

# **Camden Statement of Licensing Policy (draft)**

**2017-2022**

**Licensing Act 2003**

Draft for consultation

# Camden's Statement of Licensing Policy (draft) 2017-2022

## Table of Contents

<b>Foreword .....</b>	<b>5</b>
<b>Chapter One .....</b>	<b>6</b>
Introduction .....	6
Licensing hierarchy.....	6
Camden's strategies and plans .....	8
The Camden Plan.....	8
Camden Local Plan .....	8
Camden's Joint Health and Wellbeing Strategy 2016-2018 (draft) .....	9
Public Health priorities .....	9
Community Safety Partnership priorities.....	10
Children and Young People's Plan.....	11
Camden's Equality Policy.....	11
Late night levy .....	12
General .....	12
Community involvement in this Statement .....	13
Consultation on this Statement .....	13
<b>Chapter Two .....</b>	<b>15</b>
Welcome to the London Borough of Camden .....	15
Overview .....	15
<b>Chapter Three .....</b>	<b>17</b>
Purpose of this Statement of Licensing Policy .....	17
Terms used in this Statement.....	18
<b>Chapter Four .....</b>	<b>20</b>
Preparation and submission of applications .....	20
Introduction.....	20
Negotiation and compromise.....	21
Risk assessments.....	22
The licensing objectives .....	24
Prevention of crime and disorder .....	24
Hate and intolerance.....	24
Crime and disorder risks .....	24
Measures to address crime and disorder risks .....	25
Public safety .....	27
Possible measures to ensure public safety.....	28
Public nuisance .....	28
Possible causes of public nuisance .....	29
Possible measures to address public nuisance .....	30
Protection of children from harm .....	31
Reasons for the policy approach.....	31
Measures to protect children from harm .....	31
Public Health .....	32

Shadow licences .....	33
Planning consent.....	34
<b>Chapter Five .....</b>	<b>35</b>
Framework hours .....	35
The policy.....	35
Reasons for the policy approach .....	35
General .....	36
Deciding on hours.....	37
<b>Chapter Six .....</b>	<b>38</b>
Cumulative impact policies.....	38
The cumulative impact policies .....	39
Seven Dials cumulative impact policy area.....	39
Camden Town cumulative impact policy area.....	39
Reasons for the policy approach .....	41
General .....	42
Public Health and cumulative impact.....	43
Exceptions to cumulative impact policies .....	43
<b>Chapter Seven.....</b>	<b>44</b>
Premises policies .....	44
General considerations .....	44
Licence conditions.....	44
Premises category.....	45
Restaurants, cafes and coffee houses .....	45
Premises supplying hot takeaway food and drink .....	46
Pubs and bars .....	48
Premises providing music, dance and similar entertainment.....	51
Nightclubs .....	53
Off licences.....	55
Theatres, cinemas, qualifying clubs and community premises .....	57
Hotels.....	58
Premises providing nudity, striptease and other adult entertainment.....	59
Large temporary events.....	60
<b>Chapter Eight .....</b>	<b>63</b>
Licence variations.....	63
Full variations .....	63
Minor variations .....	63
Relevant considerations.....	64
<b>Chapter Nine .....</b>	<b>66</b>
The responsibilities of licence holders and reviews.....	66
Responsibilities of licence holders.....	66
Reviews.....	66
Shadow licences.....	67
Expedited reviews.....	67
<b>Chapter Ten.....</b>	<b>69</b>
Temporary event notices.....	69
Objections to a TEN.....	70
Nudity, striptease and other adult entertainment.....	70
Hearings to impose conditions .....	71
Temporary event notices for large events.....	71

<b>Chapter Eleven.....</b>	<b>72</b>
Personal licences .....	72
Renewal of personal licence .....	73
<b>Chapter Twelve .....</b>	<b>74</b>
Designated premises supervisors .....	74
Applications .....	74
The DPS at community premises .....	75
<b>Chapter Thirteen .....</b>	<b>78</b>
Enforcement and monitoring .....	78
<b>Chapter Fourteen.....</b>	<b>81</b>
Film Classifications.....	81
<b>Appendix One .....</b>	<b>82</b>
Responsible authorities and any other persons .....	82
<b>Appendix Two .....</b>	<b>85</b>
Scheme of Delegation .....	85
<b>Appendix Three.....</b>	<b>86</b>
Map of Camden Town cumulative impact policy area .....	86
<b>Appendix Four .....</b>	<b>87</b>
Map of Seven Dials cumulative impact policy area .....	87
<b>Appendix Five .....</b>	<b>88</b>
Dispersal policies .....	88
Drunkenness .....	88
Drug use.....	88
Transport.....	89
“Soft” finishes .....	89
Signage.....	89
CCTV .....	90
Radio schemes.....	90
Pubwatch .....	90
Door supervisors .....	91
Legal considerations.....	91
<b>Appendix Six .....</b>	<b>92</b>
Licensing Act 2003 mandatory conditions .....	92

## Foreword

Welcome to Camden's Draft Statement of Licensing Policy.

We have made a number of significant changes to this Statement following a collaborative approach with robust public engagement, stakeholder interviews and research between 2014 and 2016. We have:

- changed the layout and style of this Statement and written it in plain English that is easy to understand
- explained how this Statement is informed by the Camden Plan and other Camden policies and strategies and included links to relevant guidance and information
- updated it to incorporate changes in the law and national guidance
- removed sections of the Statement that are out of date or no longer relevant (such as the reference to the Olympics and Paralympics)
- included new sections covering
  - hate and intolerance on licensed premises
  - football supporters on licensed premises
  - shadow licences
  - sexual entertainment venues
  - temporary event notices
- amended sections on
  - personal licences
  - large events
  - community premises
  - designated premises supervisors
  - cumulative impact areas

We are mindful of the balance that we have to strike between the needs of our residents and those of our business community, which may sometimes conflict. We must ensure our residents can peacefully enjoy their homes and environment whilst also encouraging responsible and positive investment and economic growth.

We are committed to working in partnership to provide a responsive licensing approach to those who live, visit and work in Camden and we hope that this revised Statement of Licensing Policy is clear and easy to understand and reflects the needs of all our communities. We thank them for contributing their extensive experience and knowledge in formulating this Statement, as we aspire together to enhance Camden's reputation as a safe and vibrant borough, that welcomes responsible drinkers.

