additional guidance on A3 use of restaurants and cafés, A4 use of public houses and A5 use for take-aways. Additional policies are set out in the London Plan, which is also part of the statutory development plan for the borough. For further information contact the Planning Division on 020 8753 1084.

- 14.5 The strength of these policies is that there is an obligation both on the council, as the local planning authority, and the decision maker on any appeal, to give considerable weight to them. This helps to ensure consistency in the decision making process.
- 14.6 In general, planning permissions authorise the development or change of use of land and buildings in the public interest, whereas licences relate to the specific circumstances and proposed licensable activity within a particular premises and the suitability of the operator and may cover only a part of the premises.
- 14.7 In many cases where an application is made for a new licence or variation, the town planning use will already be authorised by a previous planning permission or because the premises has a long-standing lawful use. Therefore, a new application for planning permission is often not required. However, the existing planning permission might, and if recently granted is very likely to have conditions restricting the use of the premises in some way: e.g. the hours of operation. In that case, anybody seeking a licence to operate beyond those hours would first need to seek and obtain the revised planning permission or a variation or removal of the relevant planning condition.
- 14.8 In general, the planning position should be resolved before a licence application is made. The Licensing Authority may refuse to grant a licence if the:
- Activity to be authorised would amount to an unlawful use of the premises;
 - Hours being sought exceed those authorised by any planning permission.
- 14.9 The Licensing Authority may nonetheless determine a licence application without evidence of a lawful planning use where the applicant satisfactorily demonstrates special reason justifying such an approach.
- 14.10 The Licensing Act states that any authorisation for the supply of alcohol in relation to a petrol station will have no effect if the premise is used primarily as a garage. It is for the Licensing Authority to decide in the light of the facts whether or not any premises is used primarily as a garage. The Licensing Authority will establish primary use based on an examination of the intensity of use by customers of the premises and not based on an examination of gross or net turnover.
- 14.11 All applicants are encouraged to obtain the correct planning permission. Further information and advice can be obtained from the Planning Portal at <http://www.planningportal.gov.uk/>, where applicants can also download an application form. In order for applications to be carefully considered it is useful to include a description of the current use of the premises and whether there will be a change of use. E.g. It is currently being used as a take-away and will be changing to a restaurant. Please note that operating a licence without the relevant planning permission could be a breach of planning control and could leave licence holders vulnerable to enforcement action.

15 Operating schedules

- 15.1 Operating schedules for premises licences are the key to ensuring compliance with the four Licensing Objectives. The measures proposed in the operating schedule will normally be converted into conditions to be attached to the premises licence and should therefore fulfil the following criteria :

- i) Be precise and enforceable
- ii) Be unambiguous
- iii) Not duplicate other statutory provisions
- iv) Be clear in what they intend to achieve, and
- v) Be appropriate, proportionate and justifiable

- 15.2 Prospective holders of new premises licences, and those seeking variations to existing premises licences are advised to consult with the Licensing Authority and the various responsible authorities at the earliest possible stage in order to reduce the risk of any dispute arising.
- 15.3 The Licensing Authority will seek to impose conditions appropriate to promote the Licensing Objectives. For those premises, which present the lowest risk to public safety and the other Licensing Objectives, the Licensing Authority will adopt a light touch approach to regulation.
- 15.4 Operators of licensed premises will have to comply with planning, environmental health, trading standards, fire safety, licensing and building control legislation when opening or adapting licensed premises. The Licensing Authority will seek to avoid confusion and duplication by not imposing licence conditions relating to matters that are required or controllable under other legislation, except where they can be exceptionally justified to promote the Licensing Objectives.
- 15.5 During the course of its inspections, the Licensing Authority may refer matters to any other agency where there appears to be a contravention of the legislation enforced by that agency.
- 15.6 The Licensing Authority considers that it would be beneficial if operating schedules include all the following:

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- a description of the style and character of the business to be conducted on the premises (for example, a supermarket, or a cinema with 6 screens and a bar, or a restaurant, or a public house with two bars, a dining area and a garden open to customers);
- A description of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to area where children may congregate;
- Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.
- the licensable activities to be conducted on the premises;
- the times during which it is proposed that the relevant licensable activities are to take place. This should include the time the premises will be open, the time the last customer will be able to enter the premises, the time the last drink will be served and the time all customers will have left the premises. Detail should also be provided on how this will be managed/controlled;
- Any other times when the premises are to be open to the public;
- Where the licence is required only for a limited period, that period;

- Where appropriate, details of the accessibility of the premises for disabled people. The Licensing Authority will apply the “Technical Standards for Places of Entertainment” to new premises providing entertainment and premises that are having refurbishment works carried out. These standards cover access for disabled people, such as adequate access and means of escape, audible and visible means of communication, toilet facilities, etc;

LICENSABLE ACTIVITIES

Where the licensable activities include the supply of alcohol:

- the name and address of an individual who must hold a valid personal licence to be specified as the designated premises supervisor and be responsible on a day-to-day basis for conducting business in the premises in a manner consistent with the terms and conditions of the licence, in accordance with the act and in pursuit of the Licensing Objectives; except in some Community Premises (**see Designated Premises Supervisors in Community Premises at section 19**)
- whether the alcohol will be supplied for consumption on or off the premises or both;
- details of what seating arrangements will be provided and where;
- When completing operating schedules and in their management of premises, applicants should consider guidance documents on the responsible promotion of alcohol and on binge drinking, such as the British Beer and Pub Association’s document – Point of Sales Promotion Standards for the Management of Responsible Drinks Promotions including happy hours, which is also available via the www.beerandpub.com website. Refer to Annex 2.

For sales of alcohol for consumption off the premises – applicants in respect of off licences and other premises selling alcohol for consumption off the premises may need to consider whether:

- there are shutters to prevent alcohol from being selected in non-licensed periods.
- there are appropriate numbers of staff on duty to deal with possible ‘intimidation’ to sell alcohol.
- there are restrictions required on the sale of low price, high strength alcohol and drink promotions.
- an incident log book is available to record incidents.
- there are measures necessary to prevent underage sales. (See Annex 2)
- there are measures necessary to prevent alcohol from being sold outside permitted hours where the operating hours of the premises exceed those for the sale of alcohol.
- there are procedures in place to prevent sales of alcohol to intoxicated persons (with particular attention to street drinkers) or individuals leaving premises in the vicinity such as a late night bar; where there is evidence to suggest this is a problem the Licensing Authority may require a temporary cessation of alcohol sales during high risk times.

Where the licensable activities include dance:

- a description of the type of dancing in broad terms, such as if dancing will be done by professionals or if it will be for members of the public, where it will take place on the premises, if the dancing involves striptease or lap dancing;

LICENSING OBJECTIVES

- 15.7 The Licensing Authority will robustly examine any application and its operating schedule to ensure premises do not impact negatively in the community measuring against the four Licensing

Objectives. The Licensing Authority will consider the steps which the applicant proposes to take to promote the Objectives. The Licensing Authority will use further conditions where they are not satisfied an operating schedule is sufficient to control these potential issues. The following provides a non-exhaustive list of measures/issues that the Licensing Authority considers may be relevant to licence applications:

The prevention of crime and disorder

15.8 The following provides a non-exhaustive list of risks associated with the crime and disorder objective that applicants may want to consider when preparing their Operating Schedule:

- **Crime and disorder in the vicinity of the premises** : this may include the crime and disorder risks arising from persons queuing to enter the premises; persons exiting the premises and customers smoking eating or drinking in outdoor areas and on the highway outside the premises. This can also include crime arising from pickpockets and bag snatchers, particularly in open spaces or crowded areas where alcohol is being consumed.
- **alternative to glass bottles and glasses** - restricting the use of glass bottles and beer glasses to customers in preference for containers made from polycarbonate materials.
- **CCTV** - using CCTV inside and/or outside the premises together with appropriate procedures and having staff properly trained to use CCTV equipment.
- **dispersal procedures** - establishing appropriate dispersal procedures to minimise the potential for crime and disorder when customers are leaving the premises
- **dealing with and reporting crime and disorder** - training for staff and door security aimed at reducing crime and disorder in the premises and its vicinity and dealing with and reporting incidents if they occur.
- **door staff** - considering whether the premises employs a sufficient number of SIA registered door staff, whether Door Premises Supervisors check the legitimacy of the badges and whether SIA staff display their badges prominently. (Note: All door supervisors must be Security Industry Authority (SIA) registered). See Annex 1.
- **drugs and weapons** - ensuring compliance with relevant guidance regarding illegal drugs and weapons. Attention should be paid to search procedures, procedures for the safe storage and surrender of seized drugs and weapons and drug awareness issues, designing out the ability to take drugs in the premises, etc.
- **excessive drinking** - training for staff to recognise when customers are becoming drunk and adopting appropriate 'cut off' procedures for drunken customers, so as to reduce the likelihood of fights or aggressive behaviour.
- **local schemes** – joining and attending local Pubwatch meetings and participating in the Behave or Be Banned Scheme (BOBB) and/or signing up and using the Council's Safety Net Radio scheme.
- **prevention of theft** - using bag hooks and signage to warn customers of pickpockets and bag snatchers.

- **Event type** - in some cases the type of regulated entertainment proposed could attract elements which increase the possibility of violence and/or disorder occurring in, or in the vicinity of, the premises. For example, some externally promoted live music events carry an increased risk of violent crime and disorder. It may be appropriate to carry out a risk assessment of the activities proposed and, in some cases, to provide such risk assessment to the Events Team at Fulham Police and or the Clubs and Vice Unit of the Metropolitan Police before the event is agreed.

Public safety

15.9 The following provides a non-exhaustive list of risks associated with the public safety objective that applicants may want to consider when preparing their Operating Schedule:

- **special effects** - whether music and dance venues and performance venues will use equipment or special effects, e.g. moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines, etc.
- **incident and occurrence book** – keeping an incident book on the premises so staff can record any instances of crime, disorder, refused sales, ejections and intimidating behaviour.
- **risks associated with special promotions/events** – ensuring compliance with guidance from the Metropolitan Police relating to specific event risk assessments for externally promoted live music events well in advance of the event. Risk assessment forms can be obtained from the Metropolitan Police Licensing Officer.
- **getting home safely** - providing information to customers and staff (including contact telephone numbers) regarding safer options available for travelling home late at night - including night buses, licensed taxis and private hire (mini-cabs).
- **overcrowding** - developing policies and procedures regarding capacity to prevent overcrowding and patrons possibly becoming aggressive.
- **premises environment** - applicants should consider the physical environment of the premises and have regard to issues that could increase the likelihood of patrons becoming agitated or aggressive. This may include procedures regarding door supervision, identification and management of drunken customers and issues of overcrowding and capacity, which may result in patrons becoming aggressive or rowdy.

The prevention of public nuisance

15.10 The following provides a non-exhaustive list of risks associated with the public nuisance objective that applicants may want to consider when preparing their Operating Schedule:

- **Deliveries/collections** – noise from deliveries to and/or collections (e.g. refuse) from the premises are another common source of complaint. Consider therefore the times of such deliveries/collections and make sure you specify to any contractors that deliveries/collections should not be made at anti-social times. As a guide, the Environmental Protection Team recommend that deliveries/collections should only be done between the hours of 8:00am and 8:00pm, depending on the proximity of residential and/or other noise-sensitive properties.

- **Drink promotions** – adopting policies to discourage excessive drinking such as happy hours, buy one get one free, etc. See Annex 2.
- **Late night refreshment** - applicants in respect of late night takeaways should demonstrate that they have assessed the risk of persons congregating in large numbers in the vicinity of their premises. Where appropriate, applicants should demonstrate suitable measures to address this problem.
- **Light pollution** – this is an increasingly common source of complaint, particularly from illuminated signs and external security lighting. Where provided, illuminated signs should not cause glare to neighbouring properties, ideally being turned off at night, and external lighting should be angled and/or diffused to also prevent nuisance.
- **Noise and/or vibration breakout from the provision of regulated entertainment, particularly from (but not limited to) live music** – consider what type of entertainment is to be provided, in what room/area of the premises and the suitability of the construction of this room/area to contain sound. Windows are a particular weak-point for noise break-out so consider providing regulated entertainment in a room without windows or with as few windows as possible, particularly windows that face towards nearby residential properties.
- **Odour** – odour from cooking is a common source of complaint, particularly from restaurants and fast-food takeaways. The Councils Environmental Protection Team may therefore require evidence that the kitchen ventilation and/or extract systems are regularly maintained and serviced to ensure that it is operating efficiently and with minimal nuisance to neighbours arising from odour and also noise. This includes the siting of BBQs.
- **Queue management** - establishing appropriate procedures to avoid the need for customers to queue before entering the premises or, where queuing cannot be avoided, to manage queues so as to minimise the potential for crime and disorder or public nuisance by customers who are queuing.
- **Ventilation** – where regulated entertainment is to be provided there may be a requirement to keep doors and/or windows closed during its provision to limit noise breakout, consider therefore the provision of air conditioning for the comfort of your customers if doors and windows have to be closed during the summer. However, also note air conditioning can be the source of noise complaints in itself, so careful consideration also needs to be given to the siting of this equipment.
- **Waste** – consider how and where waste will be stored/disposed of at the end of trading hours, particularly if trading until late at night. This is important because the disposal of glass and/or cans to outside bin areas can be very noisy and give rise to complaints, so it may be necessary to store such items and other non-degradable refuse inside the premises until the next trading day.

Commercial waste can also be taken directly to one of the council's approved waste transfer sites. Alternatively there are several licensed waste carriers operating within the Borough, which are listed on the council website.

If you do not have a commercial waste agreement the Council offers a flexible service that allows businesses to increase and decrease their collection service every three months, and the contract can be revised by calling the trade waste team on 020 8753 3021 or alternatively email them on tradewasteemails@lbhf.gov.uk.

The protection of children from harm

- 15.11 The following provides a non-exhaustive list of risks associated with the protection of children from harm objective that applicants may want to consider when preparing their Operating Schedule:
- Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks. See Annex 2. The Council will expect premises only to accept current passports, driving licences or documents bearing the national PASS logo, such as Citizencard. The Proof of Age Standards Scheme (PASS) is the UK's national guarantee scheme for proof-of-age cards as endorsed by the Home Office. More information can be found on <http://www.brc.org.uk/pass/default.asp>
 - Where an application has not indicated any adult entertainment a voluntary condition that no nudity or adult entertainment will take place at the premises.

16 Consultation

- 16.1 The applicant will be expected to advertise the application in accordance with the Regulations made under the Licensing Act 2003.
- 16.2 The Licensing Authority will carry out a consultation process in accordance with the regulations made under the Licensing Act 2003. In exceptional circumstances the Licensing Authority may consider it appropriate to carry out a more extensive form of public consultation. The Licensing Authority will publicise details of applications received.
- 16.3 In order to give residents a fair chance to learn about new applications we have set up an email alert system on the Council website. This will enable residents and other persons to make representations to the Licensing Authority if they wish to do so.

17 Applications for Personal Licences

- 17.1 In order to obtain a personal licence the requirements are that the applicant must:
- Be aged 18 or over;
 - Possess a licensing qualification accredited by the Secretary of State;
 - Not have forfeited a personal licence within five years of his or her application;
 - Produce a Criminal Record Bureau certificate;
 - Not have an objection notice from the police about the grant of a personal licence following notification of any unspent relevant offence or foreign offence; or must show that that such an offence should not lead to refusal on crime prevention grounds;
 - Pay the appropriate fee to the council.
- 17.2 The Licensing Authority requires that any photographs submitted to it must be clearly endorsed on the reverse side with the persons name, date of birth and contact number in order to ensure these are correctly processed.

- 17.3 Applicants with unspent criminal convictions for relevant offences set out in the Licensing Act are strongly encouraged to first discuss their intended application with the police and the Licensing Authority before making an application.
- 17.4 A personal licence is valid for 10 years. A designated premises supervisor must hold a personal licence.

18 Temporary Event Notices (TENs) and Other Events

- 18.1 The Licensing Act 2003 provides for certain occasions when small scale events (no more than 499 people at a time and lasting for no more than 168 hours) do not need a licence providing that a minimum of 10 working days notice is given to the police and the Licensing Authority. The annual allowance covered by a Temporary Event Notice in relation to a single premises is 21 days. The Police and the Council's Environmental Protection team can object to Temporary Event Notices if the event is likely to undermine the licensing objectives.
- 18.2 Section 193 of the Act defines "working day" as any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales. "Ten working days" notice means ten working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given.
- 18.3 Where Police or Environmental Protection submit an objection to the notice the licensing authority will hold a hearing to consider the objection.
- 18.4 Licensing authorities will be given discretion to apply existing licence conditions to a Temporary Event Notice if there are objections from the police or the Council's Environmental Protection team.
- 18.5 The Licensing Authority will consider whether the limitations set down by the act in terms of numbers and duration of events and capacities are being observed.
- 18.6 It is recommended in general that the Licensing Authority and police be given at least 28 calendar days notice of any event, to allow them to help organisers plan their events safely.
- 18.7 Organisers of temporary events are strongly advised to contact the Licensing Authority, the Environmental Protection Team and the Police for advice at the earliest opportunity when planning events, to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed.
- 18.8 The Licensing Act 2003 allows event organisers to submit up to 10 "late notices" per year if they hold a personal licence and 2 "late notices" if they do not hold a personal licence. These "late notices" can be submitted to the Licensing Authority, Police and Environmental Protection between 5 and 9 days before the event. However, the Secretary of State's Guidance states that "They should not be used save in exceptional circumstances". It should be noted that if either the Police or the Council's Environmental Protection Team submits an objection to a late notice the Council will issue a counter notice prohibiting licensable activities for the duration of the TEN.

Large Outdoor Events

- 18.9 Public safety and the prevention of public nuisance at large outdoor events is of paramount importance to the Licensing Authority. Applications for large events that are normally temporary in

nature, may not be suitable for licensing under the TENs process. Events will be licensed under a time limited Premises Licence lasting for the duration of the event. Applicants are encouraged to make applications for a new Premise Licence and should therefore ensure that they apply in good time.

- 18.10 Applicants for such events must consider “The Event Safety Guide” and other guidance published or recommended by the Health and Safety Executive on all aspects of arranging and staging events safely. Further information is available at : www.hse.gov.uk/event-safety/index.htm
- 18.11 Applications for large temporary events may be scrutinised by a Safety Advisory Group (SAG) as well as the licensing committee. The SAG will consist of officers from Responsible Authorities such as the Police, Environmental Protection, Commercial Services Team, Fire Authority, and may include officers from other relevant departments and agencies such as the London Ambulance Service, Transport for London (TFL) and Highways.
- 18.12 The Safety Advisory Group allows officers to question applicants about the operation of their event to ensure it will be a “safe” event, and will minimise disruption to traffic management and nuisance.
- 18.13 The SAG will not determine licence applications. It may recommend conditions. The Licensing Authority will expect applicants and organisers of large temporary events to produce a satisfactory Event Management Plan for their event and to comply with any recommendations made by the group.
- 18.14 The Licensing Authority recommends that for significant events and the use of promoters as defined in the glossary, a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed.
- 18.15 Accordingly, for premises that wish to stage promotions, or events the Licensing Authority recommends that applicants address the Risk Assessment and debrief processes in their operating schedule.
- 18.16 The Licensing Authority further recommends the Metropolitan Police Promotion Event Risk Assessment Form 696 and the After Promotion Event Debrief Risk Assessment Form 696A as useful and effective tools for this purpose. Where the Risk Assessment forms are used to assess the likely risks from any promotion or event, the Licensing Authority anticipates that these will be completed in consultation with the Metropolitan Police. Risk assessments should be submitted to the Metropolitan Police and the Licensing Authority within 14 days of any proposed event and debrief forms submitted within 14 days of the conclusion.
- 18.17 Forms 696 and 696A are available on the Metropolitan Police web site at <http://www.met.police.uk/> It is recommended that electronic completion and transmission of the forms is undertaken by licensees. E-mail addresses for submission are fhevents@met.police.uk and licensing@lbhf.gov.uk

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- 18.18 Generally, applicants are advised to offer only the following conditions in their Operating Schedule.
- The Licensee shall comply with the Event Management Plan submitted to and approved by the Licensing Authority.

- The Event shall be run in accordance with the site plan submitted to, and approved by, the Licensing Authority. No changes shall be made to the site plan without the prior consent of the Licensing Authority.

- 18.19 This approach allows the event organiser flexibility to make changes to the layout of the event or to specific activities without the need to make a fresh application for a Premises Licence or an application to vary the Premises Licence already granted. Without this approach, any changes made could be unauthorised and possibly result in enforcement action.
- 18.20 The council may seek in its own name premises licences for appropriate public spaces within the borough. This will make it easier for people to organise suitable cultural events. We will consider any request for permission to use such public spaces for cultural activities having regard to the promotion of the four licensing objectives.
- 18.21 The Council is fully committed to a safe and successful Olympic and Paralympic games in London in 2012. The Council 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 games from 1st May 2012 until 31st October 2012. Due consideration will be given by the Council to representations from the Police in relation to licence applications for activities 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 and that the licensing objectives will be compromised, it is likely that such applications will not be granted.
- 18.22 Anyone planning an event of this nature is strongly recommended to enter into discussion with the Police and Licensing Authority as early as possible to ensure the event can be properly planned. Failure to liaise with the Licensing Authority may see the committee refusing a licence for the event on grounds of Public Safety.

19 Designated Premises Supervisors (DPS) in community premises

- 19.1 Community premises can have a licence to supply alcohol without the requirement to have a Designated Premises Supervisor (DPS).
- 19.2 Such an application can only be made if the licence holder is, or is to be, a committee or board of individuals with responsibility for the management of the premises. The following condition will be attached to the premise licence: "Every supply of alcohol under the premises licence must be made or authorised by the management committee."
- 19.3 Church halls, chapel halls, parish halls, community halls, village halls are examples of community premises. Where it is not clear whether premises are community premises, the matter will be approached on a case-by-case basis, with the main consideration being how the premises are predominantly used. If they are:
- genuinely made available for community benefit most of the time;
 - accessible by a broad range of people and sectors of the local community;
 - providing facilities to benefit the community as a whole;

- they are likely to be considered to be community premises.