Councillor Jonathan Simpson, Cabinet Member for Community Safety, Camden Council

Councillor Maryam Eslamdoust, Chair of Licensing Committee, Camden Council

# Chapter One

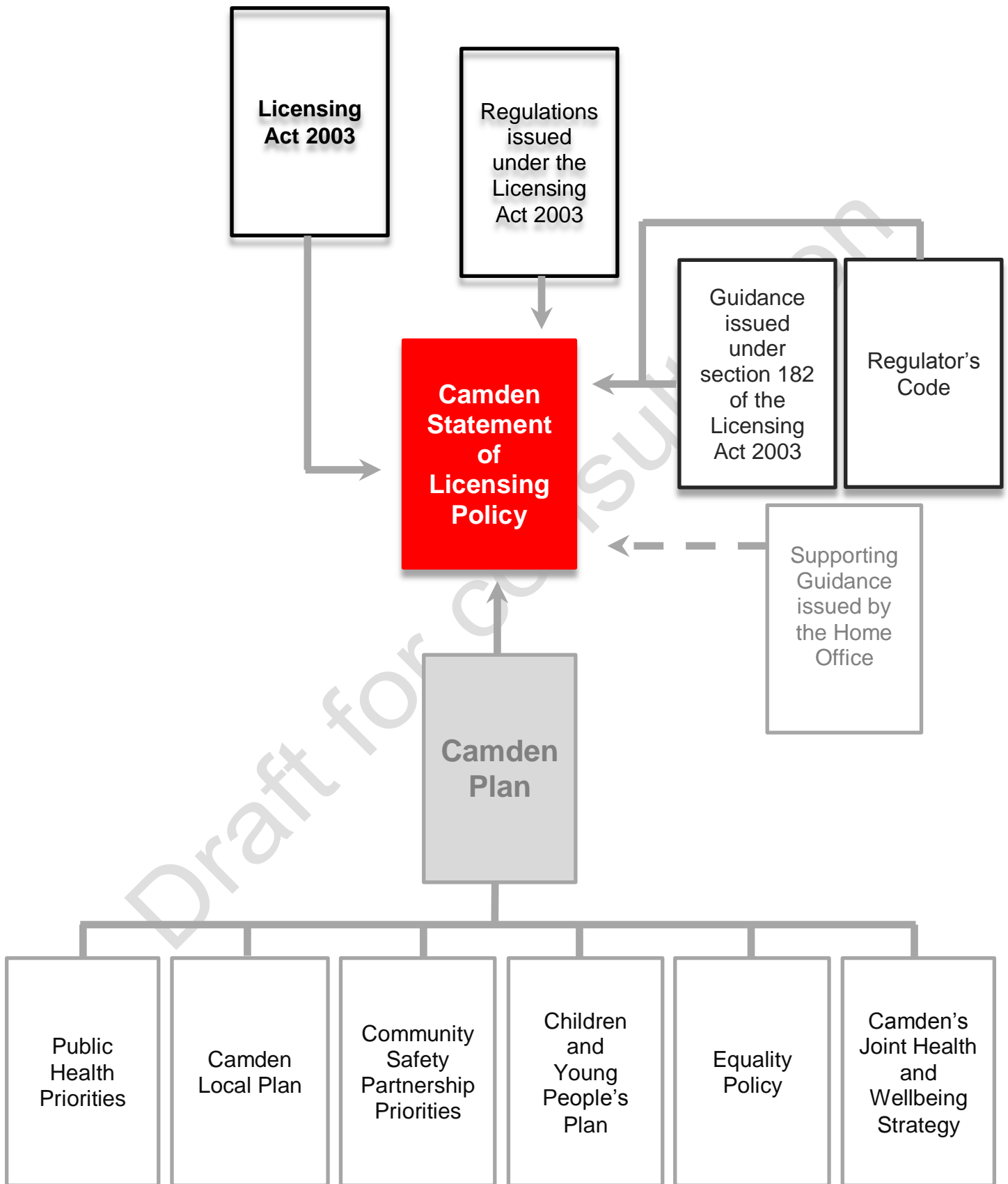
## Introduction

- 1.1 This Statement sets out our licensing policies with respect to our functions under the Licensing Act 2003 (The 2003 Act). It ensures that we have effective and appropriate licensing policies that respond to the borough's unique characteristics while helping to deliver the Camden Plan and other local priorities. We have set out the purpose of this Statement in chapter three.
- 1.2 It replaces our previous Statement published on 31 January 2016 and covers the period from [January 2017] to [January 2022].
- 1.3 We have written this Statement with a view to promoting the four licensing objectives set out in the 2003 Act, which are :
  - the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 1.4 The 2003 Act is clear that the promotion of the four licensing objectives is paramount at all times, however the 182 Guidance identifies a number of other key aims and purposes which are vitally important including:
  - protecting the public and local residents from crime, anti-social behaviour and noise associated with licensed premises
  - recognising the important role licensed premises play in our local communities by minimising the regulatory burden on business and supporting responsible premises
  - encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say
  - giving the police and the Council powers to effectively manage the night-time economy
  - providing a regulatory framework for alcohol which reflects the needs of local people including their health

## Licensing hierarchy

- 1.5 We must carry out our licensing functions in accordance with the 2003 Act and we have a legal duty to take into account the Guidance issued by the Secretary of State under section 182 of the 2003 Act, the Regulator's Code and this Statement. From time to time, the Home Office may issue supporting 'good practice' guidance. We do not have the same legal duty to comply with such supporting guidance but we may refer to it when making decisions or reviewing this Statement. The following diagram shows the relationship between the 2003 Act, its associated regulations, the 182 Guidance, the Regulator's Code, this Statement and the Camden Plan.

## Statement of Licensing Policy hierarchy



## Camden's strategies and plans

- 1.6 This Statement addresses the needs of the community within the licensing framework and the Council's relevant strategies and policies.

### The Camden Plan<sup>1</sup>

- 1.7 This Statement will play an essential role in the delivery of the Camden Plan, the Council's vision for the borough, in particular the objectives of creating conditions for and harnessing the benefits of economic growth, investing in our communities to ensure sustainable neighbourhoods and delivering value for money services and health.
- 1.8 We will aim to deliver this by
- creating stronger partnerships with the responsible authorities and other partners to deliver outcomes for Camden
  - improving community involvement in relation to licensing decisions
  - working for businesses by providing easy access to appropriate advice and information and
  - ensuring Camden is a safe place for everyone by reducing anti-social behaviour and using licensing functions to maintain a night-time economy that is safe and vibrant

### Camden Local Plan<sup>2</sup>

- 1.9 The Camden Local Plan sets out the Council's planning policies and replaces the Core Strategy<sup>3</sup> and Development Policies planning documents. It is a key document in Camden's development plan (the name given to a group of documents that set out our planning policies).
- 1.10 The Local Plan contains a number of policies relevant to licensing which we have considered when producing this Statement, including:

#### Protecting amenity

- Policy A1 Managing the impact of development
- Policy A2 Open space
- Policy A4 Noise and vibration

#### Community, health and wellbeing

- Policy C2 Community facilities
- Policy C3 Cultural and Leisure facilities
- Policy C4 Public houses
- Policy C5 Safety and security

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<sup>1</sup> <http://camden.gov.uk/ccm/navigation/council-and-democracy/camden-plan/>

<sup>2</sup> [http://camden.gov.uk/ccm/cms-service/stream/asset/?asset\\_id=3413550&](http://camden.gov.uk/ccm/cms-service/stream/asset/?asset_id=3413550&)

<sup>3</sup> <http://camden.gov.uk/ccm/navigation/council-and-democracy/camden-plan/strategies-and-partnerships/>



- Policy C6 Access for all

#### Design and heritage

- Policy D3 Shop fronts

#### Town centres and shops

- Policy TC1 Quantity and location of retail development
- Policy TC2 Camden's centres and other shopping areas
- Policy TC4 Town centre uses

### Camden's Joint Health and Wellbeing Strategy 2016-2018<sup>4</sup> (draft)

- 1.11 Camden's Health and Wellbeing Board has developed a strategy, which aims to improve health and wellbeing and reduce health inequalities in Camden.
- 1.12 The strategy sets out five priority areas on which it will focus. The relevant priority in respect of licensing policy is 'reducing alcohol related harm'. The Board takes a partnership approach to reducing alcohol related harm and achieving an overall improvement in health and wellbeing as well as a reduction in inequalities, crime, disorder and offending.

#### Public Health priorities

- 1.13 The Director of Public Health for Camden and Islington ('Public Health') became a responsible authority for licensing in April 2012. One of public health's key priorities is reducing the adverse impacts of alcohol on health and wellbeing in the borough.
- 1.14 We recognise that it is essential to consider health-related harms where they are relevant to the promotion of the licensing objectives. Public Health will therefore, make a vital contribution to promoting the licensing objectives by providing information related to the acute health related harms, which will help us exercise our functions under the 2003 Act.
- 1.15 As a responsible authority Public Health may also:
- contribute to the development and review of this Statement
  - have a key role in identifying and interpreting health data and evidence
  - make relevant representations to us relating to new applications and major licence variations
  - request that we review an existing licence
  - make representations to us regarding the potential cumulative impact of an application
  - provide information to help inform on emerging cumulative impact areas

<sup>4</sup> [https://www.camden.gov.uk/ccm/cms-service/stream/asset/?asset\\_id=3374931&](https://www.camden.gov.uk/ccm/cms-service/stream/asset/?asset_id=3374931&)

1.16 In the development of this Statement, we have considered health data related to alcohol related acute events such as ambulance callouts and admissions to hospital.

1.17 Public Health will also work with our partners to promote sensible drinking messages and support the approach to managing the local availability of alcohol. Public Health will also ensure the links between density of licensed premises, alcohol availability and indicators of health related harm help to inform licensing decisions. We have provided further details in Chapters Four and Six of this Statement.

### Community Safety Partnership priorities<sup>5</sup>

1.18 The Community Safety Partnership<sup>6</sup> (CSP) ensures that statutory and voluntary agencies are working together with our communities to tackle crime and increase community safety. The CSP Delivery Plan 2015-2016 sets out five strategic priorities

- The night-time economy
- Hate and intolerance
- Youth violence
- Anti-social behaviour
- Domestic violence & abuse and sexual violence

1.19 We have had regard to the areas of the CSP Delivery Plan particularly relevant to licensing, which are:

- Making child sexual exploitation victims safer through education by developing links with the regular police “Make Safe” operations covering
  - o hotels
  - o off licences
  - o pubs
- Making the night-time economy safer
  - o Encouraging the introduction of plastic glasses
  - o Influencing licensing policy
  - o Tackling nuisance related to public urination
- Improving networks

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<sup>5</sup> <http://camden.gov.uk/ccm/content/council-and-democracy/plans-and-policies/camden-strategies-&-partnerships/safer-camden-strategy/>

<sup>6</sup> <http://www.camden.gov.uk/ccm/navigation/policing-and-public-safety/community-safety-partnership/>

- o Understanding and influencing the attitude and behaviour of customers and visitors
  - o Coaching network to get licensees to help each other
  - o Being part of the wider night-time economy management strategy
  - o Licensing enforcement and noise
  - o Developments around the late night levy
- Increasing awareness and reporting of hate incidents
  - Identifying vulnerability and risk including hate crime
  - Building community resilience

## Children and Young People's Plan<sup>7</sup>

1.20 The plan 'change for children', sets out how Camden's Children's Trust Partnership Board will deliver on the strategic objectives in the Camden Plan to improve outcomes for children, young people and families in Camden.