- 19.4 If it is authorised for the sale of alcohol, the management committee of the premises can apply to remove the DPS requirement. This removes the mandatory conditions in relation to a DPS and the personal licence holder(s). See Annex 1.
- 19.5 The application form requires the applicants to provide the names of the management committee's key officers to the Licensing Authority. The Licensing Authority must be satisfied that arrangements for the management of the premises by the committee or board are sufficient to ensure the adequate supervision of the supply of alcohol on the premises.
- 19.6 Existing premises licence holders must pay a fee and the application will take 28 days to process.
- 19.7 In exceptional circumstances, the police can object to the request on grounds of crime and disorder. The Licensing Authority must then hold a hearing to reach a decision on whether to grant the application.

20 Enforcement Policy

- 20.1 The Licensing Authority operates a proactive inspection regime that is based on risk. These inspections are linked to the Enforcement Policy, which targets premises failing to support the Licensing Objectives. Relevant action will be taken after each visit in accordance with this policy.
- 20.2 Premises that produce disorder, threaten public safety, generate public nuisance or threaten the well being of our children will be targeted for enforcement action.
- 20.3 The Licensing Authority has a long-established Enforcement Policy, based around the principles of consistency, transparency and proportionality it also takes into account the Attorney General's Guidelines to Crown Prosecutors for bringing prosecutions.
- 20.4 The Licensing Authority will take necessary enforcement action in accordance with our Enforcement Policy.
- 20.5 The Licensing Authority will use a range of sanctions such as letters of warning, simple cautions, Fixed Penalty Notices (FPNs), closure notices and legal proceedings.
- 20.6 The Licensing Authority will seek to work with the police and other responsible authorities in enforcing licensing legislation and will strive to have a joint enforcement protocol with all the relevant agencies.
- 20.7 Enforcement will be focussed on premises or persons found to be failing to promote the four Licensing Objectives.

21 Dealing with Complaints, Representations and Reviews

- 21.1 The Act describes two "groups" that may make representations to applications and may apply for an existing premises licence or club premises certificate to be reviewed by the Licensing Authority. These groups are Responsible Authorities and "Other Persons".

- 21.2 “Other Persons” means any individual, body or business who is affected by the operation of a licensed premises regardless of their geographical location. Although they may be in any geographical position, any representation they make must be relevant to one or more of the licensing objectives, and must not be considered to be frivolous or vexatious. Additionally, any application to review a premises licence must not be repetitious.
- 21.3 This Licensing Authority will, however, look at the geographical location of the author of any representation or review application received. Where the author lives or works a significant distance from the premises subject of an application or review, this Authority will examine the content of the representation particularly closely to ensure that it is valid and complies with the requirement of the Licensing Act 2003.
- 21.4 The Licensing Authority may initially arrange a mediation meeting to address concerns where “Other Persons” have made:
- Valid representations about licensed premises; or
 - A valid application for a licence to be reviewed
- 21.5 At any stage, following the grant of a premises licence, a responsible authority, such as the police or the fire authority, or other persons, may ask for a licence to be reviewed because of a matter arising at the premises in connection with any of the four Licensing Objectives.
- 21.6 A licence will be reviewed where it is alleged that the Licensing Objectives are not being promoted and there is evidence to show this. The Licensing Authority will regard applications for the review of any premises licence, particularly seriously, where they involve evidence of:
- Use of licensed premises for the sale and distribution of drugs and the laundering of drugs money;
 - Use of licensed premises for the sale and distribution of illegal firearms;
 - Evasion of copyright in respect of pirated or unlicensed films and music;
 - Underage purchase and consumption of alcohol;
 - Use of licensed premises for prostitution or the sale of unlawful pornography;
 - Serious risks to children;
 - Use of licensed premises for unlawful gaming and gambling;
 - Use of licensed premises as a base for organised criminal activity;
 - Use of licensed premises for the organisation of racist, homophobic, sexual abuse, attacks or any discriminatory behaviour;
 - Use of licensed premises for the sale of smuggled tobacco or goods;
 - The use of licensed premises for the sale of stolen goods;
 - Incidents of disorder;
 - Instances of public nuisance where there have been disregard to warnings;
 - Serious risks to public safety which the management is unable or unwilling to correct;
 - Frequently operating outside permitted hours.
- 21.7 At a review hearing the committee can make the following decisions:
- Modify the conditions of the premises licence;
 - Exclude a licensable activity from the scope of the licence;

- Remove the designated premises supervisor;
- Suspend the licence for up to three months;
- Revoke the licence.

- 21.8 Other persons aggrieved by decisions of the Licensing Authority are entitled to appeal to the magistrates court.
- 21.9 In order to give residents a fair chance to learn about new applications we have set up an email alert system on the Council website. This will enable residents and other persons to make representations to the Licensing Authority if they wish to do so. Please note that representations cannot be made anonymously.
- 21.10 Where the Licensing Authority considers that action under its statutory powers is necessary it may seek to issue a warning letter, a simple caution or prosecute for the offence.
- 21.11 Complaints about breaches of conditions e.g. trading after hours stated on their licence should be brought to the attention of the Licensing Team on 020 8753 1081 or by email at licensing@lbhf.gov.uk. They can also provide a copy of the licence with the full licence conditions.
- 21.12 Where event organisers are looking to submit a late TEN they should be aware that “late notices” can be submitted to the Licensing Authority, Police and Environmental Protection between 5 and 9 days before the event. **However**, the Secretary of State’s Guidance states that “They should not be used save in exceptional circumstances”. It should be noted that if either the Police or the Council’s Environmental Protection Team submits an objection to a late notice the Council will issue a counter notice prohibiting licensable activities for the duration of the TEN.
- 21.12 Complaints about other issues e.g. noise nuisance, underage sales should be brought to the attention of the relevant responsible authority. See section 2 – Consideration of Our Residents.

22 CONSIDERATION OF OUR RESIDENTS

- 22.1 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour caused by people once they are away from the premises and therefore beyond the direct control of the licensee. Nonetheless, licensing is a key aspect of such control and licensing law is part of a holistic approach to the management of the night time economy.
- However, as a matter of policy, the council expects every holder of a licence, certificate or permission to accept and be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the vicinity of their premises by taking appropriate measures and action consistent with that responsibility.
- 22.2 Licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden or in a smoking area, to the extent that these matters are within their control.
- 22.3 Population densities in our borough are high, with many residential premises located above or in close proximity to licensed premises. This means that the public nuisance and crime and disorder objective will be of paramount concern when evaluating Operating Schedules. Committees will place high regard on the control measures in place by the applicant in order to ensure our residents are protected from the potential detrimental effects of any licences premises.

- 22.4 Residents are advised to contact the Environment Protection Team's out of hours service at the time that any noise nuisance is occurring. Any review of a licence would need to be evidence based and as such is best supported by evidence from responsible authorities such as the Police or Environmental Protection to be successful. For this reason it is vital to call our 'out of hours' team on 020 8748 8588 at the time nuisance is occurring.
- 22.5 If residents are experiencing ongoing problems with particular licensed premises, please refer to Section 21 – Dealing with Complaints, Representations and Reviews.

23 Licensing Committee

- 23.1 The Licensing Committee will consist of up to fifteen councillors that may sit annually to discuss policy, review delegated decisions and administrative matters. The Licensing Authority will determine this Statement of Licensing Policy at least every five years. Any changes to the policy will include full consultation of all interested parties.
- 23.2 A sub-committee of three councillors will determine applications where representations have been received from other persons and responsible authorities.
- 23.3 The Licensing Committee will also deal with other licensing matters not associated with the Licensing Act 2003, such as massage and special treatments, street trading, sex establishments, gambling, etc.
- 23.4 Where a councillor who is a member of a Licensing Committee or a subcommittee has had direct involvement in the affairs of an application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the premises licence in question.
- 23.5 Each decision of the Licensing Committee or its sub-committee(s) shall be accompanied with clear reasons for the decision. A summary of the decision will be posted on the council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Licensing Authority.
- 23.6 The Licensing Authority's authorised officers will deal with licence applications where either no representations have been received, or where representations have been received and the parties agree that a hearing is not necessary.
- 23.7 The Licensing Authority's authorised officers will make the decisions upon whether representations are frivolous or vexatious. Where representations are rejected, the person making that representation will be given written reasons for the decision.

Annex 1 – Original Licensing Conditions

(1) Supply of alcohol:

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 his personal licence is suspended.

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

(2) Exhibition of Films

Admission of children must be restricted in accordance with any recommendation made by the film classification body specified in the licence

Or

where the licensing authority has notified the holder of the licence that it considers a classification or an alternative classification is necessary then

Admission of children must be restricted in accordance with any recommendation made by that licensing authority

In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

(3) 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, each such individual must be licensed by the Security Industry Authority.

Annex 2 – New Mandatory Licensing Conditions

1. (1) 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.
(2) 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.
2. 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).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
4. (1) 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.
(2) 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 a holographic mark.
5. The responsible person shall ensure that:
 - (a) 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: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Annex 3 – Local Pool of Licence Conditions

Local Pool of Licence Conditions

The following licensing conditions can be applied to different types of premises (A – F below). They can be used as a guide for applicants, residents, Councillors, agencies and responsible authorities such as the Police when making, commenting on or considering applications. This list is not exhaustive and should be used as a guide to help promote the four licensing objectives, in its application, to the following types of premises:

A: Restaurants

B: Late night refreshment Venues

C: Public houses and bars:

D: Nightclubs

E: Off Licences

F: Theatres, Cinemas, Qualifying Clubs, Hotels and Community Premises

Conditions should only be added where considered appropriate and proportionate to the promotion of the licensing objectives.

Exit routes and evacuation procedures	Application
Means of escape shall be maintained unobstructed, immediately available and clearly identifiable.	Public Safety A, B, C, D, E, F
Exit doors shall be checked before opening each day to ensure they function satisfactorily.	Public Safety A, B, C, D, E, F
Notices shall be prominently displayed at each exit from the premises asking patrons to be considerate to neighbours when leaving.	Public Safety A, B, C, D, E, F
Customers shall not be permitted to sit or stand in gangways or aisles or in any position that will impede means of escape from the premises.	Public Safety A, B, C, D, F
An evacuation policy shall be in place that is to the satisfaction of the Fire Authority, Licensing Authority and Police. All staff members shall be trained in the evacuation policy. Written records of staff training shall be kept and produced to Police and authorised Council officers on request.	Public Safety A, B, C, D, E, F
Emergency/fire drills and tests will be conducted monthly. Records of these tests shall be made available upon request.	Public Safety A, B, C, D, E, F
Use of beer gardens/external areas	
The use of the garden/external area shall cease after <i>(insert time)</i> hours on <i>(insert days of the week)</i> .	Nuisance A, C, D, F
Alcohol shall not be sold to customers to drink on the pavement outside the premises unless a Tables and Chairs Licence is in force.	Nuisance A, B, C, D
A maximum of <i>(insert number)</i> customers will be allowed in outdoor areas of the	Nuisance

premises. These customers shall not be such as number as to cause obstruction of the public highway.	A, B, C, D
Where a Tables and Chairs licence is in effect, only seated customers shall be permitted to drink in the area covered by the Tables and Chairs licence.	Nuisance A, B, C, D
Where customers are permitted to drink alcohol outside the premises, <i>(insert number)</i> of registered door supervisors will be used to monitor and manage those customers from <i>(insert times)</i> .	Nuisance A, C, D
A physical barrier, such as a rope, will be used to mark the boundary of the area outside the premises where customers are allowed.	Nuisance A, C, D
The garden of the premises shall be closed to customers at <i>(insert time)</i> .	Nuisance A, C, D
The tables and chairs outside the premises shall be brought inside at <i>(insert time)</i> .	Nuisance A, B, C, D
No more than <i>(insert number)</i> of patrons shall be permitted to drink or smoke outside the premises at any one time.	Nuisance A, B, C, D
Customers shall not be permitted to take drinks outside with them and prominent signage shall be provided to this effect.	Nuisance A, B, C, D
Staff shall regularly supervise the pavement area outside the premises to ensure customers are not blocking pavements or causing nuisance to neighbouring premises.	Nuisance A, B, C, D
Customers shall not be permitted to take glass bottles or glasses outside the premises.	Nuisance A, B, C, D, F
Persons wishing to leave the premises to smoke shall not be permitted to take drinks outside with them.	Nuisance A, B, C, D, F
External lighting for the premises shall be turned off after the premises are closed to the public.	Nuisance A, B, C, D, E, F
Where customers are permitted to smoke immediately outside the premises, smoking bins/ashtrays/receptacles should be provided.	Nuisance A, B, C, D, F
Door supervisors and door entry policies	
A minimum of <i>(insert number)</i> door supervisors shall be on duty on the premises during the hours of <i>(insert times)</i> on <i>(insert days of week)</i> .	Crime/disorder C, D, F
A minimum of <i>(insert number)</i> of door supervisors shall be provided on <i>(insert days of week)</i> to patrol external areas of the premises between the hours of <i>(insert times)</i> .	Crime/disorder C, D, F
Policy and procedures for door staff will be put into place around dispersal techniques for customers and procedures for dealing with incidents that occur in	Crime/disorder C, D, F

the vicinity of the premises.	
The premises shall operate a dispersal policy and all staff shall be trained in its implementation.	Crime/disorder C, D, F
Random searches shall be undertaken of customers entering the premises between the hours of <i>(insert times)</i> and prominent signage provided to this effect.	Crime/disorder C, D, F
At least one female door supervisor shall be provided where door supervisors are used to search female customers.	Crime/disorder C, D, F
Customers shall be supervised when leaving the premises and shall be asked to leave quietly.	Nuisance C, D, F
There shall be no admittance or re-admittance to the premises after <i>(insert time)</i> .	Nuisance C, D
A minimum of <i>(insert number)</i> door supervisors shall be on duty on the premises from <i>(insert time)</i> until all customers have left the premises and its vicinity.	Nuisance C, D, F
Door supervisors shall be provided with radios to enable them to contact each other and the duty manager at the premises.	Crime/disorder C, D, F
Capacity	
A maximum of <i>(insert number)</i> customers shall be permitted on the premises at any one time.	Public Safety A, B, C, D, F
"Clickers" or other devices shall be used by door staff to monitor the number of persons present on the premises at any one time.	Public Safety C, D, F
CCTV	
Appropriate signage will be displayed, in a prominent position, informing customers they are being recorded on CCTV.	Crime/disorder A, B, C, D, E, F
CCTV covering areas inside and outside of the premises should be installed and maintained to police recommendations with properly maintained log arrangements. All images will be stored for a minimum of 31 days.	Crime/disorder A, B, C, D, E, F
A staff member from the premises that is conversant with the operation of the CCTV system will be on the premises at all times that the premises are open to the public. This staff member will be able to show police or authorised local authority officers recent data footage with the minimum of delay when requested. This data or footage reproduction should be almost instantaneous.	Crime/disorder A, B, C, D, E, F
Training	
At least one member of staff on duty whilst this licence is being used shall be trained in the requirements of the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Such person(s) shall be competent to ensure offences are not	ALL A, C, D, E, F

committed and that the premises shall be run in accordance with the licence.	
All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003. Written records of this training shall be retained and made available to Police and Council officers on request.	ALL A, C, D, E, F
All staff shall be trained in how to identify drunk or drug impaired customers. This training shall be repeated at least biannually and written records of the training kept and made available to Police and authorised Council officers on request.	ALL A, C, D, E, F
Weapons	
A metal detection device shall be randomly used by door supervisors to search patrons for weapons.	Crime/disorder C, D, F
A search arch shall be used at the entrance to the premises to detect customers who may be carrying weapons.	Crime/disorder C, D, F
Any drugs or weapons confiscated from customers shall be stored in a locked and secure container and the Police shall be notified as soon as reasonably practicable.	Crime/disorder C, D, F
Responsible management	
The licence holder shall actively participate in any local Pubwatch or similar scheme.	Crime/disorder A, B, C, D, E
The premises shall be a member of any local radio scheme that allows them to be in contact with other venues in the local area.	Crime/disorder B, C, D, E, F
An incident log book will be maintained by the premises that details incidents of note that occur in the premises. This shall include refused sales, disorder, and ejections as a minimum. The log book shall be kept on the premises and be available for inspection at all times the premises is open, and management shall regularly check the book to ensure all staff are using it.	Crime/disorder A, B, C, D, E, F
Protecting children, proof of age schemes	
A Proof of Age scheme shall operate at the premises and all staff shall be trained in its implementation. Only photographic ID such as a British driving licence, a current passport or a PASS ID card shall be treated as acceptable forms of identification.	Children A, C, D, E, F
All staff shall be trained in the Proof of Age policy and how to identify acceptable means of identification.	Children A, C, D, E, F
Posters shall be displayed in prominent positions around the till advising customers of the Proof of Age policy in force at the premises.	Children A, C, D, E, F

A refusals book shall be kept at the premises to record details of all refusals to sell alcohol. This book shall contain the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. The book shall be made available to Police and authorised Council officers on request.	Children A, C, D, E, F
The Designated Premises Supervisor shall regularly check the refusals book to ensure it is being consistently used by all staff.	Children A, C, D, E, F
Noise issues	
A sound limiting device shall be installed, set and sealed at a level approved by the Council.	Nuisance C, D, F
Only the Premises Licence Holder and the Designated Premises Supervisor shall have access to the sound limiting device.	Nuisance C, D, F
The sound limiting device shall be used whenever relevant regulated entertainment is taking place.	Nuisance C, D, F
A cut-out device shall be connected to the exit doors and will be operational at all times the licence is in use.	Nuisance C, D, F
When the premises doors are open the levels of music shall cut out completely or fall to ambient levels that are not intrusive to local residents.	Nuisance C, D, F
No sound emanating from regulated entertainment shall be audible a metre from the façade of the nearest noise sensitive premises between 2300 and 0700 hours.	Nuisance A, C, D, F
All external doors and windows to the premises shall be kept closed during the provision of regulated entertainment, save during access and egress.	Nuisance A, C, D, F
The licence holder or duty manager shall make regular patrols at no less than hourly intervals around the perimeter of the premises when regulated entertainment is taking place. Noise levels shall be adjusted to ensure local residents are not disturbed by excessive noise break out.	Nuisance A, C, D, F
Litter	
Patrols of the area outside the premises shall be undertaken every (<i>insert time period</i>) during the use of the licence and any litter accumulations cleared.	Nuisance A, B, C, D, F
Where customers are permitted to drink alcohol outside the premises, regular litter and glass collections shall be carried out in all areas where customers are congregating.	Nuisance A, C, D, F
Litter bins should be provided in the area immediately outside the Premises	Nuisance A, B, E, F

Cigarette litter bins should be provided in the area immediately outside the Premises	Nuisance A, B, C, D, E, F
Proprietary clubs	
Admission to the licensed premises shall be restricted to Members of the Club and their bona fide guests.	ALL F
No person shall be admitted to the premises without an interval of at least 48 hours between application for membership and admission.	ALL F
Only one guest per member shall be permitted.	ALL F
No more than three guests per member shall be admitted to the club, and details of all guests shall be recorded on site and to be made available to Police immediately upon request on any given night that they visit the premises.	ALL F
The maximum number of guests in attendance on any given night is not to exceed 25% of the total number of persons at the premises.	ALL F
Members and guests shall be required to "sign in" when entering the premises.	ALL F
Any book used for the signing in of members and guests shall be kept on the premises at all times and made available on request to Police and authorised Council officers.	ALL F
Selling alcohol	
Strong beer and cider above 5.5% ABV will not be sold.	Nuisance E
No single cans or bottles of beer or cider will be sold.	Nuisance E
A minimum of two members of staff shall be present at all times whilst the premises remain open for the sale of alcohol.	Nuisance E
At least one person holding a Personal Licence shall be on duty at the premises when alcohol is being sold.	Nuisance E
All alcohol kept in the public part of the premises shall be kept in display units. All display units for alcohol will have lockable shutters. Shutters shall be closed and locked at the end of the permitted hours for the sale of alcohol, and shall not be unlocked again whilst the premises is open until the start of the permitted hours on the following day.	Nuisance E
All alcohol shall be stored and displayed behind the service counter and not in aisles or other areas accessible to the public.	Nuisance E
All alcoholic drinks shall be clearly labelled or marked with the name of the premises.	Nuisance E
Any alcohol sold for consumption off the premises shall be sold in a sealed container.	Nuisance C, D, E, F

Alcoholic and soft drinks shall be served in polycarbonate containers.	Crime/disorder C, D, F
Alcoholic drinks sold in cans or bottles should be marked with a unique identifier, that identifies the premises from which the alcohol was originally sold	Nuisance B, E
Drug use	
The premises shall operate a zero tolerance policy to drug use and posters shall be prominently displayed to this effect.	Crime/disorder C, D, F
All staff shall be trained in the implementation of the venue's drugs policy.	Crime/disorder C, D, F
Toilet cisterns shall be provided with sloping lids or similar to discourage drug use.	Crime/disorder C, D, F
Any drugs confiscated from customers shall be stored in a locked and secure container and the Police shall be notified as soon as reasonably practicable.	Crime/disorder C, D, F
Theft and security	
Bag clips shall be made available on all tables.	Crime/disorder A, B, C, D, F
A cloakroom or similar facility shall be available for customers to leave their belongings.	Crime/disorder C, D, F
Notices shall be displayed throughout the premises to advise customers of the potential for thefts.	Crime/disorder A, B, C, D, F
The premises shall participate in any local radio scheme in operation that enables them to be in contact with other local radio scheme users.	C, D, F
Hotels	
Alcohol may be sold at any time to hotel guests for consumption on the premises.	Nuisance F
Alcohol shall only be sold to non hotel residents from the hours of <i>(insert times)</i> on <i>(insert days of the week)</i> and during the following times to persons attending bona fide private functions at the hotel <i>(insert days and times)</i> .	Nuisance F
Premises providing Nudity, Striptease and other Adult Entertainment	
No person under the age of eighteen shall be admitted to the premises or be permitted to remain on the premises when adult entertainment is taking place.	Children A, C, D, F
Prominent notices shall be displayed at each entrance to the premises when adult entertainment is taking place stating that there shall be no admission to the premises for persons aged under 18.	Children A, C, D, F
The premises shall be arranged so adult entertainment is not visible from the street.	Children A, C, D, F

There shall be no external advertisement at the premises for adult entertainment.	Children A, C, D, F
There shall be no leafleting or touting of the adult entertainment at the licensed premises.	Children A, C, D, F
Nudity shall only be permitted by performers and not by customers.	Children A, C, D, F
A minimum of one metre distance shall be maintained between dancers and customers during adult entertainment.	Children A, C, D, F
A written Code of Conduct for staff participating in the provision of striptease or nudity shall be in place, and shall be kept on the premises for inspection by Police or authorised Council officers at all times the premises are open to the public. Management shall ensure all staff are aware of the Code of Conduct and shall take all reasonable steps to ensure it is adhered to.	Children A, C, D, F
Hiring or letting of rooms or premises	
Where rooms at the premises are let to individuals or groups for private hire, a hire agreement shall be in place that includes an outline of the conditions on the Premises Licence (<i>or Club Premises Certificate</i>) and clearly states the responsibilities of the hirer in respect of upholding such conditions.	ALL A, C, D, F
Where the premises are let to individuals or groups for private hire, a named person shall be responsible for ensuring that conditions of the Premises Licence (<i>or Club Premises Certificate</i>) are adhered to. This person shall provide their details to the licence holder (<i>or Secretary of the Club</i>) in writing in advance of the event and their details shall be retained for a period of at least thirty one days after the date of the event.	ALL A, C, D, F
Special effects	
Any special effects or mechanical installation shall be planned, commissioned, arranged, subject to inspection and maintenance, operated and stored so as to minimise any risk to the safety of the audience, performers and staff. . Special effects include: <ul style="list-style-type: none"> • Dry ice machines and cryogenic fog • Smoke machines and fog generators • Pyrotechnics, including fireworks • Real flame • Firearms • Motor vehicles • Strobe lighting • Lasers • Explosives and highly flammable substances.	Public Safety A, C, D, F
The Licence Holder shall not permit the use of special effects, except with the prior consent of the Licensing Authority, which may be subject to additional conditions if necessary to promote the public safety objective.	Public Safety A, C, D, F
Promotions or events	
The licensee shall undertake a risk assessment of any promotion or event using the Metropolitan Police Promotion/Event Risk Assessment (Form 696) or an	Public Safety A, C, D, F

equivalent and provide a copy to the Police and the Licensing Authority not less than 14 days before the event is due to take place. Following submission of the risk assessment, all directions of the Police shall be complied with, including cancellation of an event if necessary.	
Where an 'event' has taken place, the licensee shall complete a Metropolitan Police After Promotion/Event Debrief Risk Assessment (Form 696A) and submit this to the Metropolitan Police and the Licensing Authority, within three days of the conclusion of the event.	Public Safety A, C, D, F
The licensee shall take all reasonable steps to ensure that there is no unauthorised advertising of events to be held at the premises.	Public Safety A, C, D, F
Miscellaneous conditions	
Furniture at the premises for customer use shall be fixed in position so space cannot be made to allow the provision of dancing or other entertainment.	Nuisance A, C, F
The premises will be adequately ventilated in all areas to which the staff and public have access.	Public Safety A, B, C, D, F

In the future other conditions may be added which will be made available on the Councils website.

Annex 4— Special licensing policy for Fulham Area

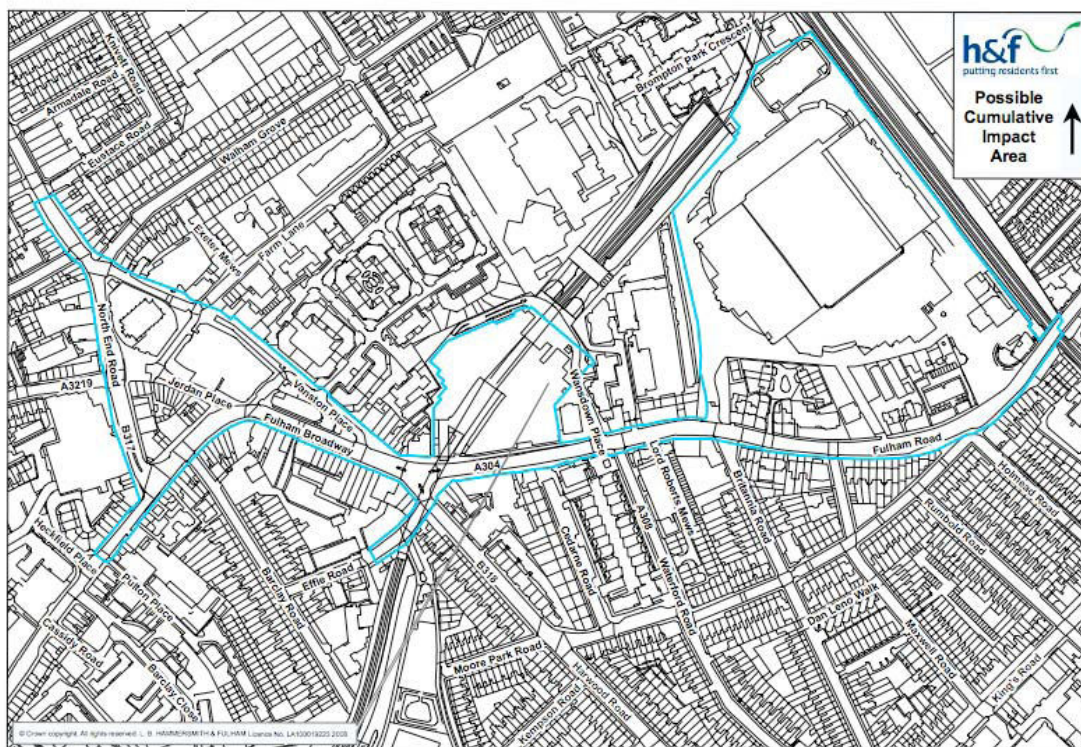
1 The Council has decided to introduce a special policy relating to cumulative impact as provided by the Secretary of State in the Guidance issued under section 182 of the Licensing Act 2003 (paragraphs 13.24 to 13.39) and the Council's own Statement of Licensing policy dated November 2007 at paragraph 4.3 to the Fulham Town Centre Area (being the shaded area and all premises which have a principal form of access onto the shaded area as shown on the plan.

2 "Cumulative impact" means the potential impact on the promotion of the Licensing Objectives of a significant number of licensed premises concentrated in one area.

3 The Fulham Town Centre Area has been identified as being adversely affected in terms of the Licensing Objectives because of the cumulative impact of the concentration of drink led premises. There is evidence that the cumulative impact includes serious problems of crime, disorder and public nuisance. Having regard to the evidence, the Licensing Authority has been satisfied that it is appropriate and necessary to include an approach to cumulative impact. The evidence for this special policy may be viewed on request at the Council Offices.

4 Applications for new premises licences, club premises certificates or any variations within the Fulham Town Centre Area that are likely to add to the existing cumulative impact will normally be refused where a relevant representation has been made, unless the applicant can demonstrate that there will be no negative cumulative impact on one or more of the Licensing Objectives. Accordingly, the presumption of refusal in this policy is not absolute and the circumstances of each application will be considered where a relevant representation has been made.

5 The presumption of refusal does not relieve responsible authorities or other persons of the need to make a relevant representation. Applicants will need to address the special policy issues in their operating schedules. If there are no representations the Licensing Authority must grant the application in terms consistent with the operating schedule submitted.



6. The cumulative impact policy will be kept under review by the Licensing Authority.

7. The geographical boundary of the proposed area

Figure 1. Cumulative Impact Area (CIP).

Annex 5— Special licensing policy for the Shepherd's Bush Area

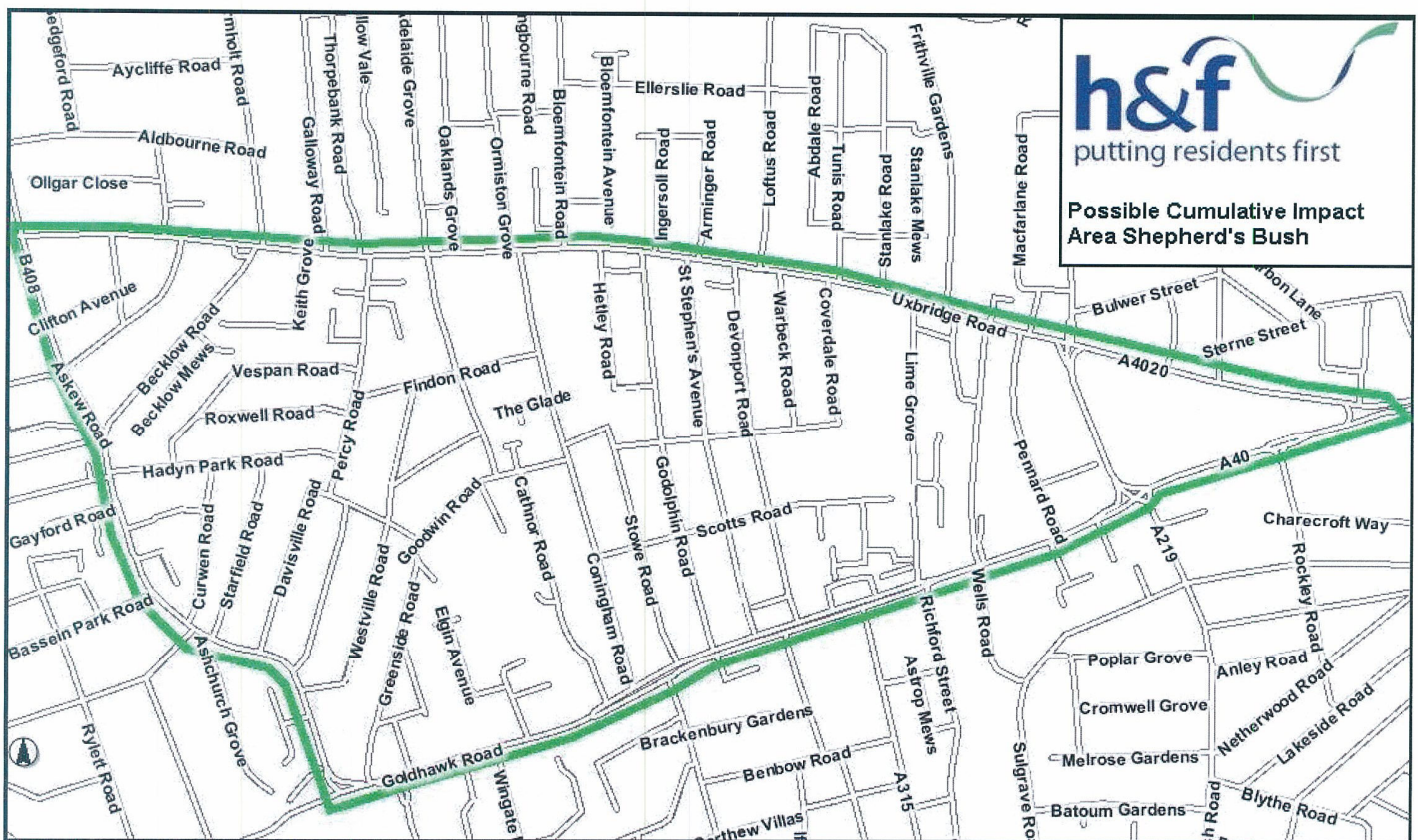
1. The Council has decided to introduce a special policy relating to cumulative impact (as provided by the Secretary of State in the Guidance issued under section 182 of the Licensing Act 2003 (paragraphs 13.24 to 13.39) and the Council's own Statement of Licensing policy dated January 2011 (paragraph 6.1 to 6.7) to the Shepherd's Bush Area (being the area outlined and all premises which have a principal form of access onto the outlined area as shown on the attached map).

2. "Cumulative impact" means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

3. The four licensing objectives are:-

- The prevention of Crime and Disorder
- Public Safety
- The prevention of Public Nuisance
- The protection of Children from Harm
- Protection

4. This policy will apply to all licensed premises as the Shepherd's Bush Area has been identified as being adversely affected in terms of the licensing objectives because of the cumulative impact of the concentration of licensed premises.



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5. There is evidence that the cumulative impact includes serious problems of crime, disorder and public nuisance. Having regard to the evidence, the Licensing Authority has been satisfied that it is appropriate and necessary to include an approach to cumulative impact. The evidence for this special policy may be viewed on request at the Council Offices.
6. Applications for new premises licences, club premises certificates or any variations within the Shepherd's Bush Area that are likely to add to the existing cumulative impact will normally be refused where a relevant representation has been made, unless the applicant can demonstrate that there will be no negative cumulative impact on one or more of the four licensing objectives. Accordingly, the presumption of refusal in this policy is not absolute and the circumstances of each application will be considered where a relevant representation has been made.
7. The presumption of refusal does not relieve responsible authorities or interested parties of the need to make a relevant representation. Applicants will need to address the special policy issues in their operating schedules. If there are no representations the licensing authority must grant the application in terms consistent with the operating schedule submitted.
8. The cumulative impact policy will be kept under review by the Licensing Authority

Glossary

Appeals

Appeals against decisions of the Licensing Authority are to the magistrates' court for the area in which the premises are situated. The appeal must be lodged within 21 days of being notified of the Licensing Authority's decision. On appeal a magistrates' court may, dismiss the appeal; substitute its own decision; remit the case to the Licensing Authority with directions; and make an order for costs.

Designated Premises Supervisor (DPS)

The person in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder themselves (who must also be a Personal Licence holder.)

Extended hours application

Any application that seeks to extend the hours of operation of the premises to which it relates. Whilst all applications will be thoroughly scrutinised with a view to the promotion of the Licensing Objectives, particular care might need to be taken when an extension of hours is requested. In such circumstances, there might be greater potential for impact on residential occupiers that might amount to a public nuisance. An hours restriction might be the only method of promoting the Licensing Objectives, particularly in the light of advice in PPG 24 Planning and Noise which recognises a distinction that noise might have on residential occupants between the hours of 11pm and 7am compared with the rest of the day.

Late night refreshment premises

Premises where refreshment is provided at any time between the hours of 11.00pm and 5.00am. This includes the supply of hot food or hot drink to members of the public whether for consumption on or off the premises.

Licensable activities

Those activities under the Licensing Act 2003, which require a licence from the Licensing Authority include the following:

- 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 a club;
- The provision of regulated entertainment;
- The provision of late night refreshment.

Licensing Authority

In the Licensing Act 2003 licensing authorities in London are defined as the councils of London boroughs.

Other Persons

Other Persons means any individual, body or business who is affected by the operation of a licensed premises regardless of their geographical location.

Personal licences

A licence which:

- Is granted by a Licensing Authority to an individual;
- Authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with the premises licence.

Regulated entertainment

Includes both entertainment and entertainment facilities, where the following takes place in front of an audience and is provided for the purpose of entertaining that audience:

- A performance of a play;
- An exhibition of a film;
- An indoor sporting event;
- A boxing or wrestling entertainment (indoors and outdoors);
- A performance of live music;
- Any playing of recorded music;
- A performance of dance;
- Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.

NB If the music is incidental to the main purpose of the event then this will not require a licence, such as provision of a jukebox. A karaoke machine would constitute regulated entertainment and therefore require a licence. Musical instruments made available for members of the public would also constitute an entertainment facility.

Relevant representation

A representation (objection) by an other persons or a responsible authority that relates to the likely effect of the grant of the licence on the promotion of at least one of the four Licensing Objectives.

Responsible authorities

These include:

- Licensing Authority
- Chief Officer of Police;
- The Fire Authority;
- The enforcing authority for health and safety at work;
- The Primary Care Trust
- The Planning Authority;
- The local authority responsible for minimising or preventing the risk of pollution or harm to human health;
- The recognised body responsible for the protection of children from harm;
- Trading Standards.

Special event

This definition relates to events that require a Promotion Event Risk Assessment Form 696 and 696A

A significant event will be deemed to be any occasion in a premises licensed under the provisions of the Licensing Act 2003, where there will be a live performer(s) – meaning musicians, DJs, MCs or other artiste;

that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.

Security Industry Authority (SIA)

An authority that implements the Private Security Industry Act 2001, their key role is managing and issuing of licences for people working in particular areas of the private security business, including door supervisors.

Variation

A variation is a material change to a premises licence and would include an increase in the capacity of the premises, a change in the hours of operation of the premises, and change to the way the premises is to operate in regard to the operating schedule or a request to vary an existing condition attached to the premises licence.

Contact details

For further information about this policy please contact licensing@lbhf.gov.uk

or write to:

London Borough of Hammersmith & Fulham
Licensing Authority
Transport and Technical Services Department
5th Floor Town Hall Extension
King Street, Hammersmith
London
W6 9JU
Phone: 020 8753 1081
Fax: 020 8753 3922

Email: licensing@lbhf.gov.uk

Website: www.lbhf.gov.uk

Statement of Gambling Principles

Questionnaire

This questionnaire should be read in conjunction with the revised policy. Any new sections of the policy are included in red.

- 1. The policy currently includes a ‘no casino’ resolution for the entire borough. This resolution is made on the basis that the borough is mainly residential. Would you support the renewal of this resolution?**

Yes
No
Don't Know

- 2. This policy looks to address issues with Adult Gaming Centres (AGC's) and Family Entertainment Centres (FEC's) by requesting that opening hours are specified in future applications. This request is made as a result of complaints that some AGC's are operating late into the evening where planning restrictions are not in place. Do you agree with this request?**

Yes
No
Don't Know

- 3. The revised Policy looks to add a section on the primary use of premises. This section seeks to remind applicants that they must not apply for a particular licence only in an effort to make use of the gaming machine entitlement that the licence provides. Although this is currently illegal under the Gambling Act this section looks to reinforce the Council's position on this practice. Do you agree with the position the policy takes on primary use?**

Yes
No
Don't Know

- 4. Further information has also been provided in relation to the review of licensed premises at section 8 of the attached policy and the suggested conditions for premises at section 5. Are you broadly in favour of these amended sections?**

Yes
No
Don't Know

- 5 Would you be in favour of a pool of conditions, as are currently included in the Licensing Policy, for applicants to refer to when making a new Gambling application ? If so are you able to suggest any conditions which you would like to see added to the Policy ?**

Yes
No
Don't Know

Please add any suggested conditions here :

- 6 Unlicensed Family Entertainment Centres (FECs), which do not hold a premises licence, are currently able to apply to the Council for a gaming machine permit to allow category D machines. We are unable to attach conditions to this type of permit but could adopt a statement of principles which any applicant would need to refer to. - FECs are often associated with seaside resorts and referred to as arcades. They normally offer video game machines alongside other gaming machines.**

- 7 Do you agree broadly with the introduction of a statement of principles for FECs ?**

Yes
No
Don't Know

- 8 It has been suggested that the statement of principles should ask unlicensed FEC operators to demonstrate the following :**

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's
- That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act): and
- That staff are trained to have a full understanding of the maximum stakes and prizes.

- 9 Are there any additional considerations which you think should be taken into account within an FEC statement of principles ?**

Yes
No
Don't Know

Please add any additional considerations for FECs here :

- 10 Relevant representations – A section is proposed to outline what wouldn't be acceptable in a representation to a new gambling application. Do you have any ideas or views on what shouldn't be acceptable within a representation ?**

- 11. Other minor changes to the wording of the policy have been included in red in the attached document. Please could you indicate in the box below if you are in favour with these changes, or if there is a particular point which you think should be added or excluded?**

12. Overall do you feel the policy is clearly written and easy to understand?

Yes

No

Don't Know

13. If you feel there is something this Policy has not adequately addressed or would like to make any other comments in relation to this consultation please detail them below:

Under the Gambling Act 2005 we must publish a statement of the principles which we are going to apply in relation to gambling. This statement will apply from 31 January 2013.

We have prepared this statement of principles after considering the guidance issued by the Gambling Commission and the licensing objectives of the Gambling Act 2005. We have consulted people on this policy (see page 9) and have considered any responses to the draft statement before adopting and publishing this final document.

We will review and publish this statement at least every three years, and consult people again about any amended parts. If you would like more information, please contact us.

Licensing Section
Public Protection and Safety
Environment Services
5th Floor Town Hall Extension
King Street
Hammersmith
London W6 9JU

E-mail: licensing@lbhf.gov.uk
Website: www.lbhf.gov.uk
Phone: 020 8753 1081
Fax: 020 8753 3922

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1 Introduction

1.1 The Gambling Act 2005 (the Act) introduced a unified regulator for gambling in Great Britain – the Gambling Commission – and a new licensing system for commercial gambling to be managed by the Commission or by local authorities, depending on the matter that needs to be licensed. The only exceptions are spread betting (regulated by the Financial Services Authority), remote gambling (regulated by the Gambling Commission) and the National Lottery (regulated by the National Lottery Commission). We, the Licensing Authority and the Gambling Commission, will share responsibility for all matters previously regulated by the magistrates' court.

1.2 The Gambling Commission will be responsible for granting operating and personal licences for commercial operators and personnel in the industry. We will issue premises licences for:

- betting offices and racetracks;
- bingo clubs;
- adult gaming centres; and
- family entertainment centres.

We will also issue permits for:

- gaming machines in alcohol-licensed premises, such as pubs;
- gaming machines for members' clubs;
- gaming in members' clubs;
- family entertainment centres not licensed to sell alcohol (category-D machines only, that is, those that have the lowest level of stakes and prizes);
- occasionally - and temporary-use notices; and
- provisional statements.

1.3 Under the Act, we must consider the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- making sure that gambling is carried out in a fair and open way; and
- protecting children and other vulnerable people from being harmed or exploited by gambling.

1.4 Under section 153 of the Act, when making decisions about premises licences and temporary-use notices, we should allow the premises to be used for gambling if we think it is:

- in line with any relevant code of practice and guidance issued by the Gambling Commission; and

- reasonably consistent with the licensing objectives and in line with the principles set out in this document.