1.21 The key factor relevant to licensing is 'reducing crime and anti-social behaviour'.

## Camden's Equality Policy<sup>8</sup>

1.22 We have an ambitious equality agenda to address the needs of people who have traditionally been disadvantaged or treated less favourably based on their race, sex, disability, age, gender reassignment, marriage and civil partnership, pregnancy and maternity, sexual orientation or religion/belief. We are committed to ensuring that our:

- services give satisfaction to all
- policies and procedures do not have any unintended adverse impacts
- workforce is representative at all levels

1.23 Our objectives are to:

- protect the social mix of the borough, supporting all our communities to get on well together
- improve the economic chances for Camden's most disadvantaged groups
- prioritise support to those most in need, informed by a greater understanding of our communities
- ensure all residents have access to the help they need to resolve their problem

<sup>7</sup> [http://www.camden.gov.uk/ccm/cms-service/download/asset?asset\\_id=2952454](http://www.camden.gov.uk/ccm/cms-service/download/asset?asset_id=2952454)

<sup>8</sup> <http://www.camden.gov.uk/ccm/navigation/community-and-living/your-local-community/equality/>

- increase the opportunity for all Camden residents to fulfil their potential and participate in the renewal of the borough

1.24 We have had regard to the areas of Camden's Equality Policy that are particularly relevant to licensing, which are:

- celebrating and respecting the diversity of our community
- working with others to ensure that Camden is a safe place in which to work, study or visit
- listening and responding to the views of our communities through appropriate and widespread consultation and participation mechanisms which are accessible to all
- ensuring that all those in the community are able to visit our public buildings and open spaces
- consulting and involving all sections of our community in the development and monitoring of our policies and services in ways which enable people to participate

## Late night levy

1.25 In January 2016, the Council introduced the late night levy (LNL) to take effect from 28 April 2016. The LNL allows the Council to charge premises that sell alcohol late at night, a contribution towards managing the night-time economy (NTE) which is a key activity for the Council and its partners. The LNL covers the whole borough and applies to all licensed premises including pubs, clubs, supermarkets and off-licences who supply alcohol after midnight and before 6am. The LNL only applies to take-away premises if they also supply alcohol during this period.

1.26 The Council and its partners will use the revenue raised through the LNL to provide additional services and activities to deal with crime and disorder, litter waste and noise resulting from the NTE.

## General

1.27 In preparing this Statement, we have had regard to the S182 Guidance, Regulators Code and our own strategies as set out above. We seek through this Statement to contribute to a safe, sustainable and thriving economy, that people of all ages and from all sections of the community can enjoy.

1.28 We acknowledge that when we exercise our licensing functions under the 2003 Act, we must have regard to the S182 Guidance; Regulator's Code and apply the standards and policies set out in this Statement. However, in some rare cases, the promotion of the licensing objectives may lead us to make exceptions to our policies or to depart from the S182 Guidance. We also acknowledge that the S182 Guidance and this Statement cannot anticipate every possible scenario or set of circumstances that may arise and that exceptions will be rare. If we do make an exception, we will give

full reasons for doing so.

- 1.29 In deciding whether we should make an exception to this Statement, we will consider our reasons for the specific policy and determine whether we would undermine the objectives of this Statement by making an exception to it.
- 1.30 We do not seek to undermine the right of any individual to make an application and to have that application considered on its individual merits, nor to override the right of any person to make representations about an application, or to seek a review of a licence we have issued.
- 1.31 We will not use this Statement to attach conditions that duplicate other regulatory regimes or try to impose standard conditions on licences without regard to the merits of the individual case.
- 1.32 We will formally review this Statement every five years as required by the 2003 Act, and we will keep it under constant review to allow us to make any revisions we may consider appropriate.

## Community involvement in this Statement

- 1.33 In preparing this Statement, we carried out initial engagement with residents, businesses and responsible authorities in late 2015. We took the comments we received into account before preparing a draft of this Statement, which we consulted on in 2016.

## Consultation on this Statement

- 1.34 The statutory consultation ran from [TBC] to [TBC]
- 1.35 The 2003 Act sets out that we must specifically consult residents, licence holders and businesses (or their representatives) and public bodies. We consulted the following :
- the chief officer of police
  - the fire authority
  - representatives of holders of existing premises licences, personal licences and club premises certificates in the borough
  - representatives of businesses and residents in Camden.
- 1.36 In addition to the groups that we are required to consult, we extended the scope of the consultation to include the following:
- residents groups
  - community associations
  - ethnic group associations
  - faith groups

- trader's associations
- neighbouring licensing authorities
- relevant Council teams
- all responsible authorities
- Camden Lesbian, Gay, Bisexual and Transgender Forum
- Camden Community Safety Partnership Board
- Mayor's Office for Policing and Crime
- all Camden Ward Councillors

Draft for consultation

## Chapter Two

### Welcome to the London Borough of Camden

This chapter gives an overview of the London Borough of Camden

#### Overview

- 1.37 The London Borough of Camden covers an area of 22 square kilometres (2,180 hectares) of inner London, to the north of the West End and City of London.
- 1.38 The area covered by the London Borough of Camden extends from Hampstead Heath through Camden Town, Euston and Kings Cross to areas including parts of Holborn, St Giles and Covent Garden.
- 1.39 The borough is well served by public transport, including major mainline rail terminals at Euston, Kings Cross and St Pancras International as well as extensive bus and London Underground coverage.
- 1.40 Camden has a rich architectural heritage, with many buildings and places of architectural or historic importance. It has many residential areas, each with its own distinctive identity and characteristics. There are numerous parks and open spaces within the borough, including Hampstead Heath, Primrose Hill and Regents Park.
- 1.41 Camden also has a wide range of shopping centres and districts, including Camden Town, Finchley Road, Kilburn High Road, Tottenham Court Road, West Hampstead and the Seven Dials area of Covent Garden.
- 1.42 The borough is home to University College London, and major teaching hospitals including University College Hospital and the Royal Free, as well as many of the country's legal practices at Chancery Lane and Holborn.
- 1.43 Camden's cultural and leisure activities include the British Museum, the British Library and well known theatres, in addition to many smaller museums and galleries, cinemas, pubs and music venues. Camden also offers a variety of indoor and outdoor sport facilities, enjoyed by both residents and visitors.
- 1.44 Approximately 225,000<sup>9</sup> residents live in the London Borough of Camden and we expect this to rise to around 246,000 by 2023. There are around 24,000 businesses situated in Camden, ranging from international

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<sup>9</sup> <https://www.camden.gov.uk/ccm/content/social-care-and-health/health-in-camden/joint-strategic-needs-assessment-2012/chapter-1-demographic-chapter/?page=2>

organisations to small businesses, with an estimated 275,800 workers in the borough<sup>10</sup>.

- 1.45 Camden is a borough of diversity and contrasts, with some of the wealthiest areas in England, as well as some of the most deprived. Although it is a small borough in terms of size, Camden is the third largest contributor to London's economy and accounts for around 1% of Britain's economic output.

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<sup>10</sup> <http://www.camden.gov.uk/ccm/content/business/starting-and-growing-your-business/about-camdens-economy/key-facts-on-camdens-economy/>



## Chapter Three

### Purpose of this Statement of Licensing Policy

This chapter explains the role our Statement plays in the licensing process

3.1 Licensing is about regulating licensable activities on licensed premises, qualifying clubs and temporary events within the terms of the 2003 Act.

3.2 The following activities are subject to licensing control:

- the sale of alcohol by retail, or the supply of alcohol by a qualifying club to its members and their guests
- the provision of recorded music
- the provision of live music
- performance of dance
- the provision of facilities for making music
- the provision of facilities for dancing
- indoor sport
- boxing and wrestling exhibitions
- the performance of plays
- film exhibitions
- the provision of late night refreshment, i.e. the sale of hot food and/or drinks between 2300 hours and 0500 hours

3.3 We are responsible for issuing a range of 'permissions' to cover these activities, namely:

- personal licences
- premises licences
- club premises certificates
- temporary event notices

3.4 When we carry out our licensing functions we must follow the law and have regard to the S182 Guidance and this Statement.'

3.5 The S182 Guidance promotes best practice by aiming to ensure consistent application of licensing powers across England and Wales, and to promote fairness, equal treatment and proportionality. It identifies key aims for those involved in licensing:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those that are causing problems
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory

burden on business, encouraging innovation and supporting responsible premises

- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local areas
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them

- 3.6 Each local authority area will have different characteristics and must take account of a wide range of factors, data and information that are relevant to its specific area. We acknowledge the general licensing aims but recognise they may at times conflict and that local circumstances may require different solutions.
- 3.7 Whilst the 182 Guidance aims to ensure consistent application of licensing powers across England and Wales, this Statement aims to ensure that we are consistent in carrying out our licensing functions in Camden.
- 3.8 We recognise the wish of local people to live and work in a safe and healthy environment, and the importance to the local economy and community of well-run leisure and entertainment premises.
- 3.9 To this end, we aim to strike a balance between competing interests and have set out our policies in this Statement that we will apply in Camden with an aim of achieving that balance. We intend this Statement to help those who run licensed premises, their advisers and the public, to understand our policies. The Magistrate's Court will also have regard to this Statement when considering appeals made against our decisions.

## Terms used in this Statement

- 3.10 We have tried to make this Statement easy to read and understand. We recognise that some terms may be unfamiliar to some people or groups and we have clarified the meaning of those terms below:

<b>'any other persons' (formerly known as interested parties)</b>	are anyone who wants to make a representation about an application or review of a licence
<b>"authorised persons"</b>	are some public officials who carry out inspection and enforcement roles such as fire inspectors and environmental health officers (but not the police because they have separate powers under the 2003 Act).
<b>'late night refreshment'</b>	is the sale of hot food or drink to the public between 11pm and 5am
<b>'licence holder'</b>	also includes the holder of a club premises certificate unless stated otherwise

<b>‘licence’</b>	also includes club premises certificate unless stated otherwise
<b>‘licensable activities’</b>	are the sale or supply of alcohol, the provision of late night refreshment, or the provision of regulated entertainment
<b>‘licensing authority’</b>	means the Council of the London Borough of Camden
<b>‘Licensing Committee’</b>	is a group of 15 elected Councillors who decide licensing matters
<b>‘Licensing Panel’</b>	is a sub-committee of the Licensing Committee comprised of three members
<b>‘permissions’</b>	are premises licences, club premises certificates, personal licences or temporary event notices
<b>‘regulated entertainment’</b>	is most public performances of live or recorded music, plays, films, indoor sporting events or dancing
<b>‘relevant representation’</b>	is a written comment about an application for a licence (subject to certain legal requirements)
<b>‘responsible authority’</b>	means any of the organisations listed in Appendix One
<b>‘the 2003 Act’</b>	means the Licensing Act 2003
<b>‘the Council’</b>	means the Council of the London Borough of Camden
<b>‘the police’</b>	means the Metropolitan Police Service
<b>‘the regulations’</b>	are additional rules issued under the 2003 Act by the Secretary of State
<b>‘the S182 Guidance’</b>	means the Guidance to Licensing Authorities issued by the Home Office under Section 182 of the Licensing Act 2003
<b>‘the/this/our statement’</b>	means this Statement of Licensing Policy
<b>‘we; us; our’</b>	means the Council of the London Borough of Camden

## Chapter Four

### Preparation and submission of applications

This chapter explains our approach to the submission of applications and gives information on risk assessments, the four licensing objectives, Public Health concerns and shadow licences.

#### Introduction

- 4.1 This Statement sets out our expectations in terms of licence applications. It is very important that applicants take note of the issues we expect them to address and structure their applications accordingly. Applications should take into account guidance on our website<sup>11</sup> and if necessary seek our advice prior to preparing the operating schedule. In some cases, it will be appropriate for the applicant to consult with local people, responsible authorities and any other persons in order to establish whether they have any concerns before submitting an application.
- 4.2 Being a licence holder carries extensive responsibilities. Consequently, we expect all applicants to demonstrate that they will run licensed premises responsibly. It is essential that applicants make a realistic effort to assess the implications of their proposals and, having regard to the terms of this Statement and this chapter in particular, include measures and conditions to manage such impacts in their operating schedule. Where an applicant fails to propose adequate measures to deal with relevant concerns arising from the licensing objectives, officers will bring this to the Licensing Panel's attention at any hearing.
- 4.3 Responsible authorities and any other persons may examine applications for club premises certificates and premises licences, and may make representations to us where they believe the application undermines one or more of the licensing objectives.
- 4.4 It may be difficult for responsible authorities and any other persons to understand the potential impacts of applications that are not properly structured and presented. Such applications are therefore much more likely to attract representations. In many cases, it will be impractical for the Licensing Panel to draft an extensive list of additional conditions during a panel hearing. We are more likely to refuse applications that include an inadequately drafted operating schedule. It is in the best interests of all parties to ensure that they properly draft their operating schedules prior to submitting the application. Therefore, we strongly advise applicants to reference this Statement when preparing their applications. Responsible authorities or any other persons should also reference this Statement when making representations.

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<sup>11</sup> [www.camden.gov.uk](http://www.camden.gov.uk)

- 4.5 Officers will grant unopposed applications under delegated powers and the operating schedule will form the conditions of the premises licence or club premises certificate, together with mandatory conditions imposed by law. In the case of unopposed applications, these matters will form the only conditions on the licence or certificate.
- 4.6 If we receive relevant representations, a Licensing Panel of elected Councillors will determine the application. . Where there is opposition to applications, the Licensing panel may:
- amend the conditions volunteered in the operating schedule
  - restrict the hours during which licensable activities may take place
  - limit the type of licensed activities that may be carried out
  - impose further conditions on the licence or certificate
  - refuse the application

## Negotiation and compromise

- 4.7 We strongly encourage a spirit of negotiation and compromise between parties. Where an application attracts representations, these can often be fully or partially, addressed through an applicant engaging in dialogue with the parties raising the representations prior to the panel hearing. Licensing issues can sometimes be emotive, so when an applicant does seek to negotiate, it is imperative that such negotiations are conducted in a courteous, sensitive and respectful way.
- 4.8 As negotiation can lead to parties withdrawing representations or agreeing to conditions to address concerns, we encourage applicants to engage in 'positive' negotiations with other parties. This may help to demonstrate that the applicant is a reasonable and responsible person or body and has sought to listen to and address concerns. Where negotiations would clearly have been helpful and an applicant has not sought to initiate them, the Licensing Panel may have regard to this in their determination.
- 4.9 [Contact Camden](#) can give advice about how to conduct negotiations.
- 4.10 Where negotiations are started, we will expect the applicant to ensure these take place as far in advance as possible of the panel hearing. The applicant should seek to involve all (and not just some) of the parties who have made representations in the negotiations, or at the very least keep all parties informed in writing of progress and outcomes. In order for the Licensing Panel to consider negotiations, it is imperative that the applicant informs us in writing of the outcome of any negotiations at least 48 hours before the scheduled panel hearing takes place.

## Risk assessments

4.11 While the production of a risk assessment to accompany an application under the 2003 Act is not mandatory, we encourage applicants to complete one prior to making an application so all parties can consider the impact of their proposals. The following provides a non-exhaustive list of factors that risk assessments should have regard to:

- the location of the premises, for example, the nature of nearby premises, the times they are used, what they are used for, and whether this could affect the proposed activities at the licensed premises. This could include circumstances where the applicant intends to provide late night refreshment and the adjacent premises is a nightclub. Applicants should consider what risks might be associated with large numbers of customers trying to gain access to the premises after the nightclub closes. If the surrounding premises are houses, applicants should consider the risk of causing nuisance to local residents.
- the individual style and characteristics of the premises, for example are they double-glazed to minimise noise breakout? Is there adequate ventilation, or is it likely that doors and windows will have to be kept open to provide ventilation? Are there adequate means for customers to escape if there is a fire? If people have to queue to gain admission, can they do so safely without causing an obstruction or compromising their own safety by mingling with traffic?
- the proposed licensable activities and use
- the proposed hours of operation
- the anticipated number of persons who will be on the premises when licensable activities are taking place
- the expected customer profile: what kind of person are the premises likely to attract? How might these people behave? Bear in mind customer profiles may change depending on the time of day and the time of the week
- the potential for public nuisance arising from customers smoking, eating and drinking in outdoor areas and on the highway outside the premises

4.12 The Health and Safety Executive provides guidance on producing a risk assessment on its website<sup>12</sup>.

4.13 We expect applicants to follow risk assessments by implementing operating procedures and other steps to minimise and mitigate the risks identified. Applicants should detail these in the operating schedule.

4.14 The operating schedule forms part of the application. It sets out the proposed licensable activity; the times during which the applicant proposes

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<sup>12</sup> [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm)

that licensable activities will take place; any other times during which the premises are to be open, and the steps that the applicant will take to promote the licensing objectives.

4.15 The following types of applications have operating schedules set out within the application form:

- applications for new premises licences and new club premises certificates
- variations of premises licences and club premises certificates
- applications for provisional statements

4.16 Premises can vary enormously and it is important that operating schedules are specific to the premises and the proposed use of the premises in respect of which the application is made. Applicants should therefore make informed judgments as to the steps that they may need to take to promote the licensing objectives and consider whether these steps need to be included within the operating schedule.

4.17 When preparing their operating schedule, applicants should have particular regard to the relevant premises policies, framework hours and any relevant cumulative impact policies referred to in this Statement.

4.18 The operating schedule will form the basis of conditions attached to any licence if granted. The following applies:

- if no relevant representations are made, we will grant the application in accordance with the application with conditions that are consistent with the operating schedule and the relevant mandatory conditions
- if any relevant representations are made, we will (unless all parties agree otherwise) hold a hearing. Where we hold a hearing, the Licensing Panel has discretion as to whether or not to grant the application as set out in paragraph 4.6 above.

4.19 When determining applications at a hearing, we will consider the adequacy of the steps or conditions offered by the applicant in the operating schedule.

4.20 Applicants should be aware that breaching the conditions of a premises licence or club premises certificate is a criminal offence. Therefore, applicants should only volunteer conditions in their operating schedule that they can comply with and are willing to do so.

4.21 If applicants volunteer conditions in the operating schedules, they should express the conditions in clear, meaningful and unambiguous terms. For example, an applicant should not make the statement “door supervisors shall be provided at the premises” without stating the number of staff to be provided and the times or precise circumstances during which those staff shall be deployed.