1.5 Under the Act, we must:

- be responsible for licensing premises where gambling activities are to take place by issuing premises licences;
- issue provisional statements;
- regulate members' clubs and miners' welfare institutes that want to offer certain gaming activities by issuing club gaming permits or club machine permits (or both);
- issue club machine permits to commercial clubs;
- grant permits for certain lower-stake gaming machines at family entertainment centres that are not licensed to sell alcohol;
- receive notices from premises that are licensed to sell alcohol (under the Licensing Act 2003) that they want to use one or two gaming machines;
- issue gaming machine permits for premises that are licensed to sell or supply alcohol for people to drink on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- register small-society lotteries below set limits;
- issue prize gaming permits;
- receive and approve temporary-use notices;
- receive occasional-use notices;
- provide information to the Gambling Commission about the licences we have issued (see the section on exchanging information); and
- maintain registers of the permits and licences that we issue.

2 The borough

2.1 Hammersmith & Fulham is one of 13 inner-London boroughs. It is situated in the centre-west of London, on the transport routes between the city and Heathrow airport.

2.2 It is a long, narrow borough, running north to south with a river border at its south and south-west side. It is bordered by six London boroughs – Brent to the north, Kensington and Chelsea to the east, Wandsworth and Richmond-upon-Thames to the south, and Ealing and Hounslow to the west. Not including the City of London, it is the third smallest London borough in terms of area, covering 1,640 hectares. It has three town centres – Shepherd's Bush, Hammersmith and Fulham.

2.3 Hammersmith & Fulham is made up of 16 electoral wards. These range in size from 55 hectares to 344 hectares. These areas are shown on the map on page 9.

2.4 When producing this statement we have considered:

- local crime prevention;
- the licensing policy;
- our planning, transport, tourism and cultural strategies; and
- our equality agenda.

2.5 We consulted the following people before finalising and publishing this statement.

- The police
- Local Safeguarding Children's Board (LSCB)
- Trade associations
- Residents' associations
- Businesses
- Fire authority
- Ward councillors
- Neighbouring authorities
- Chamber of Commerce
- Drug and alcohol action team
- Crime and disorder reduction partnership
- Trade unions
- Other relevant people who could be affected by this policy

2.6 If you would like to see the full list of comments made on the draft statement, please contact us. Our contact details are on page 3.

2.7 This statement was last approved at a meeting of the full council on 29 November 2006 and was published on our website on 20 December 2006. Copies were put in the public libraries as well as being available in the town hall.

2.8 This statement of principles will not stop any person from making an application, commenting on an application, or applying for a review of a licence, as we will consider each one individually and according to the Gambling Act 2005 (except for casinos, see section 16 on page 17).

3 General principles

3.1 The Act and any associated regulations will apply to premises licences as well as specific conditions set out in regulations. We can exclude some conditions and attach others, where we consider it to be appropriate.

3.2 We are aware that the Gambling Commission's guidance for local authorities says that moral objections to gambling are not a valid reason to reject applications for premises licences, and also that a licensing authority must not consider unmet demand when deciding an application. However, to meet the

licensing objectives, we will have to consider whether a particular place is appropriate.

3.3 Under the Act, 'premises' includes 'any place'. A single premises cannot have different premises licences operating at different times. However, it is possible for a single building to have more than one premises licence, as long as they are for different parts of the building and the different parts of the building can reasonably be considered as different premises. Whether different parts of a building can properly be considered as separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider areas of a building that are artificially or temporarily separate to be different premises.

3.4 If more than one application is received for premises licences in a single building, we will make a decision on whether the proposed premises are genuinely separate to the extent that they merit their own licence and are not an artificially created part of what is readily identifiable as a single and separate unit. A decision of this nature will be taken by the licensing sub-committee. When determining whether two or more proposed premises are separate, we will take a number of factors into account. Depending on the specific circumstances of the case these may include:

- Do the premises have different postal addresses?
- Is a separate registration for business rates in place at the premises?
- Are the neighbouring premises owned by the same person or not?
- Can each set of premises be accessed from the street or a public passageway?
- Can the premises be accessed only from any other gambling premises?
- How are the premises separated? Are any partitions fixed, of full height and transparent in any part?

Where the licensing authority determines that more than one premises licences can be granted within a single building, then specific measures may be required to be included as conditions on the licences. Such measures may include:

- the supervision of entrances
- segregation of gambling from non-gambling areas, which may include the type and position of partitions and / or the supervision of the premises and gaming machines

3.5 We pay particular attention to the Gambling Commission's guidance for local authorities, which says the following.

Licensing authorities should take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

3.6 You cannot get a full premises licence until the premises in which you are going to offer the gambling are built. The Gambling Commission has advised that 'the premises' means the premises in which gambling may now take place. So a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. The Gambling Commission emphasises that making sure the building is complete means that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

3.7 In line with the Gambling Commission's guidance for local authorities, we will pay particular attention to protecting children and vulnerable people from being harmed or exploited by gambling, as well as issues of crime and disorder.

3.8 If any policy is developed which affects where gambling premises can be located, we will update this statement. However, any such policy will not prevent anyone from making an application and we will consider each application individually, except for an application for a casino (see section 16 on page 17). You will have to show how any possible concerns can be overcome.

3.9 We will try to avoid repeating any work already carried out under other systems where possible, including planning. We will not consider whether a licence application is likely to be awarded planning permission or building regulations approval. However, we will carefully consider any concerns about conditions which are not able to be met by licensees due to planning restrictions.

4 Premises Licences

4.1 Any person or business that wishes to offer gambling for which an operating licence from the Gambling Commission is required, and which is premises based, must apply to the Licensing Authority for a premises licence.

4.2 Premises licences can authorise the provision of facilities on:

- (a) casino premises,
- (b) bingo premises,
- (c) betting premises including tracks and premises used by betting intermediaries,
- (d) adult gaming centre premises, or
- (e) family entertainment centre premises.

4.3 For each premises type the Act makes it clear that the primary activity should be that described in the premises licence type. It is the council's opinion that all gambling premises, whether subject to application or currently licensed, must operate primarily in the use of the licence type applied for or issued.

4.4 A premises licence issued by the Licensing Authority will be subject to mandatory and/or default conditions and conditions imposed by the council. The council may consider that conditions, other than the mandatory or default conditions, are necessary to ensure that the premises are reasonably consistent with the licensing objectives, the Commission's codes of practice and/or local authority guidance, and this statement of principles.

4.5 The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Gambling Act 2005 authorises the provision of gambling facilities for the following types of premises licences:

- (a) casino premises
- (b) bingo premises
- (c) betting premises, including tracks and premises used by betting intermediaries
- (d) adult gaming centre premises (for category C and D machines)
- (e) family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue family entertainment centre gaming machine permits, which authorise the use of category D machines only).

(See the glossary at point 23 for definitions of categories of gaming machines)

4.6 In betting premises the primary activity will be betting, with gaming machines as an ancillary offer on the premises. The Commission have provided information relating to the primary gambling activity in both the Local Authority Guidance and Supplement 4 of the Licence Conditions and Codes of Practice which was published in January 2009. This supplement sets out the requirements on the operator to ensure that their premises operate within the terms of the Act and the relevant conditions. It should be noted that the Act does not permit a premises to be licensed for more than one gambling activity.

4.7 The council will take decisions in accordance with the Commission's view on primary gambling activity and will expect applicants to operate premises in line with the Commission's Guidance and conditions on their operators licence. The council will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises are intended to be used for the primary gambling activity proposed. For example a betting (other) premises licence application that only has 4 gaming machines but no betting counter or associated betting facilities shown on the proposed plans, will not be considered as offering the primary gambling activity in accordance with that indicated on the application.

5 Conditions

5.1 Any conditions attached to licences will be lawful and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

5.2 Certain matters are set out in the Act may not be the subject of conditions. These are :

- conditions which make it impossible to comply with an operating licence.
- conditions as to gaming machines that contradict the provisions in the Act.
- conditions making activities, premises or parts of them operate as a membership club
- conditions on fees, winnings, stakes or prizes.

5.3 We will make decisions on individual conditions, on a case-by-case basis, although there will be a number of measures we will consider using if necessary, such as using supervisors, appropriate signs for adult-only areas and so on. We will also expect you to offer suggestions as to how you will meet the licensing objectives effectively.

5.4 We will also consider specific measures which may be needed for buildings which have more than one premises licence. These may include supervising entrances, separating gambling from non-gambling areas used by children and supervising gaming machines in non-adult gambling premises to achieve the licensing objectives.

5.5 Appropriate licence conditions may be as follows.

- All gaming machines are in an area of the premises which is separated from the rest of the premises by a physical barrier which prevents people from entering other than through a specific entrance.
- Only adults are allowed into the area where these machines are.
- Access to the area where the machines are is supervised.
- The area where these machines are must be arranged so that it can be monitored by the staff or the licence holder.
- Recognised proof-of-age schemes must be in place.
- At the entrance to and inside any of these areas, notices should be clearly displayed showing that people under 18 are not allowed in these areas.
- The entrance and gaming machines must be in appropriate places.
- Closed-circuit television must be provided.
- Door supervisors must be provided.
- There must be specific opening hours.
- There must be self-barring schemes. This means that problem gamblers can ask for their casual membership to be suspended and ask to be denied entry so they can deal with their addiction.
- Information leaflets and helpline numbers for organisations such as Gamcare must be provided.

5.6 The licensing authority will ensure that where category C or above machines are on offer in premises to which children are admitted the following conditions should apply :

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent any views of machines in category C or above and any access to them other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

5.7 The licensing authority expects all premises licence applications to specify opening hours. Particular attention will be paid to the opening hours for Adult Gaming Centres and Family Entertainment Centres which do not have opening hours specified as part of their mandatory conditions.

5.8 These considerations will also apply to premises where more than one premises licence is needed.

5.9 We may consider whether door supervisors are needed to meet the licensing objectives of protecting children and vulnerable people from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. We may feel it necessary to add specific conditions in relation to door supervisors, particularly when the door supervisors do not have to be registered with SIA. These conditions may include:

- the need to be easily identifiable, with the person's name badge clearly on display; and
- the need to have received specific training related to the task being performed.

5.10 This recognises the work door supervisors carry out in terms of searching individuals, dealing with potentially aggressive people and so on.

5.11 For premises other than casinos and bingo premises, operators and licensing authorities may decide that entrances and machines should be supervised in particular cases, but they will need to decide whether these supervisors need to be licensed by the SIA or not. It will not be automatically assumed that they need to be.

5.12 There is no evidence that betting offices need door supervisors to protect the public. The authority will only order a betting shop to appoint a door supervisor if there is clear evidence that the premises cannot be properly supervised from the counter.

6 Responsible authorities

6.1 The responsible authorities as defined by the Act are listed in the glossary on page 21.

You can get the contact details of all the responsible authorities under the Act from our website at www.lbhf.gov.uk

6.2 We must set out the principles we will apply when naming an organisation which will be able to advise us on protecting children from harm. The principles are that the organisation must be:

- responsible for an area covering the whole of the licensing authority's area; and
- be answerable to elected people, rather than any group with an interest in gambling.

6.3 We appoint the Local Safeguarding Children's Board (LSCB) for this purpose.

7 Interested parties

7.1 Interested parties can comment on licence applications, or apply for a review of an existing licence. Interested parties are defined in section 158 of the Act as follows. 'For the purposes of this part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) has business interests that might be affected by the authorised activities; or
- c) represents persons who satisfy paragraph (a) or (b).'

7.2 We will decide each case individually. We will not apply a strict rule when making decisions. We will consider the examples of considerations provided in the Gambling Commission's guidance for local authorities at paragraphs 8.14 and 8.15 of that guidance.

7.3 The Gambling Commission has recommended that we make it clear that interested parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission guidance for local authorities 8.17). However, we will not generally view these organisations as interested parties unless they have a member who can be classed as an interested person under the terms of the Act (that is, lives close enough to the premises or has business interests that might be affected by the activities being applied for).

7.4 Interested parties can be people who are democratically elected such as councillors and MPs. We won't need specific evidence of them being asked to represent an interested person as long as the councillor or MP represents the ward that is likely to be affected. Other than these, however, we will generally need written evidence that a person or organisation 'represents' someone who either lives close enough to the premises to be likely to be affected by the authorised activities or has business interests that might be affected by the authorised activities. We will accept a letter from one of these people, asking for the representation.

7.5 If people want to approach councillors to ask them to represent their views, they should be careful that the councillors are not part of the licensing committee dealing with the licence application. Councillors may be restricted in representing constituents under the members' code of conduct in cases where they have a particular interest. Please contact us if there are any doubts (our contact details are on page 3).

8 Reviews

~~7.1 Interested parties or responsible authorities can ask us to review a premises licence (see the glossary on page 21 for a list of relevant authorities). However, we will decide whether the review should be carried out. Our decision will be based on whether the request for the review:~~

~~8.1 An interested party or a responsible authority (see the glossary on page 18 for a list of relevant authorities) may apply to the council to review a premises licence. Such reviews can be made in relation to, amongst other things if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address, where incidents that have adversely effected one or more licensing objectives have occurred at a premises that could have been prevented if advice and guidance from a responsible authority had been heeded, if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder.~~

~~8.2 As a review of a premises licence can lead to its revocation the council will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The council accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.~~

~~8.3 Our decision will be based on whether the request for the review:~~

- ~~• raises an issue relevant to any relevant code of practice, any relevant guidance issued by the Gambling Commission, the licensing objectives or this statement;~~
- ~~• is frivolous or vexatious;~~
- ~~• will cause us to alter, revoke (withdraw) or suspend the licence; or~~
- ~~• raises grounds that are substantially the same as, or different from, grounds within an earlier request for a review or from representations made in relation to the application for the premises licence.~~

8.4 We can also review a licence for any reason we consider to be appropriate under the law.

9 Enforcement

9.1 We have signed up to the regulators' compliance code and will follow the principles set out in it. We will try to make sure that any enforcement action we take is:

- proportionate – regulators should only get involved when necessary solutions are appropriate to the risk posed, and costs have been identified and reduced;
- accountable – regulators must be able to justify decisions, and be open to public questioning;
- consistent – rules and standards must be put into practice fairly;
- transparent – regulators should be open, and keep regulations simple and user-friendly; and
- targeted – regulations should be focused on the problem, and reduce side effects.

9.2 We will also follow a risk-based inspection programme. While the Gambling Commission's guidance suggests that we should include the criteria we will use for this, this has not been possible. At the time of writing, the Gambling Commission has not published its risk criteria regulations or codes of practice. We will consider this model once it is available.

9.3 Once premises have been licensed it is essential that they are monitored to make sure that they are run in line with their operating schedules and with any licence conditions. It will also be important to monitor the borough for unlicensed premises.

9.4 The main enforcement role for us in terms of the Act will be to make sure that premises are used in line with the licences and other permissions which we authorise. The Gambling Commission will be the enforcement body for the operating and personal licences. The Gambling Commission will also deal with concerns about the manufacture, supply or repair of gaming machines.

9.5 We will investigate complaints about licensed premises in relation to the licensing objectives which we are responsible for. However, to begin with, you should raise the complaint directly with the licence holder or business concerned to try and find a solution.

10 Exchanging information

10.1 We will follow the Act whenever we exchange information with other people. Sharing information with certain other people will not break the Data Protection Act 1998.

10.2 We will also consider any guidance issued by the Gambling Commission

to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

10.3 If any guidelines are produced about exchanging information with other organisations, we will make them available.

10.4 You can find guidance on how to get information under the Freedom of Information Act or Data Protection Act on our website at www.lbhf.gov.uk

11 Provisional statements

11.1 We will decide whether premises can be considered for a premises licence. The guidance issued by the Gambling Commission advises that the building should be complete so that the authority could, if necessary, carry out a full inspection.

11.2 We cannot consider any more representations from relevant authorities or interested parties after we have issued a provisional statement, unless they concern matters which could not have been dealt with at the provisional statement stage, or they reflect a change in your circumstances. We may also refuse the premises licence (or grant it on terms different to those attached to the provisional statement) if the matter:

- could not have been raised by objectors at the provisional licence stage; or
- reflects a change in the operator's circumstances.

12 Temporary-use notices

12.1 These allow premises to be used for gambling where there is no premises licence but where a gambling operator wants to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary-use notice would include hotels, conference centres and sporting venues.

12.2 A temporary-use notice may only be granted to a person or company holding a relevant operating licence. For example, the holder of a betting operating licence could apply to provide betting facilities at a snooker tournament.

12.3 The Secretary of State will list the gambling activities that may be covered by a temporary-use notice, as well as activities that may not be and activities that may not be combined with any other.

13 Occasional-use notices

13.1 Where there is betting on a track on eight days or less in a calendar year, betting may be allowed under an occasional-use notice without the need for a full premises licence.

13.2 We have very little power in relation to these notices other than making sure that betting is not allowed for more than eight days in a calendar year.

14 Consultation

14.1 We will expect you to advertise the application in line with the regulations made under the Act.

14.2 We will carry out a consultation process in line with the regulations made under the Act. In exceptional circumstances we may consider it appropriate to carry out a more thorough public consultation. We will publicise details of applications received.

15 Adult gaming centres, family entertainment centres licensed to sell alcohol, bingo premises, betting premises.

15.2 When deciding applications for a premises licence for these premises, we will consider the need to protect children and vulnerable people from harm or being exploited by gambling. We will expect you to satisfy us that there will be enough measures in place to meet this licensing objective.

15.3 We will expect you to offer your own measures to meet the licensing objectives. Appropriate measures and licence conditions may include the ones listed in section 4 on page 12.

15.4 We will consider the guidance issued by the Gambling Commission and will take into account the size, suitability, layout of the premises and, if relevant, the number of counters available for face-to-face transaction.

16 Family entertainment centres not licensed to sell alcohol

16.1 If a premises does not hold a premises licence but wants to provide gaming machines, it may apply to us, the licensing authority, for this permit. The person applying must show that the premises will be completely or mainly used for gaming machines (section 238).

16.2 Unlicensed family entertainment centres will be able to offer only category-D machines with a gaming machine permit. There can be any number of category-D machines with such a permit (depending on other considerations such as fire regulations and health and safety, which will not be issues for the licensing authority under the Gambling Act). We cannot issue permits for vessels or vehicles.

16.3 We cannot attach conditions to this type of permit. We have not yet adopted a statement of principles for permits.

17 Casinos

17.1 We have a 'no casino' resolution in this borough because it is mainly residential and a casino would be out of character with the area. Also, at the moment, we have varied leisure and night-time activities around three town centres. We would not want to create an inequality between these competing town centres.

17.2 The 'no casino' resolution came into effect on the same date as this statement. We will review this resolution at least every three years, and can withdraw it at any time.

17.3 This means that we will not consider any applications for a premises licence for a casino. We will return any applications we receive with a notice that a 'no casino' resolution is in place.

18 Tracks

18.1 We are aware that tracks may need more than one premises licence and we will especially consider the effect on the third licensing objective (that is, protecting children and vulnerable people from being harmed or exploited by gambling).

18.2 We would expect you to show that suitable measures are in place to make sure that children do not have access to adult-only gaming facilities. Appropriate measures and licence conditions may include the ones listed in section 4 on page 12.

18.3 We will expect you to have plans that explain very clearly what you want authorisation for under the track betting premises licence and which, if any, other areas need a separate application for a different type of premises licence.

19 Travelling fairs

19.1 We will firstly consider whether you fall within the legal definition of a travelling fair.

19.2 If category-D machines or equal-chance prizes are going to be available at a travelling fair, we must decide whether or not the facilities for gambling are the main amusements at the fair.

19.3 Fairs cannot be held on a piece of land for more than 27 days a year, no matter whether it is the same or a different travelling fair using the land. We will work with our neighbouring authorities to make sure that land which crosses administrative boundaries is monitored so that the legal limits are not broken.

20 Gaming machine permits for premises that sell alcohol

20.1 Premises licensed to sell alcohol for people to drink on the premises are entitled to have two gaming machines, of categories C or D (or both). The licensee just needs to tell us about them. We can, however, remove this entitlement if:

- the machines are not provided in line with the licensing objectives;
- gambling has taken place on the premises that breaks a condition of section 282 of the Gambling Act (that is, written notice has not been provided to the licensing authority, a fee has not been paid and any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has not been met);
- the premises are mainly used for gambling; or
- an offence under the Gambling Act has been committed on the premises.

20.2 If a licensee wants to have more than two machines, they need to apply for a permit and we must consider that application based on the licensing objectives, any guidance issued by the Gambling Commission issued under section 25 of the Act, and any other relevant conditions.

20.3 One of the licensing objectives is to protect children and vulnerable people from harm or being exploited by gambling. We will expect you to show us that there will be enough measures to make sure that people under 18 do not have access to the adult-only gaming machines. Appropriate measures and licence conditions may include the ones listed in section 4 (the conditions are on page 12).

20.4 Some alcohol-licensed premises may apply for a premises licence for areas of the premises which are not licensed for selling alcohol. Any such application

would most likely need to be made and dealt with as a premises licence for an adult gaming centre.

20.5 We can decide to grant the application with a smaller number of machines or a different category of machines than you have applied for. Conditions (other than these) cannot be attached.

20.6 The holder of a permit must follow any code of practice issued by the Gambling Commission about where and how the machine must be used.

20.7 We have not yet adopted a statement of principles for permits.

21 Prize gaming permits (statement of principles on permits – schedule 14 paragraph 8 (3))

21.1 Gaming is defined as prize gaming if the nature and size of the prize does not depend on the number of people playing or the amount paid for or raised by the gaming. The operator decides the prize before anyone starts to play on the machines.

21.2 A prize gaming permit is a permit we issue to authorise gaming facilities with prizes on specific premises.

21.3 An application for a permit can only be made by a person who uses or plans to use the relevant premises. If the applicant is an individual, they must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is for the same premises. The application must be made to the authority in whose area the premises are completely or partly situated.

21.4 When making our decision on an application for this permit, we do not need to consider licensing objectives but must consider any Gambling Commission guidance.

21.5 There are conditions in the Act which the permit holder must follow. These are:

- the limits on participation fees, as set out in regulations;
- all chances to take part in the gaming must be offered on the premises on which the gaming is taking place and on one day, the game must be played and completed on the day the chances are offered and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not be more than the amount set out in regulations (if a money prize), or the set value (if a non-monetary prize); and
- taking part in the gaming must not entitle the player to take part in any other gambling.

22 Club gaming and club machine permits

22.1 Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club gaming machine permit.

22.2 Gambling Commission guidance says: 'Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations'.

22.3 We may only refuse an application if:

- a you do not fulfil the requirements for a members' or commercial club or miners' welfare institute and so are not entitled to receive the type of permit which you have applied for;
- b your premises are used wholly or mainly by children or young people;
- c you have committed an offence under the Act or have broken the conditions of a permit while providing gaming facilities;
- d a permit held by you has been cancelled in the previous 10 years; or
- e an objection has been lodged by the commission of the police.

22.4 There are conditions attached to club gaming permits that no child uses a category-B or category-C machine on the premises and that the holder follows any relevant code of practice about where and how gaming machines are used.

23 Glossary

23.1 Adult gaming centre – a premises that may have up to four category-B machines (restricted to B3 and B4), any number of category-C machines and any number of category-D machines.

23.2 Betting premises – a premises that may have up to four gaming machines of category-B (restricted to B2, B3 and B4), C or D.

23.3 Bingo premises – a premises that may have up to four category-B machines (restricted to B3 and B4), any number of category-C machines and any number of category-D machines.

23.4 Categories of gambling – regulations will define the classes according to the maximum amount that can be paid for playing the machine and the maximum prize it can deliver. These are the current proposals.

Maximum stake Maximum prize

A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100	£500
B3	£1	£500
B4	£1	£250
C	50p	£25
D	10p	or £5 cash or
	30p when a	£8 non-monetary
	non-monetary	
	prize	

23.5 Club machines permit – a premises will need this permit if it is a members' club, a commercial club or a miners' welfare institute, with up to three machines of category-B (restricted to B4) C or D (that is, three machines in total).

23.6 Family entertainment centre (with commission operating licence) – a premises that may have any number of category-C machines and any number of category-D machines. Category-C machines must be in a separate area to make sure that they are only played by adults.

23.7 Family entertainment centre (with gaming machine permit) – a premises that may have any number of category-D machines. There is no power for the licensing authority to set a limit on the number of machines covered by the permit.

23.8 Gaming machines – all machines on which people can gamble.

23.9 Occasional-use notices – where there is betting on a track on eight days or less in a calendar year, betting may be allowed under an 'occasional-use notice' without the need for a full premises licence.

23.10 Regulators' compliance code – protects the public, the environment and groups such as consumers and workers through the 'business-friendly' enforcement of regulations. It is a procedure that can be adopted by enforcement officers to help businesses and others meet their legal responsibilities without unnecessary expense while taking firm action, including prosecution where appropriate, against those who break the law or act irresponsibly.

23.11 Remote gambling – gambling that takes place on the internet.

23.12 Responsible authorities – these are public organisations that must be told about applications and that are entitled to make representations to the licensing authority in relation to applications for, and in relation to, a premises licence. They are:

- a licensing authority in whose area the premises is completely or partly situated;
- the Gambling Commission;
- the chief officer of police or chief constable for the area in which the premises is completely or partly situated;
- the fire and rescue authority for the same area;
- the local planning authority;
- the pollution department;
- the Local Safeguarding Children's Board (LSCB); and
- HM Revenue & Customs.

23.13 Spread betting – allows an investor to bet on whether they believe that the price quoted is likely to strengthen (go up in value) or weaken (go down in value). The profit or loss for a spread better depends on the difference in the buy and sell price.

23.14 Temporary-use notices – these allow premises to be used for gambling where there is no premises licence but where a gambling operator wants to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary-use notice would include hotels, conference centres and sporting venues.

23.15 Travelling fair – completely or mainly providing amusements on a site that has been used for fairs for no more than 27 days in each calendar year. Any number of category-D machines can be made available but the facilities for gambling must not be the main amusements at the fair.

If you have any comments about this statement, please send them by e-mail or letter to us.

Licensing Section
Public Protection and Safety
Environment Services
5th Floor Town Hall Extension
King Street
Hammersmith
London W6 9JU

E-mail: licensing@lbhf.gov.uk
Website: www.lbhf.gov.uk
Phone: 020 8753 1081
Fax: 020 8753 3922

Annex 1 – Mandatory Conditions

Gambling Act 2005 – Mandatory and Default Conditions by premises type

All Premises		
All	Summary of the terms and conditions of the premises licence shall be displayed in a prominent place with the premises.	Mandatory
All	The layout of the premises shall be maintained in accordance with the plan.	Mandatory
All	The premises shall not be used for the sale of tickets in a private lottery or customer lottery or the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.	Mandatory
Betting Premises		
Betting Premises	A notice stating that no person under the age of 18 is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.	Mandatory
Betting Premises	Access to the premises shall be from a street or from other premises with a betting premises licence. Apart from this there must be no direct access between the premises and other premises which are used for the retail sale of merchandise or services.	Mandatory
Betting Premises	The premises shall not be used for any purpose other than for providing facilities for betting apart from anything permitted under the Gambling Act 2005 and having an ATM, permitted visual/sound apparatus and permitted publications.	Mandatory
Betting Premises	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.	Mandatory
Betting Premises	No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes: a) Communicating information about, or coverage of, sporting events, including- (i) information relating to betting on such an event; and (ii) any other matter of information, including an advertisement, which is incidental to such an event; b) Communicating information relating to betting on any event (including the result of an event) in connection with which betting transactions may be or have been effected on the premises.	Mandatory
Betting Premises	No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.	Mandatory
Betting Premises	No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided via the sound / visual apparatus referred to above.	Mandatory
Betting Premises	No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises. A notice explaining this shall be displayed in a prominent place at every entrance to the premises.	Mandatory
Betting Premises	A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.	Mandatory
Betting Premises	HOURS: No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day.	Default
Betting Tracks only		
Tracks(all)	No customer shall be able to access the premises directly from another premises which has a casino premises licence or an adult gaming centre premises licence.	Mandatory
Tracks (all)	A notice stating that no person under the age of 18 is permitted to bet on the premises shall be displayed in a prominent place at every public entrance to the	Mandatory

	premises.	
Tracks(all)	The terms on which a bet may be placed must be displayed in a prominent place within the premises to which customers wishing to use facilities for betting have unrestricted access.	Mandatory
Tracks(all)	The premises licence holder shall make arrangements to ensure that betting operators who are admitted to the premises for the purpose of accepting bets- (a) will be operating under a valid operating licence; and (b) are enabled to accept such bets in accordance with- (i) the conditions imposed under sections 92 (general betting operating licence) or 93 (pool betting operating licence) of the 2005 Act, or (ii) an authorisation under section 94 (horse-race pool betting operating licence) of that Act	Mandatory
Tracks(all)	The premises licence holder shall make arrangements to ensure that reasonable steps are taken to remove from the premises any person who is found to be accepting bets on the premises otherwise than in accordance with the 2005 Act.	Mandatory
Tracks(all)	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.	Mandatory
Horseracing Tracks (converted from an existing track)	The licence holder shall ensure that any part of the tracks which, prior to 1 st September 2007, were made available for betting operators (or their assistants) will continue to be so.	Mandatory
Horseracing Tracks (converted from an existing track)	The charge for admission to an existing betting area for providing facilities for betting shall not exceed five times the cost of the highest charge paid by members of the public (for betting operators) or the highest charge paid by member of the public (for the betting operator's assistant). All betting operators and betting operators' assistants will be charged the same for admission to the same part of the track. No other charged may be made and the charges must only cover reasonable costs.	Mandatory
Horseracing tracks (all)	The premises licence holder shall provide a place on the premises where betting operators and betting operators' assistants may provide facilities for betting. This does not apply to converted licences until 1 st September 2012.	Mandatory
Dog Tracks	A totalisator on the premises shall only be operated at a time when the public are admitted for the purpose of attending dog races and no other sporting events are taking place on the premises, and for the purpose of effecting betting transactions on the dog races taking place on the premises.	Mandatory
Dog Tracks	At any time when the totalisator is being used, no betting operator or betting operator's assistance shall be excluded from the premises for the reason that s/he proposes to negotiate bets on the premises. There must also be space made available where the betting operators and their assistants can conveniently accept and negotiate bets in connection with the dog races running on the premises that day.	Mandatory
Tracks (all)	HOURS: No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next, except where there is a sporting event taking place on the premises. Where there is a sporting event taking place on the premises then gambling may take place at any time that day.	Default

Bingo		
Bingo	A notice stating that no person under the age of 18 is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.	Mandatory
Bingo	No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect: <ul style="list-style-type: none"> • A casino premises licence 	Mandatory

	<ul style="list-style-type: none"> • An adult gaming centre premises licence • A betting premises licence other than a track premises licence • 	
Bingo	<p>Where children and/or young persons are permitted by the licence holder to enter the premises, and category B or C gaming machines are made available for use on the premises, then the gaming machines must be:</p> <ul style="list-style-type: none"> • separated from the rest of the premises by a physical barrier to prevent access other than via an entrance designed to be the entrance • supervised at all times to ensure children or young persons do not enter the area • arranged so that the area can be observed by persons responsible for supervision or closed circuit television which is monitored <p>The gaming machines area must also have a notice at the entrance stating that no person under the age of 18 years is permitted to enter the area.</p>	Mandatory
Bingo	Where there is a charge for admission there must be a notice of the charge displayed in a prominent place at the principal entrance to the premises.	Mandatory
Bingo	A notice setting out any other charges in respect of the gaming (except prize gaming) shall be displayed at the main point where payment for the charge is to be made. Such a notice must include the cost (in money) of each game card or set of game cards, payable by an individual in respect of the game of bingo, and the amount that will be charged by way of a participation fee. There should also be in the notice a statement that all/part of the participation fee may be waived at the discretion of the person charging it. This notice can be displayed in electronic form.	Mandatory
Bingo	The rules of each type of game that is available (other than gaming machines) shall be made available to customers within the premises by either displaying a sign, making leaflets or other written material available, or running an audio-visual guide prior to any game commencing.	Mandatory
Bingo	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.	Mandatory
Bingo	HOURS: No facilities for gambling shall be provided on the premises between midnight and 9am, apart from gaming machines.	Default
Arcades		
Adult Gaming Centres	A notice stating that no person under the age of 18 is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.	Mandatory
Adult Gaming Centres	<p>No customer shall be able to access the premises directly from any other premises in respect of which a premises licence of the following types of permit have effect:</p> <ul style="list-style-type: none"> • unlicensed family entertainment centre gaming machine permit • club gaming or club machine permit • alcohol licensed premises gaming machine permit 	Mandatory
Adult Gaming Centres	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.	Mandatory
Adult Gaming Centres	No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises. A notice to this effect shall be displayed at every entrance to the premises in a prominent place.	Mandatory
Family Entertainment Centres	<p>No customer shall be able to access the premises directly from a premises where there is:</p> <ul style="list-style-type: none"> • a casino premises licence • an adult gaming centre premises licences • a betting premises licence(other than a track premises licence) 	Mandatory

Family Entertainment Centres	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.	Mandatory
Family Entertainment Centres	Where category C gaming machines are made available for use on the premises, then the gaming machines must be: <ul style="list-style-type: none"> separated from the rest of the premises by a physical barrier to prevent access other than via an entrance designed to be the entrance supervised at all times to ensure children or young persons do not enter the area arranged so that the area can be observed by persons responsible for supervision, or closed circuit television which is monitored The gaming machines area must also have a notice at the entrance stating that no person under the age of 18 is permitted to enter the area.	Mandatory
Family Entertainment Centres	No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises. A notice to this effect shall be displayed at every entrance to the premises in a prominent place.	Mandatory

Annex 2 – Local Pool of Licence Conditions

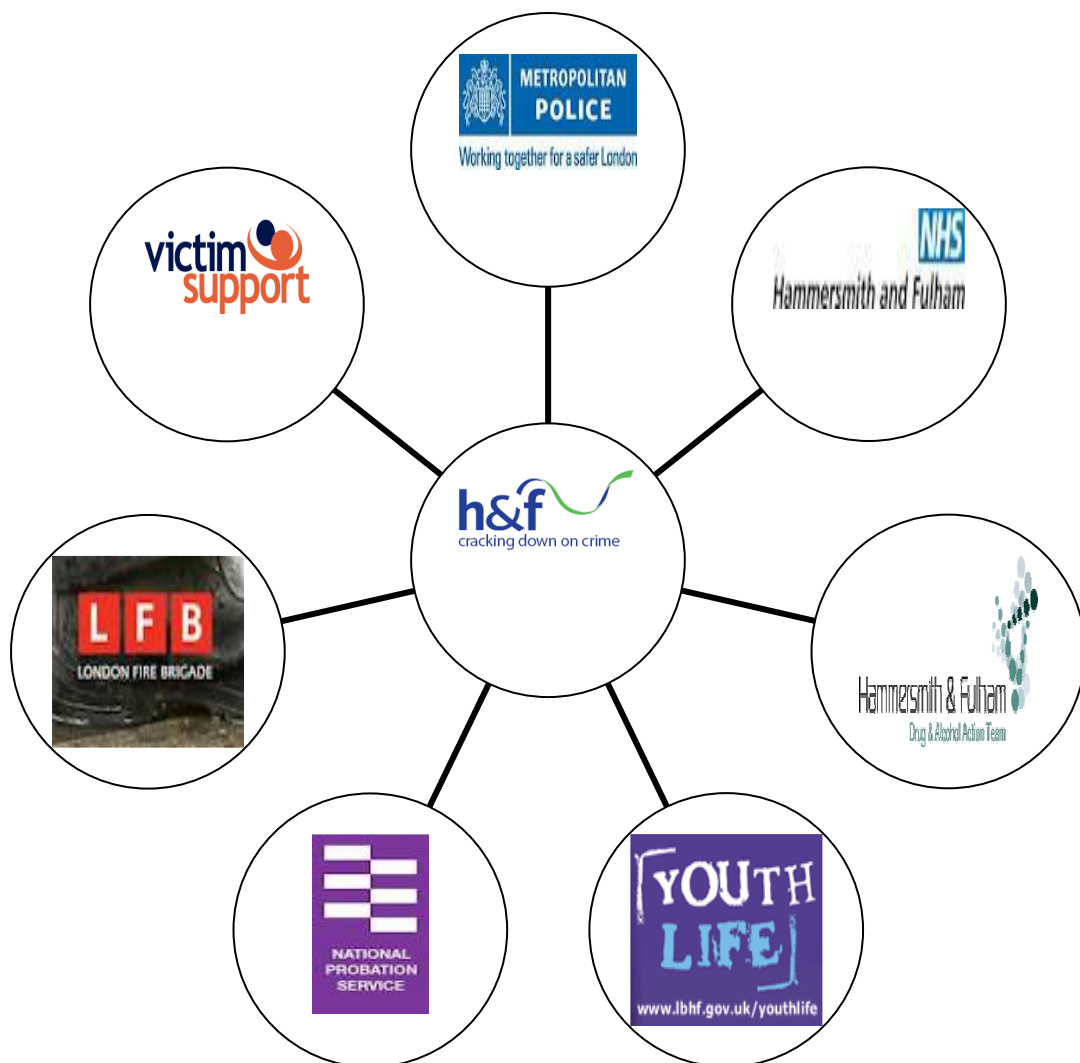
The following conditions can be applied to a number of different gambling premises. They can be used as a guide for applicants, residents, Councillors, agencies and responsible authorities such as the Police when making, commenting on or considering applications. This list is not exhaustive and should be used as a guide to help promote the three licensing objectives.

CCTV
CCTV shall operate at all times while the premises remains open to the public and all images captured will be recorded and stored on site for a minimum period of 31 days
Copies of CCTV recordings will be made available to the Police and/or the Licensing Authority on request within 48 hours of the request being made together with facilities for viewing where requested. If the CCTV equipment is inoperative, or is otherwise not installed and working to the satisfaction of the Police or the Licensing Authority, then within 48 hours the Police or Licensing Authority shall be notified and an estimate given of the repair timescale. The premises will comply with all reasonable requests from the Police, which may include the suspension of licensable activities if necessary.
Training
Full training shall be given to each member of staff employed at the premises. This training should include sections on compliance, fraud, robbery and crime prevention.
Written records of all staff training shall be kept at the premises and should be made available to the Police and / or authorised Council officers on request
Responsible Management
An incident log book will be maintained by the premises that details incidents of note that occur in the premises. This shall include refused sales, disorder, and ejections at a minimum. The log book shall be kept on the premises and be made available for inspection at all times the premises is open, and management shall regularly check the book to ensure that all staff are using it. This book should be made available for inspection by the Police or Council Officers at any time the premises is open.
Protecting children, proof of age schemes
A Proof of Age scheme shall operate at the premises and all staff shall be trained in its implementation. Only photographic ID such as a British driving licence, a current passport or a PASS ID card shall be treated as acceptable forms of identification
All staff shall be trained in the Proof of Age policy and how to identify acceptable means of identification.
Posters shall be displayed in prominent positions around the entrance to the premises advising

customers of the Proof of Age policy in force at the premises
A refusals book shall be kept at the premises to record details of all refusals to provide gambling activities. This book shall contain the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. The book shall be made available to the Police and/or authorised Council officers, on request.
Door Supervisors
Any door supervisors working at the premises must be licensed by the Security Industry Authority
A minimum of (insert number) door supervisors shall be on duty on the premises during the hours of (insert times) on (insert days of the week)
A minimum of (insert number) of door supervisors shall be provided on (insert days of week) to patrol external areas of the premises between the hours of (insert times)
Random searches of customers shall be undertaken of customers entering the premises between the hours of (insert times) and prominent signage provided to this effect
Crime Prevention
A metal detection device shall randomly be used by door supervisors to search patrons for weapons
A search arch shall be used at the entrance to the premises to detect customers who may be carrying weapons
An electronic door lock (maglock) shall be fitted to the front door of the premises.
Any drugs or weapons confiscated from customers shall be stored in a locked and secure container and the Police shall be notified as soon as reasonably practicable
All gaming machines shall have a control behind the counter to allow machines to be turned on or off.
(Insert crime prevention device – see below) shall be installed at the premises to the satisfaction of the Police licensing officer
<ul style="list-style-type: none"> ▪ Shutters ▪ Re – enforced steel back / front doors ▪ Window bars ▪ External lighting ▪ Security mirrors ▪ Prevention signage
No facilities for gambling shall be provided on the premises between the hours of (Insert time) on one day and (Insert time) on the next day

LONDON BOROUGH OF HAMMERSMITH AND FULHAM DRAFT ALCOHOL LICENSING STRATEGY

2012-2015



1. Introduction

Since the introduction of the Licensing Act 2003, the Council as the 'Licensing Authority' have been responsible for helping to promote the following four licensing objectives, within licensed premises, across the borough:

1. The prevention of crime and disorder;
2. Public Safety;
3. The prevention of public nuisance; and
4. The protection of children from harm

This strategy document sets out the London Borough of Hammersmith & Fulham Licensing Authority's approach to reducing crime, disorder, anti-social behaviour and the negative impact of alcohol on public health, over the next 3 years.

2. Background

In 2008 Hammersmith & Fulham ranked fifth out of 352 local authorities for being an area that was overall experiencing one of the **largest** impact and the **highest** level of harm across the following seven alcohol indicators: months of life lost (males); months of life lost (females); hospital admissions for alcohol-related harm (NI 39)¹; alcohol-related recorded crimes; claimants of incapacity benefits; hazardous drinking; and harmful drinking.

The most recent Local Alcohol Profile for the Licensing Authority is embedded at the end of this document, for background information.

Nationally it has been reported that the café culture society that was envisaged from the introduction of the Licensing Act 2003, has not materialised. Research has also shown that people put their health at risk due to excessive drinking and this has had some damaging effects on some parts of our society.

We believe that there are costs, crime and health consequences associated with the irresponsible selling and drinking of alcohol.

Recent statistics from an Institute of Licensing seminar revealed that nationally:

- 47% of all violent crime is alcohol related.
- 20% of all violent crime incidents take place in or around licensed premises.
- The cost of alcohol related crime and disorder is estimated to be between £8bn and £13bn a year.

From a local perspective, the information gathered from a **cumulative impact study in the Shepherds Bush area** also shows that:

- Instances of anti social behaviour reached their peak between 00:00 and 01:00 - almost double the number of instances recorded between 21:00 and 22:00. The most common types of behaviours recorded by officers were street drinking, alcohol pre-loading (*i.e. drinking cheap alcohol at home or from off-licences before going out for a night in pubs and clubs*), littering and rowdy behaviour.

¹ NI 39 was introduced as a National Performance Indicator for Local Authorities and Local Authority Partnerships: to reduce the trend in the increase of alcohol related hospital admissions.

- The number of alcohol related instances to which the Ambulance service responded to peaked in a similar way between 21:00 and midnight.
- The **Police** data on crime and disorder statistics showed that 36 licensed premises in the area accounted for 1095 reported incidents between 2007 and 2011.
- Two of the licensed premises accounted for 57% of the incidents reported above.
- The crime and disorder incidents recorded, included the following: bag snatches, possession of drugs, drug trafficking, common assault, theft and pick pocketing, violence, sexual offences, harassment, Grievous Bodily Harm (GBH) and Actual Bodily Harm (ABH).
- The **Safer Neighbourhoods Team** reported that:
 - There had been an increase by 21% of notifiable offences in 2010/11 which have been linked with the night time economy.
 - Users of on-licensed premises often migrated to premises who offered late night refreshments which meant that the safe and quiet dispersal of these groups was made more difficult.
- The **Trading Standards Team** reported that from 107 premises visited in the area, nearly 30% failed test purchase sales of age restricted products such as alcohol and cigarettes.
- **Waste and Street Services** reported that the cleaning problems associated with the area were urination, vomiting, and staining of the pavement. They also reported that there were problems with overproduction of food and food waste, from businesses and event venues, resulting in additional costs for the Council.
- High levels of littering and public urination were the top two types of anti social behaviour reported by residents.
- **Environment Protection Team** statistics for the Shepherds Bush study illustrated that from 2005 – 2010 they received a total of 419 complaints (average of 70 a year), and conducted 238 inspections (average of 40 a year) at licensed premises in the area.