- 4.22 The S182 Guidance recognises that it is extremely important that conditions on the licence or certificate should not be ambiguous. In addition, the duty imposed by conditions must be clear to the licence holder, club, enforcement officers and the courts.
- 4.23 In this regard, we may reword meaningless, unenforceable or ambiguous conditions in operating schedules, where necessary, in order to ensure the licensing objectives are upheld.

## The licensing objectives

### Prevention of crime and disorder

- 4.24 We are committed to reducing crime and disorder across the borough and ensuring that Camden is a safe place that is a vibrant part of London. The Council's vision is to reduce crime and the fear of crime across the borough by working together with partners and the communities we serve.
- 4.25 National and local crime statistics and research indicate that alcohol is often a significant contributory factor to levels of crime and disorder. We recognise that impacts of premises differ according to their styles and characteristics. Statistics show that nightclub venues, for example, contribute disproportionately highly to alcohol related violent crime when compared with other licensed venues.

### Hate and intolerance

- 4.26 We expect licence holders to consider carefully, the possible impact on the local community of allowing their premises to be used by performers or organisations that promote messages of hate or intolerance.
- 4.27 We will notify licence holders of our concerns if the event appears to be in some way detrimental to equalities, local community cohesion and local public order. We also remind licence holders of their responsibility to uphold the licensing objectives, and that crime or disorder resulting from such an event, could lead to a review of the licence.

### Crime and disorder risks

- 4.28 The following provides a non-exhaustive list of risks associated with the crime and disorder objective that applicants may want to consider (where relevant) when preparing their operating schedule:
- crime and disorder near the premises: this may include the risk of crime and disorder 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.

- crime and disorder in the premises: drugs, weapons and violence.
- event type: in some cases, the type of regulated entertainment proposed could increase the possibility of violence and/or disorder occurring in, or near, 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 share these with us, in some cases, to provide such risk assessment to the Clubs and Vice Unit of the Metropolitan police Service before the event is agreed.
- the risk associated with selling alcohol for consumption on or off the premises:
  - what measures are necessary to prevent underage or proxy sales? Proxy sales are when a person who is 18 years or older buys alcohol for a person who is underage.
  - what measures are necessary to prevent alcohol from being sold outside permitted hours where the operating hours of the premises exceed those for the sale of alcohol
  - whether there are procedures in place to prevent sales of alcohol to intoxicated persons (with particular attention to street drinkers).
- licensed premises and late night refreshment: applicants should demonstrate they have assessed the risk of intoxicated persons congregating in large numbers near their premises. Where appropriate, applicants should demonstrate suitable measures to address this problem.
- premises environment: applicants should consider the physical environment of the premises and have regard to issues that could increase the likelihood of customers becoming agitated or aggressive. This may include procedures regarding door supervision, identification and management of drunken customers and issues of overcrowding and capacity.

## Measures to address crime and disorder risks

4.29 In proposing steps or conditions to be included in the operating schedule, we expect applicants to consider the following non-exhaustive list of measures/issues that we consider may be relevant to licence applications:

**alternatives to glass:** restricting the use of glass bottles and drinking vessels to customers in preference for containers made from soft and environmentally friendly materials, polycarbonates, shatterproof or toughened glass

**CCTV:** using CCTV inside and/or outside the premises together with appropriate procedures and staff training for the maintenance and operation of such systems

**dispersal procedures:** establishing appropriate dispersal procedures to minimise the potential for crime and disorder when customers are leaving the premises (see Appendix Five)

**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 sufficient numbers of Security Industry Authority (SIA) registered door staff

**drinks promotions:** adopting policies to discourage excessive drinking. This might include adherence to good practice guides and industry codes on drinks promotions such as happy hours, buy one get one free and so on, in addition to adherence with the mandatory licensing condition regarding irresponsible promotions.

**drugs and weapons:** applicants should pay attention to search procedures, procedures for the safe storage and surrender of seized drugs and weapons and consideration given to adoption of a “zero tolerance” policy in this area

**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

**promotion/event risks:** ensuring compliance with guidance from the police relating to specific event risk assessments for externally promoted live music events well in advance of the event. The police licensing team at Holborn police Station can supply risk assessment forms.

**excessive drinking:** training for staff to recognise when customers are becoming drunk and adopting appropriate ‘cut off’ procedures for drunken customers, to reduce the likelihood of fights or aggressive behaviour

**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, night tube, licensed taxis and private hire (mini-cabs)

**local schemes:** joining and attending meetings of the local Pubwatch, Clubwatch, Radio scheme if applicable

**overcrowding** developing policies and procedures regarding capacity to prevent overcrowding and customers becoming aggressive

**prevention of theft:** using bag hooks and signage to warn customers of pickpockets and bag snatchers

**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 customers in the queues to minimise the potential for crime and disorder

**sales for consumption off the premises:** applicants should consider:

- using shutters to prevent alcohol from being selected in non-licensed periods
- having appropriate numbers of staff on duty to deal with possible 'intimidation' to sell alcohol
- restricting the sale of high strength beer/drink promotions
- using an incident log book to record incidents

**football supporters** - while the vast majority of football supporters are well-behaved, licensed premises that are commonly frequented by football supporters on match days are expected to manage the additional risk that admitting football supporters to their premises may create. Licensing holders and applicants for licences should be aware of the potential impact on the local community, and in particular should consider:

- not serving alcohol to football supporters that are, or appear to be, travelling to attend a football match before 11 am on any day, unless otherwise agreed with the police
- the number of football supporters that may be safely admitted to the premises, and employ door supervisors to ensure this limit is not exceeded
- the risk associated with admitting rival groups of supporters, and consider only admitting supporters from one group
- only serving drinks in plastic or polycarbonate drinking vessels commencing four hours before the advertised start time of the game and until one hour after the game finishes.

## Public safety

4.30 Licensable activities may involve potential risks to the safety of performers and the public attending licensed premises (other than public health, which is covered by other legislation).

4.31 We expect visitors and performers to be kept safe on licensed premises. Accordingly, where other legislation (such as the Regulatory Reform (Fire Safety) Order, or the Health and Safety at Work Act) fails to make suitable provision to ensure public safety, we will exercise our licensing functions to secure the safety of members of the public and performers.

- 4.32 The steps required to ensure public safety vary according to the individual style and characteristics of the premises, the nature of the proposed licensable activities/regulated entertainment, and the anticipated number of people attending the premises.

## Possible measures to ensure public safety

- 4.33 In proposing steps or conditions to be included in the operating schedule, we expect applicants to consider the following non-exhaustive list of measures/issues that we consider may be relevant to licence applications:

**blocking of public areas:** this may apply to both inside and outside areas. For example, applicants may need to consider the possible impact of customers congregating in areas close to the premises and the safety risk arising from customers or others having to walk on roads as a result

**emergencies:** issues in relation to fires, bomb threats, emergency management, contingency planning and evacuation

**environment:** an environment that is too hot or too cold can make customers uncomfortable, and can lead them to become irritable and less likely to exhibit desirable behaviour. Operators should adequately heat and ventilate the premises to avoid this. If premises are located in a residential area, we do not recommend keeping doors and windows open as a means of ventilation due to public nuisance considerations, and licence conditions may even prohibit this. In such cases, operators should provide some form of mechanical ventilation to ensure comfort levels are maintained

**safe capacity:** we do not necessarily set safe capacity limits for premises. For many, the venue risk assessment will determine the premises safe capacity. This risk assessment should consider factors such as floor space, numbers of toilets, potential queuing time, and available fire exits. Consideration should be given as to the number of staff that is necessary to deal comfortably with the needs of persons attending the premises. If the venue has a capacity limit, operators should ensure it is not exceeded by putting a counting mechanism in place and.

**special effects:** if special effects are to be used on the premises such as flame, lasers, pyrotechnics, smoke, fog, foam or firearms, we encourage risk assessment to be carried out in respect of each such activity, detailing the steps to be taken to prevent and control risk to customers and staff. Generally, operators should not use special effects at the premises without our prior consent.

## Public nuisance

- 4.34 We expect the operation of licensed premises not to unreasonably interfere with the personal comfort or amenity of immediate neighbours or the nearby

community.

- 4.35 It is important to remember that the public nuisance could include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include, in appropriate circumstances, the reduction of the living and working amenity and environment of other persons near licensed premises.
- 4.36 In recent years, the impact of increasing night-time activity has seriously concerned some residential and business communities in the borough. Licensing law can help to prevent these problems arising at licensed premises.

### Possible causes of public nuisance

- 4.37 We expect applicants to consider the following non-exhaustive list of risks associated with the public nuisance objective when preparing their operating schedule:

**amplified music:** noise from music played on the premises

**customer noise:** this takes many forms but the following are of particular concern:

- customers queuing to enter or leave the premises
- customers loitering outside the premises waiting for transport
- alcohol-related drunken behaviour and shouting
- customers eating, drinking or smoking in external areas such as beer gardens, forecourts and other open areas adjacent to the premises
- car horns/car radios/slamming of car doors late at night in the vicinity of licensed premises

**deliveries:** early morning deliveries and late night clearing up. For example, the emptying of bottle bins

**lighting:** excessive artificial lighting near licensed premises

**litter/waste:** litter and waste generated by the carrying out of licensable activities, for example, food wrappers and cigarette butts

**obstruction:** customers blocking footpaths when eating, drinking and smoking near to the premises

**plant and machinery:** noise from plant and machinery, including air conditioning units, refrigeration units and kitchen extractors. This may include smell nuisance from ventilation ducting and kitchen extractors.

- 4.38 The Environmental Protection Act 1990 provides powers to control these

matters. Although this legislation empowers Environmental Health Officers to take pre-emptive action in appropriate cases, there is no statutory requirement for operators to notify us about activities that might give rise to problems. Furthermore, there are limits on the action Environmental Health Officers can take in respect of problems on the adjacent highway.

## Possible measures to address public nuisance

4.39 We expect applicants to consider the following non-exhaustive list of measures/issues in their operating schedule:

**deliveries:** ensuring arrangements are in place to prevent unreasonable disturbances caused by delivery of goods and services to the premises and by waste collection, for example 'collections' during the daytime hours

**litter:** where licensable activities give rise to the risk of customers dropping litter in the vicinity of the premises, whether adequate arrangements are in place to prevent littering and/or clearing it up

**noise or vibration escaping the premises:** we will be particularly concerned with premises located close to residential properties who propose to provide music and entertainment. We encourage applicants to supply an acoustic report confirming there will be no noise breakout from the premises that is likely to cause public nuisance to persons living or working in the vicinity of the licensed premises

**plant and equipment:** applicants should demonstrate that plant and equipment (air handling units, ventilation/extraction ducting and other equipment) is suitable and sufficient for the purpose intended without causing nuisance to local residents by way of noise, odours or vibration

**people entering and leaving the premises:** whether consideration has been given to possible public nuisance issues caused by customers and staff entering and leaving the premises. We will pay particular regard to queuing arrangements and arrangements for the orderly dispersal of customers

**customers smoking, eating and drinking in outdoor areas and on the highway outside the premises:** possible measures that may address this issue include:

- providing prominent signage asking customers to keep noise to a minimum when using outdoor areas
- restricting the number of customers permitted in certain outside areas and/or at certain times
- using door supervisors and employees to monitor public nuisance issues
- not allowing customers who are smoking to take drinks outside with them
- closing external areas at a certain time

- removing furniture from smoking areas after a certain time to discourage smokers from loitering outside the premises
- locating smoking areas away from residential premises
- using portable ashtrays to prevent cigarette litter
- only allowing seated customers to use external areas that are authorised to be used by a tables and chairs licence

**queuing:** whether there is an effective door and queuing policy to encourage good behaviour outside the premises. This might include training for door staff to deal with conflict and drunkenness

**signs:** whether there are signs encouraging customers to leave the area quietly, to minimise rowdy behaviour whilst waiting for transport and to minimise nuisance and/or disturbance to residents

**vehicles:** whether there are measures to reduce the impact of customers and staff parking vehicles in the vicinity of the premises and measures taken to minimise noise generated by other vehicles attending the premises, for example minicabs

## Protection of children from harm

### Reasons for the policy approach

4.40 Activities associated with premises that sell alcohol or provide regulated entertainment may in certain circumstances, give rise to concerns for the health and welfare of children (a child is any person under the age of 18).

4.41 We are committed to protecting children from harm and applicants will therefore need to demonstrate how they will promote this licensing objective. Where appropriate, we will impose conditions preventing or restricting the admission of children. We will not however impose any condition that requires the operator to admit children to licensed premises.

### Measures to protect children from harm

4.42 We expect the applicant to consider the following non-exhaustive list of measures/issues to ensure the protection of children from harm:

**prevention of underage sales:** this may include:

- operating a 'challenge 25' policy
- requirements for adults to accompany a person under 18 at all times
- having a recognised proof of age scheme in place and training all staff in its implementation, displaying posters advertising the scheme and giving details of acceptable identification
- keeping a refusals book on the premises and ensuring it is completed whenever sales are refused to a person who appears to be under the age of eighteen
- displaying posters stating that it is an offence to purchase alcohol



- on behalf of an underage person (proxy sales)
- ensuring alcohol is displayed in an area where it can only be accessed by members of staff, for example behind the counter
- for off-licensed premises, not selling individual cans and bottles of beer, cider, alcopops or mixed alcoholic drinks
- use of till prompts

**access to premises:** restricting access for children to licensed premises:

- limitations on the hours when children may be present
- limitations which exclude the presence of children under certain ages when specified activities are taking place
- limitations on the parts of the premises to which children might be given access
- age limitations (below 18)

**unaccompanied children:** where unaccompanied children are to be present at public entertainment, we will expect the venue to provide a member of adult staff (over 18 years of age) for every 50 (or part 50) children present, whose sole responsibility and purpose is to protect those children from harm and to control access and egress

**child performers:** where children are present at an event as performers or entertainers, there should be a nominated adult responsible for those children in order to protect them from harm. Where necessary we will apply conditions to prevent harm to children who are performing

**age restricted films:** where appropriate, applicants should detail their arrangements for restricting children from viewing age-restricted films classified according to the British Board of Film Classification (BBFC) or by the Council.

## Public Health

4.43 Although 'protecting and improving public health' is not a licensing objective, alcohol related harm is a particular cause for concern in Camden. We will therefore, always consider health related harms where they are relevant to the promotion of the licensing objectives. Accordingly, when making representations, Public Health will demonstrate a link between health concerns and the licensing objectives and may provide information such as ambulance call-outs and admissions to hospital specifically caused by alcohol.

4.44 Public Health will also use the powers available to them as a responsible authority, to work with our partners to promote sensible drinking messages and support the approach to managing the local availability of alcohol, ensuring the links between density of licensed premises, alcohol availability and indicators of health related harm to inform licensing decisions.

4.45 We recognise that licensees are generally supportive of the need to address



health issues relating to alcohol. We expect applicants to consider the health impacts of their proposed activities in relation to the licensing objectives, and have set out below, some best practice for applicants to consider when completing their operating schedules.

- restricting special offers such as cheap shots, 'happy hours', 'buy one, get one free', 'buy two glasses of wine and get the whole bottle'. This slows down consumption, the rate at which blood alcohol concentrations increase and the peak levels are reached by drinkers. Rapidly ascending and high blood alcohol concentrations are shown to be associated with violence and uninhibited behaviour.
- aligning price with alcohol by volume (ABV), and ensure that non-alcoholic drinks are much cheaper than alcoholic drinks
- increasing seating for customers to reduce intensive drinking
- reducing the volume of music as loud music can increase alcohol consumption.
- actively promoting designated driver schemes where a driver is offered discounted or free non-alcoholic drinks
- making food available in late venues
- starting the sale of alcohol later in the day and not aligning it purely with opening hours
- not advertising alcohol in the shop window
- storing alcohol behind the shop counter
- not using display boards or other advertising on the shop floor
- not selling single cans of alcohol
- not selling single bottles of beer, and other alcohol beverages such as cider, under 1 litre
- not selling beer or cider over 5.5% ABV
- not selling alcopops where they could attract under age purchasers

## Shadow licences

- 4.46 A shadow licence is a term used to describe a second or subsequent licence for premises where a licence already exists. A "shadow licence" may therefore replicate the authorised licensable activities, hours and conditions of an existing licence or it may differ in all respects
- 4.47 The effect of holding a "shadow licence" could be that in the event of an existing licence being revoked, suspended, surrendered or lapsed, the holder of a "shadow licence" can use that "shadow licence" immediately to allow the holder to continue operating at the premises. The holder of the "shadow licence" could be the freeholder of the premises, the existing premises licence holder or any other person
- 4.48 The existence of a shadow licence may lead to confusion as to which licence is being used at the premises at any given time. We would therefore, expect applicants for shadow licences to consider the following non-exhaustive list of conditions and to include them in the operating schedule:

- The premises licence holder will not trade from or operate the premises under this premises licence, for a period of three months after the revocation of premises licence number: [insert licence number] which exists for the same premises
- The premises licence holder shall hold a notification of interest in respect of premises licence [insert licence number] under section 178 of the Licensing Act 2003
- The premises licence holder will hold quarterly meetings with the holder of premises licence number [insert number] to discuss any issues arising or relating to the premises and the operation of premises licence number [insert number]
- The shadow licence will not authorise licensable activities while premises licence [insert number] has effect.

4.49 We have set out our approach to review applications in respect of shadow licences, in Chapter Nine.

## Planning consent

4.50 Licensing and planning are two separate regimes and the law does not allow us to refuse an application because premises do not have the appropriate planning consent.

4.51 However, we strongly advise the applicant to obtain planning permission, listed building consent or building regulations approval where appropriate.

4.52 Applicants should contact our Planning team for advice.

## Chapter Five

### Framework hours

This chapter explains our policy in respect of licensing hours

5.1 Our policy set out in this chapter applies to applications for:

- a new premises licence
- a new club premises certificate
- variation of a premises licence
- variation of a club premises certificate
- reviews
- provisional statements

### The policy

5.2 We are satisfied that licensable activities are more likely to cause a disturbance to residents during the night and early morning. For this reason, we expect applicants to propose additional measures if they intend to operate beyond certain time periods, which we call 'framework hours'.