The information produced from the study provides a snapshot of what is happening to varying degrees around the borough and helps to illustrate the link between the closing times and density of licensed premises and crime and anti social behaviour.

This licensing strategy and delivery plan clearly documents our intentions and is an additional step in our proactive approach towards the prevention and reduction of alcohol related violent crime, disorder and antisocial behaviour and the negative impact on public health.

3. Best Practice

Working with our partners, we will always strive to adopt best practice around:

- Interventions to tackle the alcohol-fuelled disorder, using enforcement powers to tackle problem premises and problem individuals; and
- Managing the night time economy using partnership approaches.

A great deal of best practice is already happening, as illustrated in the examples overleaf:

	Action Taken
Having a robust policy framework in place	Third statutory review of Statement of Licensing Policy to ensure that it is more robust than ever.
	Implemented two cumulative impact policies in the Fulham Broadway and Shepherds Bush area, to effectively manage the concentration of licensed premises.
Helping businesses to comply	Council support has been provided to the five pub watch schemes in the borough. Scheme initiatives have included the introduction of a 'drink banning order' scheme, 'Behave or be Banned' (BOBB) and encouraged the use of the council's town centre radio system to aid communication between licensed premises.
	Working with the Hammersmith BID has helped to fund 3 pubwatch intranet sites that facilitate information flow between responsible authorities and licensees. These include the dissemination of intelligence between parties and the highlighting of legislative updates and good practice.
Providing support for our residents	Officers attend the annual Council Crime Summit event to hear and respond to residents' concerns and tackle the licensing issues raised.
	An 'email alert' system has been set up for registered users to receive notifications of all premises licence applications/ variations and temporary event notices (TENS).
	We have worked in partnership with local schools to introduce licence conditions at certain licensed premises to reduce the number of street drinkers in the area.
	Officers regularly attend ward safe meetings with the Police, Parks constabulary, Housing and other key stake holders to discuss issues which are currently of concern to local residents and try to develop solutions from a multi agency perspective.
Proactive enforcement	Additional funding has been provided to get more police on the streets and has been a key priority and the focus of our crime-fighting approach.
	A borough wide controlled drinking zone has been implemented, resulting in a 60% reduction in the number of street drinkers in the borough.
	Responsible Authorities have carried out several licence reviews to promote the four licensing objectives. A total of 22 reviews were carried out from April 2011 to December 2011.
	We have reviewed the licences of many licensed premises in the vicinity of our three football clubs to ensure that conditions fully support public safety and the prevention of crime and disorder.
	Carrying out an annual, robust alcohol underage sales programme to tackle the illegal sale of alcohol to under eighteens.
	Using formal legal action to achieve compliance, where licence breaches have been identified and advice and warnings have been ignored.
Partnership Working	The Licensing Authority have signed a Memorandum of Understanding & Joint Enforcement Protocol (MoU), with key partners, which sets out our partnership approach to dealing with licensing issues. (Please refer to the embedded document at the end of this strategy).
	Premises Action Plans (PAPs) - Action plans have been introduced in order to resolve issues relating to specific premises. They involve working, liaising and supporting premises in order to resolve issues which affect the licensing objectives. These are robust in nature and outcome.
	Location Action Plans (LAPs) - Action plans have been introduced in order to target specific areas which have been highlighted as trouble hotspots relating to the night-time economy. They involve the problem solving input of all partners.
	A Licensing Action Group (LAG) has been formed to discuss applications, licensing issues which affect the night-time economy and joint enforcement/action. Members include the Licensing Authority, Metropolitan Police Service (MPS), London Fire Brigade (LFB), Trading Standards, Environment Protection, Commercial Services, Planning, Drug and Alcohol Action Team (DAAT) and Community Safety. It has improved communication and consistency of approach.

4. Strategic Licensing Goals

It is too simplistic to consider alcohol as being the root cause of it all, therefore there are particular concerns with the link between alcohol, crime and other negative impacts, in terms of:

OUR LICENSING OBJECTIVES	
<ul style="list-style-type: none">▪ The prevention of crime and disorder▪ The prevention of public nuisance	<ul style="list-style-type: none">▪ Public safety▪ The protection of children from harm
Impact of alcohol on crime and anti-social behaviour in the society	Impact of alcohol on individuals and public health
<ul style="list-style-type: none">▪ The Impact on the Wider 'Fear Of Crime'▪ Anti-Social Behaviour▪ Assaults [Actual Bodily Harm (ABH) /Grievous Bodily Harm (GBH)]▪ Alcohol/Drug Misuse▪ Theft/Robbery▪ Rape And Serious Sexual Assault▪ Threats▪ Harassment / Victimisation▪ Domestic Violence▪ Other offending	<ul style="list-style-type: none">▪ Underage drinking▪ Poor Health▪ Injuries sustained through accidents▪ Reduced Educational Attainment▪ Family Breakdown▪ Absenteeism▪ Failure to achieve potential▪ Death

The reduction of the level of alcohol related crime, disorder and anti-social behaviour and the negative impact on public health will be tackled through the **four** strategic goals below:

A. Building an Evidence Base

Aim: Use complaints, crime and other data to develop an accurate picture of key licensing issues across the borough and use tactical plans to address problems.

Objectives:

- Adopt a systematic approach to identify problems and issues.
- Improve intelligence through accurate information collection.

Why:

A key part of our success is our partnership with the MPS, however licensing incidents are recorded on different systems in different ways. A large proportion of the work carried out by the MPS requires the use of the National Intelligence Model (NIM). Intelligence (Intel) led approaches to *alcohol related crime* are a requirement of the NIM.

There is a strong need to adopt a standardised method of recording and analysing problems to support problem mapping and the evaluation of the local crime reduction strategies. Currently, the number of reports is low and quality of information recorded is variable.

Research has shown that it is rare to have repeat offenders but more common to have repeat locations for disorder and violence. Intel about the extent and location of alcohol related problems will allow key partners to understand the risks and nature of the problems, associated with particular types of premises, locations or individuals, and to task resources accordingly.

To be more effective and efficient we need to develop a robust system for the recording of licensing issues, that is consistent across partner agencies and is 'fit for purpose'.

How:

Proposed action	When
1. Use the LAG, Partners Tasking Group (PTG) and CDRP to agree priorities and a plan of action.	Year 1
2. Review the criteria to be used to identify problem premises.	Year 1
3. Periodically use intelligence data from Community Services, Performance and Information Team to help prioritise work streams.	Year 1
4. Ensure that licence details, licence conditions and hours of operation are easily accessible to all via the web.	Year 1
5. Develop a NIM based system for the MPS to be able to make timely and effective referrals to the Licensing Authority about alcohol related crime incidents.	Year 3
6. Improve the recording of all crimes and incidents that are connected with particular licensed premises.	Year 3

B. Providing Advice and Education

Aim: To empower key partners and stakeholders to utilise the powers available to them under the Licensing Act 2003 and associated legislation.

Objectives:

- Increase clarity amongst members of the community about the different functions of Responsible Authorities.
- Use legislation and readily available, up-to-date guidance to ensure that we have knowledgeable and skilled officers working in accordance with best practice.
- Improve perception of safety and reduce the 'fear of crime' through active and accurate engagement with the news media and other sources.

Why:

It is important to increase the knowledge of legislation and tactical tools that the Licensing Authority, police and partner agencies can employ to achieve a balance between the business of the night-time economy and the problems associated with it. Training and updates about legislative/procedural changes and best practice will maximise effectiveness.

Much of the good work carried out by the Licensing Authority and key partners goes unnoticed. Active engagement with the community through local and national media and other sources will highlight partnership activity and help to reduce the fear of crime.

How:

Proposed action	When
1. Provide councillor training pack and legal updates to assist new and existing members with making decisions at licensing sub committees, in light of changes to the Licensing Act 2003.	Year 1
2. Use information from the London Licensing Managers Forum (LLMF), the Institute of Licensing (IoL) and other local authorities to learn, review, adopt and disseminate good/best practice.	Year 1
3. All enforcement actions and key messages to publicised through appropriate channels.	Year 1
4. Use local media and other methods to better inform members of the community about our work.	Year 1
5. Provide legislation updates through the LAG and licensing webpage, in light of changes to the Licensing Act 2003.	Year 1

6. Engage with residents through Resident Associations to provide assistance with complaints and reviews.	Year 1
7. Improve the use of the licensing information on the council website.	Year 1
8. Advise businesses how to comply with the law, in light of changes to the Licensing Act 2003 and improve relationships with businesses through increased pubwatch membership.	Year 2
9. Targeted communication campaigns to be carried out, to assist in tackling specific issues.	Year 2
10. Provide training, as necessary, for partners to effectively process licence applications and enforce the law, in light of changes to the 2003 Act.	Year 3

C. Regulation and enforcement:

Aim: To use the four licensing objectives and the full range of enforcement options/sanctions to increase the level of compliance within licensed premises across the borough.

Objective:

- Use early interventions for minor offences to help bring about positive outcomes for the community by promoting the four licensing objectives.
- To target those licensed premises that choose to breach their licence conditions and fail to uphold the licensing objectives.

Why:

It is important to explore all possible avenues in line with best practice and the Licensing Authority's enforcement policy, whilst reducing the regulatory burden on businesses, as a commitment to better regulation and the principles of good practice to ensure fair, practical and consistent enforcement. This will help to set out the clear expectation that irresponsible licensees will not be tolerated.

How:

Proposed action	When
1. Work in partnership to tackle problem premises and other licensing issues from criteria used to identify the top 10 licensed premises for crime, anti-social behaviour and complaints.	Year 1
2. Accredit officers to issue Fixed Penalty Notices (FPNs) for underage sales of alcohol.	Year 1
3. Safeguard the welfare of children by using our powers to seize alcohol from under eighteens or those supplying under eighteens with alcohol.	Year 1
4. Continue to monitor premises for non-compliance and report breaches of licence conditions and legislation and undertake enforcement of licensing and other offences, in line with our enforcement policy.	Year 1
5. Reduce the number of illegal minicabs operating in the borough as part of the Safer Travel at Night (STAN) campaign working with TfL and MPS	Year 2
6. Utilise new powers brought about from 'Rebalancing the Licensing Act 2003' and the changes to the Police and Social Responsibility Act 2011.	Year 3

D. Improving Public Health

Aim: Working in partnership to reduce the negative affect of alcohol on public health, within the borough.

Objective:

- Make it difficult for under eighteens to purchase alcohol in the borough.

- Promote the benefits of sensible drinking and reducing alcohol intake
- Reduce the dependency on alcohol
- Improve the health of children and future generations
- Reduce the likelihood of drug use on licensed premises

Why:

Underage drinking is a big problem nationally (see Home Office Findings Report 277 – 2006). Society has put in place protective legislation to prevent children and young people under 18 years of age from drinking alcohol in public places, purchasing alcohol or being supplied with alcohol by adults. This legislation recognises that the negative effects on the health and well being of children and young people are generally much greater than on adults. Tackling underage alcohol consumption will assist with reducing crime and disorder and making our communities safer for all.

It is appreciated that many of the objectives identified are long term aims, however, it is believed that robust inspection and monitoring and our work with the DAAT will improve public health.

How:

Proposed action	When
1. Continue to share information with DAAT and Police about drug use on licensed premises.	Year 1
2. Continue to identify and treat people with alcohol problems.	Year 1
3. Carry out robust underage sales programmes for alcohol and tobacco, in licensed premises, using the full range of enforcement sanctions.	Year 1
4. Reduce the level of spirit substitution, counterfeit alcohol or incorrect measures being sold at licensed premises in the borough.	Year 2

5. Plans for implementation and mechanisms for delivery

Legislation has placed responsibility firmly on the local authority, to work with the police and other partners to manage the night-time economy effectively, within town centres, to reduce alcohol related crime. We should be particularly aware that problems associated with alcohol harm and crime do not respect the police, local authority or other organisations' boundaries.

To ensure the strategy has the right impetus and maintains momentum. The strategic goals of the strategy require the support of members of the LAG and CDRP to provide this drive. The LAG will be key to planning arrangements and ensuring that this strategy is delivered. The LAG Terms of reference have been embedded at the end of this strategy.

Implementation of some aspects of the strategy is already under way as it is a seamless continuation of previous licensing developments. Other timelines will be outlined in a separate detailed action plan, which will be aligned with this strategy.

6. Performance and Evaluation

The action plan that will be developed to implement this strategy will be monitored through key performance indicators (KPIs), which will be reviewed and agreed annually. Evaluation of the work streams, projects and actions carried out, as part of this strategy will be carried out periodically by members of the LAG and reported annually to CDRP members.



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Massage and Special Treatment Licence Fees 2012-13

The licence is valid for up to 12 months until 31st March. Renewal applications received after 1st April will be treated as a New Application and the higher fee will apply. The fee should be paid according to the highest Level treatment to be offered as listed in the Treatment Table overleaf.

Level 1 Treatments only

Renewal	£150	plus therapists verification fee(s)
New Application	£176	plus therapists verification fee(s)

Level 2 and Level 1 Treatments

Renewal	£575	plus therapists verification fee(s)
New Application	£660	plus therapists verification fee(s)

Level 3 and Level 2 and Level 1 Treatments

Renewal	£1020	plus therapists verification fee(s)
New Application	£1173	plus therapists verification fee(s)

Therapist Registration fee valid 3 years £60

Minor variations admin fee* £60

*Minor variation includes removal of a permitted treatment;
change of trading name;
change of licensee address;
change of licensee name (not transfer to another person);
amended premises layout;
change maximum number of therapists at premises




Additional treatment pro rata New Application Level fee
or £75 whichever is greatest
plus minor variation admin fee

Amendment to standard conditions £150 plus minor variation admin fee

Duplicate licence admin fee £60

Occasional Licence up to 5 days at 50% of New application fee:

Level 1	£88	plus therapists verification fee(s)
Level 2	£330	plus therapists verification fee(s)
Level 3	£575	plus therapists verification fee(s)

Level 1 Treatments			
Manicure	1-1	Pedicure	1-5
Nail Extensions	1-2	Ear and nose piercing – ancillary to main business	1-6
Facials	1-3	Foot detox	1-7
Fish Pedicure/Manicure	1-4		
Level 2 Treatments			
Micro current Therapy / Non surgical face lifts	2-1	Spa / Jacuzzi	2-10
Endermologie	2-2	Steam Room / Bath	2-11
Infra Red	2-3	Sauna	2-12
Facial with massage	2-4	Floatation Tank	2-13
Facial with ultra sonic	2-5	Hydrotherapy	2-14
Oxygen Therapy	2-6	Chiropody/Podiatry – not state registered	2-15
Moxibustion	2-7	Chiropractic – not state registered	2-16
Aromatherapy	2-8	Reflexology	2-17
Body Massage - Please specify	2-9		
Level 3 Treatments			
Acupuncture	3-1	Tattooing	3-6
Electrolysis	3-2	Body Piercing	3-7
Lumi Lift/ Lumi facials	3-3	Beading	3-8
Cosmetic lasers	3-4	Micropigmentation/ semi-permanent make-up	3-9
Intense Pulse Light (IPL) / Intense Light Systems (ILS)	3-5	Ultra-violet tanning / sunbed	3-10
Other treatments not listed - please contact the Technical Support Team for advice			
 Hammersmith & Fulham Council Licensing Technical Support 5th Floor Town Hall Extension King Street, London W6 9JU		 020 8753 1081  licensing@lbhf.gov.uk	
Treatments not requiring licence or therapist registration			
Waxing Bleaching	Threading Body Wraps	Facials without massage Eyelash and eyebrow tinting	Spray Tanning



**LONDON BOROUGH OF
HAMMERSMITH AND FULHAM
SPECIAL TREATMENT LICENSING**

**STANDARD LICENSING CONDITIONS FOR
PREMISES OFFERING
SPECIAL TREATMENTS**

**STANDARD CONDITIONS IN FORCE
1st April 2012 FOR PREMISES LICENCED BY
THE LONDON BOROUGH OF HAMMERSMITH AND FULHAM TO
OFFER SPECIAL TREATMENTS**

**Standard Conditions for Premises Operating
Special Treatments**

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STANDARD CONDITIONS FOR PREMISES OFFERING SPECIAL TREATMENT

Conditions for premises offering Special Treatments licensed by the London Borough of Hammersmith and Fulham in force from 1st April 2012.

INTRODUCTION

These Standard Conditions are applicable to all premises offering special treatments. Their application does not in any way replace or reduce the underlying statutory duty of employers and self employed persons to comply with the requirements of the Health and Safety at Work etc Act 1974 and any associated regulations and codes of practice which may be applicable to these premises or any other legislation which applies.

The licence holder should be aware of all the relevant provisions of the London Local Authorities Act 1991 within its scope. The following points are particularly important but reference should be made to the Act itself for authoritative information.

Part 1 - GENERAL

Definitions

- 1) In these rules, unless the context otherwise requires:-
 - a) **Act** means Part II of the London Local Authorities Act 1991 (as amended).
 - b) **Approval of the Council or Consent of the Council** means the written approval or consent of the Council as Licensing Authority in writing.
 - c) **Approved, Accepted or Permitted** means approved, accepted or permitted by the Council in writing.
 - d) **Council** means the London Borough of Hammersmith and Fulham.
 - e) **Special Treatment** means massage, electric treatments, light treatments, water treatments, skin piercing and other treatments of a like kind.
 - f) **Establishment for Special Treatment** has the meaning set out in section 4 of the London Local Authorities Act 1991 (as amended).
 - g) **Licence Holder/Authorised Person** means a person who is responsible for compliance with the standard conditions at all times that the premises are open for business.
 - h) **Licence** means a special treatment licence granted under section 6 of the London Local Authorities Act 1991 (as amended).
 - i) **Premises** means any premises within the Council's area offering licensable special treatments and includes all installations, fittings etc
 - j) **Therapist** means the person carrying out the special treatment .

- k) **Authorised Officer** means an Officer appointed by the Council.

Dispensation or Modification of Rules

- 2) (a) These rules may be dispensed with or modified by the Council in any special case.
- (b) The Council may, in granting a licence or giving any written approval or consent under these rules, impose such terms, conditions, or restrictions as it shall specify in writing.
- (c) If the licence holder wishes any licence terms, conditions or restrictions to be varied, an application must be made to the Council in writing. The Council may grant or refuse a variation application.

Enforcement

Right of Entry and Inspection

- 3) (a) Section 15 of the Act gives authorised officers the power to enter, inspect and examine at all reasonable times any premises which are or believed to be
- (i) used, represented or intended to be used as an establishment for special treatment without the requisite licence
- (ii) or used in contravention of the terms, conditions or restrictions on or subject to which a licence is granted
- and may do all things reasonably necessary for the purpose of ascertaining whether an offence has been committed.

Offences and Penalties

- (b) Any occupier or other person concerned in the conduct or management of premises who uses, represents as being so used or permits to be so used as an establishment for special treatment unless under a current licence shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (c) If there is use of any premises where a licence is in force in other than in accordance with the terms, conditions or restrictions to which the licence is held then the licence holder or other person concerned in the conduct or management of the premises shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale
- (d) Any person who intentionally obstructs any person acting in the exercise of powers under section 15 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale

PART 2 - Conditions applicable to all premises

1) The Licence

- a) The current licence or a clear copy shall at all times be prominently displayed at the premises in a position where it can easily be read by customers.
- b) The licence is personal to its holder. The licence cannot be transferred to any other person unless the procedure prescribed in the Act has been followed, and the Council has granted the application.
- c) The licence is only valid in respect of the business named on the licence.
- d) Licences are granted for a maximum period of twelve months. This being the period from 1st April to 31st March the following year.
- e) A licence will be issued in the name of the applicant and will include the number of individual therapists approved by the Council to carry out special treatments at that premises.

2) Responsibility of the Licence Holder/Authorised Person

- a) The licence holder may authorise a responsible person to be in charge of the premises during opening hours.
- b) The licence holder and any authorised person shall take all reasonable precautions for the safety of all persons using the premises and ensure compliance at all times with the relevant provisions of the Health and Safety at Work etc Act 1974, and other associated legislation.
- c) The licence holder and any authorised person shall be accountable for all activities in the premises at all times.
- d) The licence holder shall take out employer's liability (where applicable) and public liability insurance cover. The current certificate(s) or clear copy shall at all times be prominently displayed at the premises in a position where it can easily be read by customers.
- e) The licence holder and any authorised person shall ensure that all therapists carrying out 'special treatments' are suitably trained/qualified and evidence of such shall be submitted to the Council for approval. The current Therapist Registration document issued by the Council, or a clear copy, shall at all times be prominently displayed at the premises in a position where it can easily be read by customers.
- f) No other persons other than those holding valid Therapist Registration documents are permitted to carry out special treatments. Guest therapists shall not carry out treatments unless they have been previously notified to and approved by the Council and hold a valid Therapist Registration document.
- g) The licence holder and any authorised person shall ensure that no nuisance arises from the business activities including but not limited to odour nuisance or noise nuisance.

- h) The licence holder and any authorised person shall be familiar with all the conditions contained in this document and take responsibility for any breaches of said conditions.
- i) The licence holder and any authorised person shall ensure that all persons carrying out special treatments in the licensed premises are familiar with all the conditions contained in this document.

3) Age related treatments

- a) Where legal or advisory age restrictions are in place for certain treatments the premises must have a policy that requires people who appear to be under the age of 18 to be asked to produce identification showing their photograph, date of birth and a holographic mark. Examples of acceptable ID include: photo card driving licences, passports or proof of age cards bearing the PASS hologram and other forms of ID which meet the criteria.
- b) Staff who work in these venues must be made aware of the existence and content of the age verification policy. Details of checks should be written on the client record.