5.3 Our framework hours are:

**For licences including the sale or supply of alcohol for consumption on the premises:**

Monday to Thursday	10:00 am until 11:30 pm
Friday and Saturday	10:00 am until midnight
Sunday	11:00 am until 10:30 pm

**For licences authorising the sale of alcohol for consumption off the premises only:**

Monday to Saturday	08:00 am until 11:00 pm
Sunday	10:00 am until 10:30 pm

**For licences not including the sale or supply of alcohol:**

Monday to Thursday	09:00 am until 11:30 pm
Friday and Saturday	09:00 pm until midnight
Sunday	09:00 am until 10:30 pm

### Reasons for the policy approach

5.4 Camden has a large number of licensed premises. Many of these premises sell alcohol late at night and into the early hours of the morning. Camden also borders other London boroughs that have high concentrations of licensed premises with late night/early morning hours. We have carried out

research that confirms to us that late night alcohol related crime and anti-social behaviour remains a problem in large parts of the borough. Against this background, we consider that the possibility of residents being disturbed late at night and in the early hours of the morning, and the effect that any such disturbance may have, is a proper matter for us to consider when addressing the hours for licensable activities.

- 5.5 In considering suitable times for framework hours, we have had regard to concerns expressed by residents, the licensed trade and the police. We acknowledge that different risks are associated with selling alcohol for consumption on and off the premises or where alcohol is not provided and the premises only provide regulated entertainment.

## General

- 5.6 The framework hours are a guide for applicants on our expectations when preparing their operating schedules. However, if we do not receive any relevant representations against the proposed application, the law requires us to grant the licence as requested by the applicant.
- 5.7 The end time for the framework hours on any given day is not (and should not be regarded as) the 'usual' or 'normal' terminal hour for licensable activities in the borough. Instead, the framework hours serve to identify those cases where we will pay particular attention to the likely effect on the local neighbourhood of carrying out the proposed licensable activities outside the framework hours.
- 5.8 Where applications propose licensable activities outside the framework hours, we expect the applicant to consider the risk and volunteer appropriate conditions in their operating schedule to prevent crime and disorder and public nuisance.
- 5.9 We also expect applicants to provide appropriate conditions in their operating schedule to prevent public nuisance in cases where customers will use external areas of premises such as gardens and patios.
- 5.10 In preparing the operating schedule, applicants who wish to provide licensable activities outside the framework hours should have particular regard to:
- the location of the premises and the character of the area in which they are situated
  - the proposed hours during which licensable activities will take place and the proposed hours during which customers will be permitted to remain on the premises
  - the adequacy of the applicant's proposals to prevent crime and disorder and prevent public nuisance
  - any relevant issues that may have arisen where the premises were previously licensed
  - whether customers have access to public transport when arriving at

or leaving the premises at night-time and in the early hours of the morning

- the proximity of the premises to other licensed premises in the vicinity and the hours of operation of those other premises
- policies and proposals for the orderly dispersal of customers

5.11 The following also applies:

- if an application is for hours within the framework hours, there is no presumption that the application will automatically be granted
- in all cases where relevant representations are made, we will pay particular attention to conditions relating to any external areas of the premises
- where relevant representations are made, we will consider each case on its merits

5.12 Any licence condition setting out the hours refers to the hours during which licensable activities may take place at the premises. We would expect the premises to close thirty minutes after the terminal hour for licensable activities.

## Deciding on hours

5.13 Applicants should consider the following when deciding on the hours they propose to operate:

- applicants should limit their applications to the hours they genuinely intend to operate
- when completing the operating schedule, applicants should carefully consider the crime and disorder and public nuisance objectives. Relevant representations are more likely in cases where inadequate regard is had to the need to promote these licensing objectives
- where relevant representations are made, the Licensing Panel shall determine whether the proposals in the operating schedule address the issues underpinning the policy on framework hours. As each application will be determined on its own merits, the individual circumstances will vary between each application
- though this policy applies to all licensable activities, we will have regard to the proposed use of the premises when considering whether and how this policy should apply in any given case

## Chapter Six

### Cumulative impact policies

This chapter explains cumulative impact and sets out the policies in respect of Camden Town and the Seven Dials area of Holborn and Covent Garden.

- 6.1 Cumulative impact is the potential effect on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 6.2 A cumulative impact policy can prevent new premises obtaining a licence or existing premises extending their hours, increasing their capacity or adding licensable activities.
- 6.3 We acknowledge that cumulative impact can apply at all times not just at night, and can apply to any licensed premises not just those that supply alcohol. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for us to consider in our Statement.
- 6.4 We have agreed the following policies based on current and recent historical evidence of licensing related activities in the borough. We acknowledge that Transport for London (TfL) is introducing a night tube service, which is likely to impact on a number of areas of Camden at night and we will keep these policies under review.
- 6.5 We will work with our partners to agree a common approach on measuring and analysing changes following the introduction of the night tube. We will agree baselining information based on existing data sets including but not restricted to:
  - crime statistics on the street
  - crime statistics at stations and on the network
  - noise complaints at licensed premises
  - noise complaints at stations and surrounding area
  - other incident reports at licensed premises
  - other incident reports noise at stations and surrounding area
  - ASB data
  - ambulance call out data
  - behaviour audits
  - customer usage data at stations
- 6.6 After we have obtained the baselining data, we will monitor the activities in the borough associated with the night-time economy, before evaluating the evidence of change against the baselining data. At that time, we will decide whether to review our existing policies and consult further.

## The cumulative impact policies

- 6.7 In 2005, we introduced two cumulative impact policies to address concerns about large numbers of people leaving an area at night and the resulting pressure on transport infrastructure, street cleaning services and police resources, combined with an increase in public nuisance and crime and disorder.

### Seven Dials cumulative impact policy area

- 6.8 The Seven Dials CIP area applies to the whole area within the following outer boundary:
- a) From the centre of New Oxford Street at its junction with Charing Cross Road along the centre of Charing Cross Road to its junction with Shaftesbury Avenue
  - b) From this junction along the centre of West Street to St Martin's Lane at its junction with Shelton Street
  - c) From this junction along the centre of Shelton Street to its junction with Drury Lane
  - d) From this junction along the centre of Drury lane to its junction with Wild Street and Long Acre
  - e) From this junction along the centre of Wild Street to its junction with Kingsway
  - f) From this junction across to the Eastern side of Kingsway and along the eastern flank of Kingsway (including all buildings on the eastern side Kingsway) to its junction with Holborn
  - g) From this junction to the eastern side of the junction with Proctor Street (including all buildings on the North and South of Holborn) and back to Kingsway
  - h) From the Kingsway at its junction with Holborn, along the centre of Kingsway and into Southampton Row as far as the junction with Great Russell Street
  - i) From this junction along the centre of Great Russell Street to its junction with Bloomsbury Street
  - j) From this junction along the centre of Bloomsbury Street to its junction with New Oxford Street
  - k) From this junction along the northern flank of New Oxford Street (including all buildings on that northern flank) to the point in the centre of New Oxford Street at its junction with Charing Cross Road

### Camden Town cumulative impact policy area

- 6.9 The Camden Town cumulative impact policy area applies to the whole area within the following outer boundary:
- a) From Hampstead Road at its junction with Lidlington Place along the centre of Hampstead Road to its junction with Granby Terrace
  - b) From this junction along the centre of Granby Terrace onto the

railway bridge and then in a line behind the houses in Mornington Crescent and along the edge of the railway track northwards at the western side of Clarkson Row, to the centre of Morning Street to the west of its junction with Mornington Terrace

- c) From this point, along the centre of Mornington Terrace to its junction with Park Village East
- d) From this point, along the western edge of the railway track to the south side of Gloucester Gate
- e) From this point, across Gloucester Avenue to the western edge of the railway track and then northwards until adjacent to Sunny Mews at which point the boundary moves to the centre of the railway track to the centre of the bridge with Gloucester Road to the West and Regents Park Road to the East
- f) From this point at the centre of the bridge, along the centre of Bridge Approach, across the junction with Adelaide Road to the northern side of Eton College Road and north west passed Eton Place
- g) From this point, the boundary passes between Eton Place and Eton Hall to the centre of Haverstock Hill and then passes to the South of 50 Haverstock Hill to the rear of the premises situated on Prince of Wales Road, past Craddock Street, Truro Street and into Croglands Road
- h) From this point, along the centre of Croglands Road and the boundary then passes north of the Charlie Ratchford Centre, crosses over Belmont Street, Hadington and back into Belmont Street and then eastwards past Mead Close to the north, across Ferdinand Street and into Harmood Place and along the centre of the road to its junction with Harmood Street
- i) From this point to the junction with Clarence Way and along the centre of Clarence Way, across Castlehaven Road in a straight line as far as the rear gardens to the premises on Kentish Town Road
- j) From this point, along the rear of those premises to Hawley Road, across Kentish Town Road in a straight line to the centre of Camden Street at its junction with Kentish Town Road
- k) From this junction, along the centre of Camden Street over the junction with Crowndale Road and into the South side of Oakley Square
- l) Along the centre of the South side of Oakley Square, across the junction with Eversholt Street and into Lidlington Place as far as the junction with Hampstead Road

6.10 Maps showing the cumulative impact areas are contained in Appendix Three and Appendix Four.

6.11 We have concluded from the most recent research, that we will maintain the cumulative impact policy for Camden Town and extend the Seven Dials cumulative impact policy area to include the following areas:

- a) the eastern side of Kingsway extending from its junction with Sardinia Street to its junctions with High Holborn and Southampton



Row.