4) Conduct of the Premises

- a) No poster, advertisement etc shall be displayed which is unsuitable for general exhibition.
- b) The licence holder and any authorised person shall ensure that no part of the premises is used by persons for soliciting or other immoral purposes.

5) People with Disabilities

The Equality Act 2010 gives disabled people important rights of access to everyday services licence holders have an obligation to make reasonable adjustments to premises or to the way they provide a service.

6) Authorised Officers

Authorised officers of the Council, on presentation of their written authorisations and proof of identity, shall be admitted at all reasonable times to all parts of the premises.

7) Electricity

- a) The licence holder shall ensure that all portable electrical appliances used within the licensed premises are maintained regularly in accordance with the Electricity at Work Regulations 1989. Records of this maintenance shall be available at the premises for inspection at all reasonable times.
- b) The licence holder shall ensure that the fixed electrical installation is inspected by competent electrical engineer in accordance with the Electricity at Work Regulations 1989 and a copy of the current certificate shall be available at the premises for inspection at all reasonable times.

8) Personal Hygiene

- a) If a therapist has any open boil, sore, cut or other open wound it must be effectively covered by an impermeable dressing.

- b) A wash hand basin with a supply of hot and cold running water, liquid soap and disposable paper towels dispenser shall be provided in each treatment room.

9) Cleaning

- a) All treatment area floor and wall surfaces must be made of a suitable washable material.
- b) In addition to the wash hand basin, a deep sink with hot and cold running water shall be provided exclusively for washing used equipment; this should be fitted in a separate 'dirty' area away from the clean operating area.

10) Refuse

- a) Any waste produced in connection with the business, including hazardous /special waste, must be collected and disposed of by a licensed contractor. Evidence of trade waste contract(s), waste carrier licence and/or waste transfer notes shall be available at the premises for inspection at all reasonable times.
- b) Any 'clinical' waste bags and sharp boxes shall be suitably marked and whilst awaiting collection shall be stored in a secure area.
- c) Sharps containers shall comply with relevant British and European Standards. Sharps containers shall be collected when $\frac{3}{4}$ full and a waste transfer note shall be available on site for each container collected.

11) Client Records

- a) Written client records including client name, address, age, date and type of treatment received, medical history (where relevant), details of any accident or adverse effects and therapist name shall be kept for all licensable treatments.
- b) Any contra-indications including but not limited to heart conditions, diabetes, epilepsy, blood borne diseases relevant for each treatment shall be discussed with the client prior to any treatment, and the client shall sign a record card to say that they have been made aware of the risks involved.
- c) Client records shall be kept for a minimum of three years and available at the premises for inspection at all reasonable times.

12) Maintenance and Inspection Certification of Systems and Equipment

- a) All systems and equipment provided in the premises, such as but not limited to electricity installation, gas installation and equipment, fire safety equipment, local exhaust ventilation, sterilisers and autoclave equipment, sun beds, lasers and IPL devices, saunas and steam rooms, spa pools, and any other equipment used to provide therapies shall be serviced and maintained regularly by competent persons in accordance with the manufacturer and supplier recommendations. Records shall be available on site at all times for inspection.

13) Qualifications/Training

- a) All persons carrying out special treatments shall hold a suitable qualification to National Occupational Standards (where stated) in the treatments they carry out.

Training in the use of specific on site equipment shall also be undertaken with the manufacturer or supplier, where available.

- b) Relevant certificates or a clear copy shall be submitted to the Council for approval and shall be available at the premises for inspection at all reasonable times.
- c) Trainee/apprentice therapists shall be named on the Therapist Registration document as such and may only carry out treatments under the direct supervision of their trainer.
- d) Where a therapist is exempt under the Act then current details of their membership of the relevant body shall be submitted to the Council and shall be available at the premises for inspection at all reasonable times.

14) Anaesthetic

- a) It is an offence for any prescription only medicines to be applied to the client by the therapist. The administration of local anaesthetic by injection other than by medically qualified practitioners is an offence.
- b) Topical anaesthetic based creams, gels, sprays and similar preparations are available at pharmacies and may be purchased and administered by the client themselves prior to treatment if so desired. A detailed consultation assessing contra-indications must be carried out. This should be written on the client record.

The Medicines (Sale of Supply) (Miscellaneous Provisions) Regulations 1980

15) Control of Substances Hazardous to Health Regulations 2002 (As amended)

- a) Substances including but not limited to chemicals in beauty and cleaning products, blood and other bodily fluids and nail dust which fall under the above Regulations shall be assessed in accordance with the requirements of those Regulations and all the necessary precautions taken to ensure as far as reasonably practicable to prevent exposure and to ensure safe use and storage.
- b) The safety data sheets for all products used in connection with the business shall be available at the premises.

16) Aftercare

- a) Each client shall be provided with written aftercare advice for each treatment they receive and confirmation of this shall be recorded on their client record card.
- b) Clients shall sign for receipt of this aftercare advice.

17) First Aid

- a) A suitably and sufficiently stocked first aid box shall be available in the premises.
- b) At least one person shall be present in the premises at all times who is qualified in basic first aid techniques to a suitable level.

18) Language

At least one person shall be present in the premises at all times who has an acceptable level of spoken and written English in order to satisfactorily discuss all matters relating to treatments and aftercare advice with clients.

PART 3 – Additional conditions for specific treatments

1) Sauna/ Steam room/ Infrared Sauna

- a) A thermometer shall be provided indicating the temperature inside the sauna/steam room and the temperature created by the infrared sauna.
- b) There must be a non-verbal alarm system in the vicinity linked to a manned reception area for summoning help when users are left unattended. The alarm should continue to sound until it is manually switched to the 'off' position in order to silence it. The user must be made aware of the alert mechanism and how to use it. Emergency devices shall be fitted within easy reach of a person using the equipment. Operation verification test records shall be available at the premises for inspection at all reasonable times.
- c) Regular maintenance shall be carried out by a competent engineer in accordance with manufacturer and supplier recommendations. Records of all maintenance visits shall be available at the premises at all reasonable times.
- d) A clock shall be visible to users, from inside the sauna/steam room/infrared sauna.
- e) The temperature control device shall not be accessible to users of the sauna/steam room/infrared sauna.
- f) Hot coals in the sauna shall be protected by a guard rail or barrier.
- g) Shower facilities shall be provided close to the sauna/steam room/infrared sauna.
- h) A supply of fresh drinking water shall be available close to the sauna/ steam room/ infrared sauna free of charge.
- i) Safety guidelines on the use of the sauna/ steam room/ infrared sauna shall be clearly displayed nearby. These guidelines shall include the following:
 - All jewellery to be removed
 - Drink plenty of water before use
 - No eating or drinking in the sauna/ steam room/ infrared sauna
 - Avoid use if suffering from high blood pressure or heart problems
 - Do not eat immediately before use
 - Maximum time of use 20 minutes
 - Seek doctors permission to use if pregnant
 - Do not use if under 16 years of age
 - Do not enter if suffering with swollen joints
 - Do not enter if suffering with a fever
 - Seek doctors permission to use if taking medication
 - People with silicon implants should avoid use of infrared sauna
 - Drink plenty of water after use

2 Heated Spa Baths

- a) The spa must be managed and maintained to avoid the risk of Legionella with regard to the Health and Safety Executive Approved Code of Practice and Guidance L8 (ACOP L8), The Control of Legionella Bacteria in Water Systems ISBN 0717617726. Microbiological test reports must be held and available at the premises for a minimum of 5 years in accordance with ACOP L8 and HPA Guidance for Spa Pools.
- b) A log book must be available for recording daily poolside tests to include pH, chlorine or bromine levels, water clarity, temperature, number of bathers. The log-book should state acceptable limits for all tests and record action taken in the event of an unsatisfactory result. The log-book must be held at the premises and be available for inspection at all reasonable times.
- c) The spa pool must be operated and maintained in accordance with manufacturer's instructions and the Health Protection Agency guidance, Management of Spa Pools: Controlling the Risks of Infection. Records shall be available at the premises for inspection at all reasonable times.
- d) There must be a non-verbal alarm system in the vicinity linked to a manned reception area for summoning help when users are left unattended. The alarm should continue to sound until it is manually switched to the 'off' position in order to silence it. The user must be made aware of the alert mechanism and how to use it. Emergency devices shall be fitted within easy reach of a person using the equipment. Operation verification test records shall be available at the premises for inspection at all reasonable times.
- e) Shower facilities shall be provided close to the spa and clients advised to shower before entering the spa.
- f) A supply of fresh drinking water shall be available close to the spa free of charge.
- g) Safety guidelines on the use of the spa shall be clearly displayed nearby each spa. These guidelines shall include the following:
 - Do not use the spa under 16 years of age
 - Maximum time in the spa is 15 minutes
 - Do not use the spa if you are pregnant
 - Do not use the spa if under the influence of drugs, alcohol or medication
 - Seek doctors permission to use if suffering from obesity or with a medical history of heart disease, low or high blood pressure, circulatory system problems
 - Seek doctors permission to use if using medications
 - Do not use the spa if you have any sores or open wounds
 - Take care when entering and exiting the spa. Wet surfaces may be slippery

3) Ultra Violet Tanning Equipment

- a) Ultra Violet (UV) tanning equipment must be operated and maintained in accordance with manufacturer's instructions and HSE guidelines IND (G) 209 'Reducing the health risks from ultra violet (UV) tanning equipment. A record of maintenance and servicing and copies of the electrical engineers report must be kept on the premises for inspection at all reasonable times.

- b) The HSE poster MISC 879 'UV tanning equipment' shall be displayed in or near each tanning cubicle where it can be easily read by clients.
- c) No persons under the age of 18 shall be offered the use of a UV tanning equipment, permitted to use UV tanning equipment or allowed to be present in a Restricted Zone in accordance with the Sunbeds (Regulation) Act 2010.
- d) The maximum permissible output for all UV equipment from the 23rd July 2010 is 0.3w/m2 in accordance with EN 60335-2-27: Household and similar electrical appliances – Safety Part 2-27: Particular requirements for appliances for skin exposure to ultraviolet and infrared radiation. UV tubes on existing UV equipment in operation prior to this date shall be changed to comply with this standard as and when tubes are due to be changed as part of the routine maintenance schedule.
- e) Suitable tanning advice must be given to all clients relative to their skin type. The length of time that a client uses the tanning equipment shall be controlled by the management and based on an assessment by a trained therapist to include factors such as the client's type of skin and power output of the UV tanning equipment.
- f) There must be a non-verbal alarm system in the vicinity linked to a manned reception area for summoning help when users are left unattended. The alarm should continue to sound until it is manually switched to the 'off' position in order to silence it. The user must be made aware of the alert mechanism and how to use it. Operation verification test records shall be available at the premises for inspection at all reasonable times. Emergency devices shall be fitted within easy reach of a person using the equipment. These devices when operated shall switch off the Ultra Violet lamps and audibly summon assistance (in the case of the lay down beds it must also raise the upper canopy, or panel unit).
- g) All clients shall be provided with suitable protective eye equipment which meets relevant British and European Standards free of charge and instructed in their use. All goggles must be disinfected between clients or single use disposable goggles provided.
- h) Arrangements shall be made to ensure that the surface of the tanning equipment is cleaned and disinfected after each use in accordance with manufacturers instructions.

4) **Tattooing**

- a) A consultation with the client shall take place prior to the treatment, this shall include medical history, and a patch test may be carried out. Every client shall read and sign a consent form prior to treatment.
- b) No tattoo shall be carried out on a client under the age of 18 years in accordance with the Tattooing of Minors Act 1969.
- c) Records of the Hepatitis B status of all tattooists shall be kept at the premises. It is recommended that each tattooist is vaccinated against Hepatitis B.
- d) All walls, floors, seating and surfaces in the tattoo area shall be made of impervious washable material.
- e) Single use disposable paper towel shall be used on the couches in the treatment room.

- f) All tattooists shall wear disposable non powdered low protein latex, vinyl or nitril gloves.
- g) Disposable plastic aprons shall be provided for use by tattooist. These are single use for each client.
- h) A blood spillage kit which is in date shall be available in the treatment room. All tattooists should be instructed in the correct procedure for dealing with blood splashing or spillage.
- i) Before tattooing the skin shall be cleaned with 70% isopropyl alcohol wipes prior to the piercing.
- j) All equipment which is to be used shall be kept in sterile packets or closed containers before use.
- k) Needles, pigment caps, stencils, razors, wooden spatulas, swabs and other equipment not to be sterilised are single use only and shall be disposed of as clinical waste after use.
- l) Tattoo motors and clip cords shall be covered with clear plastic during a tattoo and changed between clients. Ensure that the clear plastic covers the whole of the cord.
- m) Elastic bands used on the motors shall be changed between clients.
- n) Reusable instruments shall be manually cleaned in the sink used for cleaning dirty equipment before undergoing the ultrasonic cleaning process. Cleaning shall occur below water level rather than under running water. Staff shall wear a suitable disposable plastic apron during this process.
- o) After manual cleaning reusable instruments shall be put through a cycle in an ultrasonic cleaner in accordance with manufacturer's and supplier's instructions.
- p) The ultra sonic cleaner verification tests shall be undertaken at the intervals specified in accordance with manufacturer's and supplier's instruction and results shall be recorded in the site logbook.
- q) Following ultra sonic cleaning any reusable instruments etc shall then be sterilised in a bench top autoclave in accordance with manufacturer's and supplier's instruction.
- r) The autoclave verification tests shall be undertaken at the intervals specified in accordance with manufacturer's and supplier's instruction and results shall be recorded in the site logbook.

5) Semi-permanent make up/ Micropigmentation

- a) A consultation with the client shall take place prior to the treatment, this shall include medical history, and a patch test may be carried out. Every client shall read and sign a consent form prior to treatment.
- b) No semi permanent make up/ micropigmentation shall be carried out on a client under the age of 18 years in accordance with the Tattooing of Minors Act 1969.
- c) Records of the Hepatitis B status of all therapists shall be kept at the premises. It is recommended that each therapist is vaccinated against Hepatitis B.

- d) All walls, floors, seating and surfaces in the semi permanent make up/ micropigmentation area shall be made of impervious washable material.
- e) Single use disposable paper towel shall be used on the couches in the treatment room.
- f) All therapists shall wear disposable non powdered low protein latex, vinyl or nitril gloves.
- g) Disposable plastic aprons shall be provided for use by the therapist. These are single use for each client.
- h) A blood spillage kit which is in date shall be available in the treatment room. All therapists should be instructed in the correct procedure for dealing with blood splashing or spillage.
- i) Before semi permanent make up/ micropigmentation the skin shall be cleaned with 70% isopropyl alcohol wipes prior to the piercing.
- j) All equipment which is to be used shall be kept in sterile packets or closed containers before use.
- k) Needles, pigment caps, stencils, razors, wooden spatulas, swabs and other equipment not to be sterilised are single use only and shall be disposed of as clinical waste after use.
- l) Reusable instruments shall be manually cleaned in the sink used for cleaning dirty equipment before undergoing the ultrasonic cleaning process. Cleaning shall occur below water level rather than under running water. Staff shall wear a suitable disposable plastic apron during this process.
- m) After manual cleaning reusable instruments shall be put through a cycle in an ultrasonic cleaner in accordance with manufacturer's and supplier's instructions.
- n) The ultra sonic cleaner verification tests shall be undertaken at the intervals specified in accordance with manufacturer's and supplier's instruction and results shall recorded in the site logbook.
- o) Following ultra sonic cleaning any reusable instruments etc shall then be sterilised in a bench top autoclave in accordance with manufacturer's and supplier's instruction.
- p) The autoclave verification tests shall be undertaken at the intervals specified in accordance with manufacturer's and supplier's instruction and results shall recorded in the site logbook.

6) **Electrolysis**

- a) A consultation with the client shall take place prior to the treatment, this shall include medical history, and a patch test may be carried out. Every client shall read and sign a consent form prior to treatment.
- b) Anyone under the age of 18 must be accompanied by a parent or guardian. The parent/guardian must sign a consent form at the time of the treatment.

- c) Records of the Hepatitis B status of all therapists shall be kept at the premises. It is recommended that each tattooist is vaccinated against Hepatitis B.
- d) All walls, floors, seating and surfaces in the electrolysis area shall be made of impervious washable material.
- e) Single use disposable paper towel shall be used on the couches in the treatment room.
- f) All therapists shall wear disposable non powdered low protein latex, vinyl or nitril gloves.
- g) Disposable plastic aprons shall be provided for use by therapists. These are single use for each client.
- h) A blood spillage kit which is in date shall be available in the treatment room. All therapists should be instructed in the correct procedure for dealing with blood splashing or spillage.
- i) Before electrolysis the skin shall be cleaned with 70% isopropyl alcohol wipes prior to the piercing.
- j) All equipment which is to be used shall be kept in sterile packets or closed containers before use.
- k) Individual pre-wrapped sterilised needles shall be used and disposed of properly in a sharps box after each client.
- l) Needles, pigment caps, stencils, razors, wooden spatulas, swabs and other equipment not to be sterilised are single use only and shall be disposed of as clinical waste after use.
- m) Reusable instruments shall be manually cleaned in the sink used for cleaning dirty equipment before undergoing the ultrasonic cleaning process. Cleaning shall occur below water level rather than under running water. Staff shall wear a suitable disposable plastic apron during this process.
- n) After manual cleaning reusable instruments shall be put through a cycle in an ultrasonic cleaner in accordance with manufacturer's and supplier's instructions.
- o) The ultra sonic cleaner verification tests shall be undertaken at the intervals specified in accordance with manufacturer's and supplier's instruction and results shall recorded in the site logbook.
- p) Following ultra sonic cleaning any reusable instruments etc shall then be sterilised in a bench top autoclave in accordance with manufacturer's and supplier's instruction.
- q) The autoclave verification tests shall be undertaken at the intervals specified in accordance with manufacturer's and supplier's instruction and results shall recorded in the site logbook.

7) **Body Piercing**

- a) A consultation with the client shall take place prior to the treatment, this shall include medical history, and a patch test may be carried out. Every client shall read and sign a consent form prior to treatment.
- b) Clients must be over the age of 18 for all types of body piercing other than ear, nose, labret, eyebrow or navel.
- c) No body piercing shall be administered to any person under the age of 16 with the exception of ear and nose piercing.
- d) Persons aged between 16 and 18 must provide identification which includes a photograph and date of birth as detailed in condition Part 2 3(a).
- e) Anyone under the age of 16 must be accompanied by a parent or guardian. The parent/guardian must sign a consent form at the time of the piercing.
- f) Piercing of the nipples or genitalia for both sexes under the age of 16 is prohibited. Under the Sexual Offences Act 1956 girls and boys under the age of 16 cannot give legal consent to intimate sexual contact under any circumstances therefore this can be regarded as an assault offence.
- g) Records of the Hepatitis B status of all piercers shall be kept at the premises. It is recommended that each piercer is vaccinated against Hepatitis B.
- h) All walls, floors, seating and surfaces in the piercing area shall be made of impervious washable material.
- i) Single use disposable paper towel shall be used on the couches in the treatment room.
- j) All piercers shall wear disposable non powdered low protein latex, vinyl or nitril gloves.
- k) Disposable plastic aprons shall be provided for use by piercers. These are single use for each client.
- l) A blood spillage kit which is in date shall be available in the treatment room. All piercer should be instructed in the correct procedure for dealing with blood splashing or spillage.
- m) Before piercing the skin shall be cleaned with 70% isopropyl alcohol wipes prior to the piercing.
- n) All equipment which is to be used shall be kept in sterile packets or closed containers before use.
- o) Needles, pigment caps, stencils, razors, wooden spatulas, swabs and other equipment not to be sterilised are single use only and shall be disposed of as clinical waste after use.
- p) Reusable instruments shall be manually cleaned in the sink used for cleaning dirty equipment before undergoing the ultrasonic cleaning process. Cleaning shall occur below water level rather than under running water. Staff shall wear a suitable disposable plastic apron during this process.

- q) After manual cleaning reusable instruments shall be put through a cycle in an ultrasonic cleaner in accordance with manufacturer's and supplier's instructions.
- r) The ultra sonic cleaner verification tests shall be undertaken at the intervals specified in accordance with manufacturer's and supplier's instruction and results shall recorded in the site logbook.
- s) Following ultra sonic cleaning any reusable instruments etc shall then be sterilised in a bench top autoclave in accordance with manufacturer's and supplier's instruction.
- t) The autoclave verification tests shall be undertaken at the intervals specified in accordance with manufacturer's and supplier's instruction and results shall recorded in the site logbook.
- u) All jewellery shall be sterilised in the autoclave prior to use in the piercing. The date of sterilisation should be indicated on the packs and how long they will be sterilised for.
- v) Jewellery fitted with a stud shall not be used in nose piercing.
- w) Any jewellery which contains more than 0.05% nickel shall not be used, as this may cause an allergic reaction.

8) Manicure and Pedicure

- a) All therapists shall be qualified to a standard which is approved by the Council.
- b) Signed parental consent shall be obtained for all clients under 16 years old.
- c) The condition of the client's nails should be examined prior to any treatment and if there is any presence or suspicion of any infection etc they should be referred for medical treatment.
- d) Any cotton wool etc which has come into contact with nail liquids shall be disposed of into suitably covered receptacles.
- e) Nail files, wooden spatulas, cotton wool and any other equipment not to be thoroughly cleaned and disinfected are single use only and shall be disposed of as clinical waste after use.
- f) Dispensed nail liquids and other products shall be kept in covered, labelled containers at all times when not in use.
- g) The use of electric drills/files on a clients natural nail is prohibited.
- h) All equipment shall be thoroughly cleaned and disinfected between use on each client.

9) Fish Spa Manicure and Pedicure

- a) The condition of the client's feet should be examined prior to any treatment and if there is any presence or suspicion of any infection etc they should be referred for medical treatment and shall not be permitted to use the fish spa.
- b) Signed parental consent shall be obtained for all clients under 16 years old.

- c) Client feet shall be washed without detergent before treatment.
- d) A record shall be kept of daily water quality testing including ammonia levels, nitrate/nitrite levels, pH, water temperature.
- e) All equipment necessary to ensure good aquarium maintenance and fish health such as water filtration units, heaters, UV filters, ozone generators and aeration equipment shall be used and maintained in accordance with manufacturer's instructions.
- f) A record shall be kept of fish supply and mortality.

10) Artificial Nails

- a) All therapists shall be qualified to a standard which is approved by the Council.
- b) Signed parental consent shall be obtained for all clients under 16 years old.
- c) The condition of the client's nails should be examined prior to any treatment and if there is any presence or suspicion of any infection etc they should be referred for medical treatment.
- d) Products containing Methyl Methacrylate (MMA) shall not be used.
- e) Any cotton wool etc which has come into contact with nail liquids shall be disposed of into suitably covered receptacles.
- f) Nail files, wooden spatulas, cotton wool and any other equipment not to be thoroughly cleaned and disinfected are single use only and shall be disposed of as clinical waste after use.
- g) Dispensed nail liquids and other products shall be kept in covered, labelled containers at all times when not in use.
- h) The use of electric drills/files on a clients natural nail is prohibited.
- i) Electric drills/files shall only be used on the surface of the artificial nail and must not be used to blend the artificial nail to the natural nail.
- j) Electric files/drills shall only be used by therapists who have had specific training in their use.
- k) All equipment shall be thoroughly cleaned and disinfected between use on each client.
- l) Where nail extensions are carried out suitable air filtering and extraction must be provided to remove dust and chemicals from the air and preferably fitted at work top level. Suitable dust and chemical filters should be fitted and the equipment operated and maintained in good working order in accordance with manufacturers instructions.

11) Non Surgical Lasers/Intense Pulsed Light (IPL)

- a) Laser/IPL equipment must be operated and maintained in accordance with manufacturer's instructions. A record of maintenance and servicing and copies of the electrical engineers report must be kept on the premises for inspection at all reasonable times.

- b) Laser/IPL equipment must be operated and managed in with reference to guidance issued by The Independent Healthcare Advisory Services (IHAS) and Association of Laser Protection Healthcare Advisors
- c) The licence holder shall use a treatment protocol issued by / through an Expert Medical Practitioner (EMP).
- d) The Licence holder shall employ the services of a certificated Laser Protection Advisor (LPA) to produce the Local Rules document and provide ongoing support and advice when appropriate.
- e) Both the Treatment Protocol and Local Rules shall be signed and dated by both the EMP/LPA and licence holder and/or authorised person and be available at the premises at all times.
- f) The Local Rules document shall be reviewed regularly and updated if there are any changes made to the equipment in use, changes in procedure or treatment room. Both the owner and LPA should sign the local rules. The date of review shall be on the local rules document and signed by the licence holder/or authorised person and by the LPA if any changes have taken place.
- g) A suitably qualified member of staff on the premises shall be identified as the Laser Protection Supervisor (LPS) or Intense Pulse Light Protection Supervisor (IPLPS) who will have the day to day to responsibility of ensuring the local rules are followed.
- h) All authorised users of laser/IPL (and the LPS / IPLS if they are not a user) shall be trained to at least the Core of Knowledge Certificate level and records of such training shall be kept on site with the local rules. The core of knowledge training should be given by someone the inspecting officer deems suitable to supply this training (such as a certificated LPA). Core of Knowledge training should be refreshed regularly, at intervals not exceeding 5 years.
- i) All authorised users of laser/IPL shall have attended site specific and equipment specific operator training and ongoing Continued Professional Development. Certificates and records of such training shall be kept on site with the local rules.
- j) The Laser Protection Supervisor or Intense Pulse Light Protection Supervisor shall ensure that the key to any laser/IPL device is kept in a secure and separate area when not in use and that only authorised users have access to the key.
- k) A written contemporaneous treatment register shall be completed every time the laser/IPL is operated including the following information:
 - the name of the person treated (including a second means of identification)
 - the date and time of treatment
 - the name and signature of the laser/IPL operator
 - the nature of the laser/IPL treatment given
 - the treatment parameters
 - details of any accidents or adverse effects
- l) The area around any laser/IPL device shall be controlled to protect other persons while treatment is in progress. The controlled area shall be clearly defined and not used for other purposes during laser/IPL treatment.

- m) A suitable safety warning sign or light entry system which complies with current British Standards shall be in place on the door of the controlled area for the duration the room is occupied for the purpose of laser/IPL treatment.
- n) All laser/IPL devices shall comply with current British Standards and shall display labels identifying them, their wavelength or range of wavelengths and the maximum output power of the radiation emitted. The labels shall be clearly visible on the front or side of the machine.
- o) The door to the controlled area shall be fitted with a suitable locking device which can be opened from the outside in an emergency.
- p) All windows, mirrors and reflective surfaces in the controlled area shall be suitably covered at times of operation of laser/IPL device in a manner approved by the Laser Protection Advisor.
- q) The controlled areas shall be kept clear of clutter, reflective surfaces shall be avoided and jewellery shall not be worn by therapist or client.
- r) Wall, floor and ceiling surfaces within the controlled area shall be of a matt or eggshell finish to eliminate the risk of laser/IPL light reflection.
- s) Protective eyewear shall be worn by everyone within the controlled area whenever there is a risk of exposure to laser/IPL. All protective eyewear shall comply with current British Standards and be marked with the wavelength range and protection offered as detailed in the local rules document. The eyewear required (and specified in the local rules) will be approved by the LPA. They shall be in a clean, serviceable condition. Complete eye blocks shall be worn by clients undergoing facial laser/IPL treatment.

APPENDIX A

Documents required to be available at the Licensed Premises at ALL times

This Appendix acts as checklist of the records which must be kept on site and available for inspection by an authorised Council officer at all reasonable times. These records may be paper or electronic (except where display to public is required). Documents requested in Part 2 of the Conditions apply to all Special Treatment premises. Documents requested in Part 3 apply where a Special Treatment Licence to provide specific named treatments is held.

1. The Licence Part 2 (1)

- a) Display the current licence

2. Insurance Part 2 (2)

- a) Display a copy of the employers liability (where applicable) and public liability certificates

3. Electricity Part 2 (7)

- a) Valid documentation confirming the safety of portable electrical appliances (PAT test)
- b) Valid documentation confirming the safety of the fixed wiring throughout the premises

4. Controlled/ Normal Waste Part 2 (10)

- a) Valid waste transfer documents

5. Client Records Part 2 (3) and Part 2 (11)

- a) Written client records kept on site for a period of at least three years
- b) Age verification records where appropriate

6. Maintenance and Inspection of Systems and Equipment Part 2 (12)

Valid maintenance and inspection records for all systems and equipment used in the premises. This will include but not be limited to the records specifically listed and:

- a) Fire safety equipment
- b) Gas installation (where applicable)
- c) Heating and ventilation systems
- d) Local exhaust ventilation equipment
- e) Equipment emergency call or stop buttons (where applicable)
- f) Equipment used to deliver therapy or treatment

7. Therapists Part 2 (2) and 2 (13)

- a) Therapist qualifications and training certificates for the treatments they carry out
- b) Display Therapist Registration document issued by the Council

8. Manufacturer Safety Data Sheets Part 2 (15)

- a) Copies of safety data sheets for all products used

9. Sauna/ Steam Room/ Infra Red Sauna Part 3 (1)

- a) Records of alarm system maintenance and testing
- b) Records of sauna/ steam room/ infra red sauna unit maintenance by competent engineer

10. Heated Spa Baths Part 3 (2)

- a) Records of water treatments to control legionella bacteria
- b) Records of spa pool maintenance by competent engineers
- c) Records of spa pool operation
- d) Records of alarm system maintenance and testing

11. Ultra Violet Tanning Equipment Part 3 (3)

- a) Records of tanning equipment maintenance and testing by competent engineer
- b) Records of UV tube replacement
- c) Records of alarm system maintenance and testing

12. Ultra Sonic Cleaner and Sterilisers Part 3 (4), Part 3 (5) and Part 3 (7)

- a) Copies of manufacturer's and supplier's instructions
- b) Records of verification tests for ultrasonic cleaning equipment
- c) Records of verification tests for autoclave sterilising equipment
- d) Records of equipment maintenance and examination by competent engineer

13. Hepatitis B status Part 3 (4) and Part 3 (7)

- a) Records of the Hepatitis status of each therapist

14. Fish Spa Manicure and Pedicure Part 3 (9)

- a) Record of fish supply and mortality
- b) Records of water quality and cleaning

15. Non surgical lasers/Intense Pulsed Light Part 3 (11)

- a) Treatment Protocol document
- b) Local Rules Document
- c) LPA certification
- d) Laser risk assessment
- e) Copies of manufacturer's and supplier's instructions
- f) Records of laser/IPL equipment maintenance and examination by competent engineer

Appendix 7 List of Applications

Date of Hearing	Premises	Postcode	Type of Application	Ward	Decision	Description
31/05/11	Tesco, 93 Askew Road, London, W12 9AS (Application Number: 2011/00448/LAPR)	W12	New Premises Licence	Askew	Grant	The Sub-Committee received an application for a new premises licence for the (off) sale of alcohol. It was agreed, subject to additional conditions and reduced hours as suggested by the applicant.
07/07/12	Putney Bridge News, 7 Putney Bridge Approach, London, SW6 3JD (Application Number: 2011/00722/LAPR)	SW6	Variation to Existing Premises Licence	Palace Riverside	Refuse	The Sub-Committee received an application for a variation to an existing premises licence for the (off) sale of alcohol, seeking increased hours. It was refused.
15/08/11	City Supermarket (CSM) 61-63 South Africa Road, London, W12 7PA	W12	Review	Shepherds Bush Green	Agree	The Sub-Committee received an application for review of the premises licence (for off sales of alcohol) on QPR match days, made by the Metropolitan Police, with additional conditions requested. It was agreed.
15/08/11	The Springbok 51 South Africa Road, London, W12 7PA	W12	Review	Shepherds Bush Green	Agree	The Sub-Committee received an application for review of the premises licence (for on and off sales of alcohol) on QPR match days, made by the Metropolitan Police, with additional conditions requested. It was agreed.
05/09/11	Tops Pizza, 74 Fulham Palace Road, W6 9PL (Application Number: 2011/01082/LAPR)	W6	New Premises Licence	Fulham Reach	Refuse	The Sub-Committee received an application for a variation to an existing premises licence for late night refreshment, seeking increased hours. It was refused.
12/09/11	The Central Bar, West 12 Shopping Centre, W12 8PP (Application Number: 2011/01139/LAPRR)	W12	Review	Shepherds Bush Green	Agree	The Sub-Committee received an application for review of the premises licence (for on and off sales of alcohol) on QPR match days, made by the Metropolitan Police, with additional conditions requested. It was agreed.
12/09/11	O'Donoghues, 174 Goldhawk Road, W12 8HU (Application Number: 2011/01131/LAPRR)	W12	Review	Askew	Agree	The Sub-Committee received an application for review of the premises licence (for on and off sales of alcohol) on QPR match days, made by the Metropolitan Police, with additional conditions requested. It was agreed.
12/09/11	The White Horse, 31 Uxbridge Road, W12 8LH (Application Number: 2011/01132/LAPRR)	W12	Review	Shepherds Bush Green	Agree	The Sub-Committee received an application for review of the premises licence (for on and off sales of alcohol) on QPR match days, made by the Metropolitan Police, with additional conditions requested. It was agreed.
16/09/11	Hannford Food and Wine, 44 Rylston Road, London, SW6 7HG (Application Number: 2011/01028/LAPRR)	SW6	New Premises Licence	Fulham Broadway	Grant	The Sub-Committee received an application for a new premises licence for the (off) sale of alcohol. It was agreed, subject to additional conditions and a reduction in the hours applied for.
16/09/11	Empire, 486 Fulham Road, Fulham, SW6 5NH (Application Number: 2011/01028/LAPRR)	SW6	Review	Town	Agree	The Sub-Committee received an application for review of the premises licence made by the Metropolitan Police, with additional conditions requested. It was agreed.
16/09/11	The British Queen, 434 Uxbridge Road, W12 0NS (Application Number: 2011/01140/LAPRR)	W12	Review	Wormholt and White City	Agree	The Sub-Committee received an application for review of the premises licence (for on and off sales of alcohol) on QPR match days, made by the Metropolitan Police, with additional conditions requested. It was agreed.
16/09/11	The Coningham Arms, 191 Uxbridge Road, W12 9RA (Application Number: 2011/01143/LAPRR)	W12	Review	Askew	Agree	The Sub-Committee received an application for review of the premises licence (for on and off sales of alcohol) on QPR match days, made by the Metropolitan Police, with additional conditions requested. It was agreed.
16/09/11	The Green Room, 45A Goldhawk Road, W12 8QP (Application Number: 2011/01145/LAPRR)	W12	Review	Shepherds Bush Green	Agree	The Sub-Committee received an application for review of the premises licence (for on and off sales of alcohol) on QPR match days, made by the Metropolitan Police, with additional conditions requested. It was agreed.

23/09/11	Kona Kai, 515 Fulham Road, Fulham, SW6 1HD (Application Number: 2011/01046/LAPRR)	SW6	Review	Parsons Green And Walham	Agree	The Sub-Committee received an application for review of the premises licence (for alcohol on sales and regulated entertainment) made by the Metropolitan Police, with additional conditions requested. It was agreed, subject to the addition of further conditions.
29/09/11	King Solomon's, 300 Uxbridge Road, W12 7LH (Application Number: 2011/01224/LAPRR)	W12	Review	Shepherds Bush Green	Agree in part	The Sub-Committee received an application for review of the premises licence (for off-sales of alcohol) made by the Metropolitan Police, with revocation of the licence proposed. The Sub-Committee agreed a 1 week suspension, with conditions added to the licence.
10/10/11	General Smuts, 95 Bloemfontein Road, London, W12 8AA (Application Number: 2011/01281/LAPRR)	W12	Review	Shepherds Bush Green	Agree in part	The Sub-Committee received an application for review of the premises licence (for on and off-sales of alcohol and regulated entertainment) made by the Metropolitan Police, with revocation of the licence proposed. The Sub-Committee agreed to remove the sale of alcohol from the licence.
10/10/11	AM-PM (Best Quality Food and Wine), 333-335 Lillie Road, London, SW6 7NR (Application)	SW6	Review	Fulham Reach	Agree	The Sub-Committee received an application for review of the premises licence (for off-sales of alcohol) made by the Metropolitan Police, with revocation of the licence proposed. It was agreed.
17/10/11	Vue Cinema, Unit 18 Fulham Broadway Retail Centre, SW6 1BW (Application Number: 2011/01152/LAPRR)	SW6	Variation to Existing Premises Licence	Fulham Broadway	Grant	The Sub-Committee received an application for review of the premises licence (for off-sales of alcohol) made by the Metropolitan Police, with revocation of the licence proposed. It was agreed.
17/10/11	Sam's Chicken, 132 Uxbridge Road, W12 8AA (Application Number: 2011/01374/LAPRR)	W12	New Premises Licence	Shepherds Bush Green	Grant	The Sub-Committee received an application for a new premises licence for late night refreshment. The application was granted subject to the imposition of two additional conditions.
26/10/11	Hand and Flower, 617 King's Road, London, SW6 2ES (Application Number: 2011/01439/LAPRR)	SW6	Review	Parsons Green And Walham	Agree in part	The Sub-Committee received an application for review of the premises licence (for on and off-sales of alcohol) made by local residents, with reduction in hours and additional conditions proposed. It was agreed in part.
07/11/11	North End Supermarket, 28 North End Parade, London, W14 0SJ (Application Number: 2011/01538/LAPRR)	W14	Review	Avonmore and Brook Green	Agree	The Sub-Committee received an application for review of the premises licence (for off-sales of alcohol) made by the Metropolitan Police, with revocation of the licence proposed. It was agreed.
07/11/11	Bowman's News, 218 North End Road, London, W14 9NX (Application Number: 2011/01542/LAPRR)	W14	Review	North End	Agree	The Sub-Committee received an application for review of the premises licence (for off-sales of alcohol) made by the Metropolitan Police, with revocation of the licence proposed. It was agreed.
14/11/11	Your Best One, 96 North End Road, London, W14 9EX (Application Number: 2011/01535/LAPRR)	W14	Review	North End	Agree	The Sub-Committee received an application for review of the premises licence (for off-sales of alcohol) made by the Metropolitan Police, with revocation of the licence proposed. It was agreed.
14/11/11	North End Supermarket, 134 - 136 North End Road, London, W14 9PP (Application Number:)	W14	Review	North End	Agree	The Sub-Committee received an application for review of the premises licence (for off-sales of alcohol) made by the Metropolitan Police, with revocation of the licence proposed. It was agreed.
21/11/11	Nisa, 65-69 Shepherds Bush Green, London, W12 8PL (Application Number: 2011/01551/LAPRR)	W12	New Premises Licence	Shepherds Bush Green	Refuse	The Sub-Committee received an application for a new premises licence for the (off) sale of alcohol for a premises inside the Shepherds Bush CIP. It was refused.

12/12/11	Duke On The Green, 235 New King's Road, London, SW6 4XG (Application Number: 2011/05144/LAPRR)	SW6	Review	Parsons Green And Walham	Agree in part	The Sub-Committee received an application for review of the premises licence (for on and off-sales of alcohol) made by Environmental Protection, with reduction in hours and additional conditions proposed. Additional conditions proposed by the premises were agreed.
09/01/12	Costcutter, 94 North End Road, London W14 9EX (Application Number: 2011/01653/LAPR)	W14	New Premises Licence	North End	Grant	The Sub-Committee received an application for a new premises licence for the (off) sale of alcohol. It was agreed, subject to additional conditions and reduced hours.
09/01/12	Maremoto, 562 King's Road, London, SW6 2ES (Application Number: 2011/01823/LAPRR)	SW6	Review	Parsons Green And Walham	Agree	The Sub-Committee received an application for review of the premises licence (for on-sales of alcohol, late night refreshment and regulated entertainment) made by the Metropolitan Police, with additional conditions and shorter hours proposed. It was agreed.
03/02/12	Secrets, 62 Glenthorne Road, London, W6 0LR (Application Number: 2011/01563/SEVC)	W6	New Sex Establishment Licence	Hammersmith Broadway	Grant	The Sub-Committee received an application for a new sex establishment licence following the Council's adoption of the Sex Establishments Policy. It was agreed, subject to amended conditions.
12/03/12	Mezaziq, 163 Goldhawk Road, London, W12 8EN (Application Number: 2012/00083/LAPR)	W12	New Premises Licence	Hammersmith Broadway	Refuse	The Sub-Committee received an application for a new premises licence for late night refreshment and regulated entertainment. It was refused.
16/04/12	Bowmans News, 218 North End Road, London W14 9NX (APPLICATION NUMBER: 2011/01963/LAPR)	W14	New Premises Licence	North End	Grant	The Sub-Committee received an application for a new premises licence for the (off) sale of alcohol. It was agreed, subject to additional conditions and reduced hours.
30/04/12	Hair Of The Dog, 401 North End Road, London, SW6 1NR (Application Number: 2012/00275/LAPRR)	SW6	Review	Fulham Broadway	Agree	The Sub-Committee received an application for review of the premises licence (for off-sales of alcohol) made by the Metropolitan Police, with additional conditions proposed. It was agreed.
01/05/12	Universal Foods (Euro's), 140 North End Road, London, W14 9PP (Application Number: 2012/00272/LAPRR)	W14	Review	North End	Agree	The Sub-Committee received an application for review of the premises licence (for off-sales of alcohol) made by the Metropolitan Police, with revocation of the licence proposed. It was agreed.
01/05/12	Best Quality Food & Wine, 333-335 Lillie Road, London, SW6 7NR (Application Number: 2011/01931/LAPR)	SW6	New Premises Licence	Fulham Reach	Grant	The Sub-Committee received an application for a new premises licence for the (off) sale of alcohol. It was agreed, subject to additional conditions and reduced hours.
14/05/12	McDonalds, 312 North End Road, Fulham, London, SW6 1NG (Application Number: 2012/00464/LAPR)	SW6	New Premises Licence	Fulham Broadway	Refuse	The Sub-Committee received an application for a new premises licence for late night refreshment. It was agreed, subject to additional conditions and reduced hours.
21/02/12	Londis, 20 Goldhawk Road, London, W12 8DH (Application Number: 2012/00276/LAPRR)	W12	Review	Shepherds Bush Green	Agree	The Sub-Committee received an application for review of the premises licence (for off-sales of alcohol) made by the Metropolitan Police, with additional conditions proposed. It was agreed.

Cancelled Hearings

Withdrawals (Scheduled for hearing and not	Date Scheduled	Withdrawn By
Nubian Taste, 120 Goldhawk Road, W12 8HD (Application Number: 2011/00826/LATEMP)	6th June 2011	Applicant
Vesbar, 15-19 Goldhawk Road, W12 8QQ (Application Number: 2011/01135/LAPRR)	12th September 2011	Applicant
The Green, 172-174 Uxbridge Road, W12 7JP (Application Number: 2011/01137/LAPRR)	12th September 2011	Applicant
O'Neills, 2 Goldhawk Road, London, W12 8QD (Application Number: 2011/01138/LAPRR)	16th September 2011	Applicant
Belushi's and St Christopher's, 28 Hammersmith Broadway, London, W6 7AB (Application Number:2011/01757/LAPR)	16th January 2012	Representations withdrawn
Londis, 20 Goldhawk Road, London, W12 8DH (Application Number: 2012/00276/LAPRR)	23rd April 2012	Postponed at applicant's behest
Co-operative, 98-102 Askew Road, London, W12 9BL (Application Number:2012/00313/LAPR)	27th April 2012	Applicant
Co-operative, 187-189 Uxbridge Road, London, W12 9RA (Application Number: 2012/00315/LAPR:)	27th April 2012	Applicant
Co-operative, 88-90 North End Road, London, W14 9EX (Application Number:2012/00316/LAPR)	27th April 2012	Applicant
La Reserve, 422-428 Fulham Road, London, SW6 1DU (Application Number: 2012/00479/LAPRR)	21st May 2012	Postponed at applicant's behest