- b) both sides of High Holborn to the East of Kingsway as far as the junction with Proctor Street
- c) the northern side of New Oxford Street extending from its junction with Charing Cross Road to its junction with Bloomsbury Street

## Reasons for the policy approach

6.12 We have undertaken research since 2004 to identify and review areas within the borough where high concentrations of licensed premises are undermining the promotion of the licensing objectives. This research has included:

- crime statistics for specific offence groups that, according to the police, are associated with the night-time economy, alcohol and licensed premises
- information from Public Health in relation to alcohol related ambulance call-outs
- observational studies, including studies of anti-social behaviour, criminal activity, and difficulties getting people away from the area at night
- interviews with local stakeholders

6.13 Following research in 2004, we identified two areas within the borough where the number, type and density of premises selling alcohol for consumption on the premises were having a serious negative impact on the local community and local amenities. These areas are Camden Town and the Seven Dials area of Covent Garden and we made both areas subject of cumulative impact policies.

6.14 We have reviewed the policies for these areas regularly to assess whether they are still relevant or whether we should amend them. In 2009, we extended the Seven Dials cumulative impact area, and we retained both cumulative impact areas following research to support this Statement.

6.15 In 2015, we commissioned a review of areas in Camden, where there appeared to be emerging problems of alcohol related crime, disorder and emergency health demand at night. The independent review was carried out over six months from February to July 2015. The report did not recommend creating any new policy areas in Camden but did recommend that two sections adjoining the existing Seven Dials cumulative impact policy area should be included within that policy area. We have considered the reasoning behind this recommendation and we are satisfied that granting or varying licences for premises within these areas could lead to a negative cumulative impact on the licensing objectives.

- 6.16 We have carefully considered the valued contribution of local residents in formulating these policies, including interviews and their deputations to our Licensing Committee, and have consulted widely on the implementation of these policies with all relevant stakeholders
- 6.17 We are satisfied that the two cumulative impact policy areas contain a high number, type and density of premises selling alcohol or providing late night refreshment and that serious problems of nuisance and disorder arise outside or some distance from those premises. It is our view that the impact on surrounding areas of the premises taken together has a negative impact on the promotion of the licensing objectives, and it is necessary to restrict the number of premises and extensions to the licensable activities at premises in those areas in order to manage that cumulative impact.
- 6.18 A summary of the evidence for these cumulative impact policies is available on our website

## General

- 6.19 The cumulative impact policies set out in this chapter apply to the following types of application in either of the cumulative impact policy areas :
- applications for new premises licences and club premises certificates
  - applications that will increase the capacity of the licensed premises
  - applications to extend the hours during which licensable activities may take place in existing licensed premises
  - applications for provisional statements
  - variations that may otherwise have a negative impact on cumulative impact in the area, such as the addition of licensable activities that may change the character of the premises
- 6.20 As a result, where we receive representations, we will in almost all cases, refuse applications for licences within the two cumulative impact policy areas.
- 6.21 If we do not receive any relevant representations against the proposed application, the law requires us to grant the application as requested by the applicant.
- 6.22 We will consider each case on its merits, though applicants should be aware that we would only depart from the policy in respect of cumulative impact in exceptional circumstances.
- 6.23 The absence of a cumulative impact policy for an area does not prevent a responsible authority or any other persons making representations on the ground that the premises may give rise to a negative cumulative impact on the area in question.

## Public Health and cumulative impact

6.24 We recognise that it will not always be possible for Public Health to have venue specific information and the majority of health data will generally relate to geographical areas. The use of this type of data is most suitable where a licence application relates to premises situated in a cumulative impact area, and areas where there is a high level of alcohol related ambulance activity in conjunction with alcohol related crime and violent crime.

6.25 Public Health acknowledges that the impacts of alcohol related harm in terms of ambulance call-outs and crime are not felt evenly across the borough. In particular:

- areas of Camden with high numbers of licensed premises generally have a higher number of alcohol related ambulance call-outs
- areas with higher ambulance activity are mainly in the south of the borough and Camden Town
- large clusters of licensed premises coincide with the areas of higher related ambulance call-outs and alcohol related crime

## Exceptions to cumulative impact policies

6.26 We acknowledge that some premises may be able to demonstrate that they will not or do not contribute to cumulative impact due to the nature of the premises or the activities they provide.

6.27 Examples of factors that we may consider as exceptional may include, though are not limited to:

- small premises with a capacity of fifty persons or less who only intend to operate during framework hours
- premises which are not alcohol led and operate only within framework hours, such as coffee shops
- instances where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same cumulative impact policy area

6.28 Examples of factors the we will **not** consider as exceptional include:

- that the premises will be well managed and run
- that the premises will be constructed to a high standard
- that the applicant operates similar premises elsewhere without complaint.

## Chapter Seven

### Premises policies

This chapter outlines our policies in respect of the different types of premises

### General considerations

- 7.1 This chapter provides our policies for different types of venue. It is not exhaustive, and does not cover every type of venue, or every possible situation, that applicants should consider when preparing their operating schedule. Applicants should read this chapter in conjunction with the preceding chapters relating to the licensing objectives, risk assessments, operating schedules, framework hours and cumulative impact.

### Licence conditions

- 7.2 This chapter also contains examples of conditions that may be appropriate for different kinds of premises. This is intended to assist:
- applicants when applying for a new premises licence or new club premises certificate or when making an application to vary an existing premises licence or club premises certificate
  - any other persons and responsible authorities when making representations on applications, or when making review applications
  - Licensing Panels when considering applications with relevant representations
  - Magistrates when considering an appeal against our decision
- 7.3 Any conditions we attach to premises licences or club premises certificates will relate to matters on the premises or in the immediate vicinity of the premises that are within the licence holders' control. Our primary focus will be the direct impact of the licensed premises on members of the public who live, work or are engaged in normal activity in the area concerned.
- 7.4 In order to avoid duplication with other regulatory regimes, we will only attach conditions to licences if they are necessary to promote one or more of the licensing objectives, which other legislation does not cover. In each case, we will tailor conditions to the individual style and characteristics of the premises and the events concerned.
- 7.5 When making relevant representations, responsible authorities and any other persons can suggest conditions that would satisfy their concerns. Applicants may also suggest additional conditions after making relevant representations if they feel conditions can address the concerns raised.

- 7.6 The example conditions are not mandatory conditions and we will not automatically apply them to all licences. However, we may find it necessary to apply some or all of the conditions once we have considered the merits of the individual application.
- 7.7 The conditions we have provided are not a definitive or exhaustive list of potential conditions. In some cases, we may decide that alternative conditions tailored to individual circumstances will be necessary.

## Premises category

### Restaurants, cafes and coffee houses

- 7.8 This part of the policy applies to premises used primarily as restaurants, cafes, or late night refreshment venues where hot food and drink is sold only for the consumption by customers seated on the premises. (Late night refreshment venues wishing to serve hot food and drink to standing customers or for customers to takeaway should refer to the section “Premises supplying hot takeaway food and drink”.)
- 7.9 For the purposes of this policy, premises are a restaurant or cafe if the sale of alcohol is made only to seated customers who are dining where this is a condition on the licence (or a proposed condition in the operating schedule). Otherwise, we will regard the premises as a pub or bar.
- 7.10 If the tables are cleared at a certain time to create the provision of an area to be used for dancing or other regulated entertainment, we will not consider the premises to be used primarily as a restaurant. Restaurants wishing to provide entertainment should consider this section in conjunction with the section relating to premises providing music and dance.
- 7.11 Premises used primarily as restaurants as defined in this policy are not generally associated with high levels of crime, disorder, anti-social behaviour and nuisance. However, operators should take extra care where persons use external areas of the premises for dining or smoking. Furthermore, controls still need to be in place to ensure that children are not sold alcohol.
- 7.12 Some restaurants may allow customers to bring their own alcohol to the premises to drink with a meal. Although the licence holder does not need a licence for the consumption of alcohol, we would expect operators to consider the risk associated with allowing this activity. We also expect the applicant or licence holder to pay greater attention to the prevention of crime and disorder and prevention of public nuisance objectives, and ensure they have prepared a robust operating schedule in this respect.
- 7.13 The following list of conditions may generally be relevant to restaurants. These conditions are particularly relevant to restaurants wishing to operate outside framework hours or in a cumulative impact policy area. We expect all restaurants to volunteer the condition that alcohol shall only be sold to

persons seated and taking table meals at the premises. If the applicant does not volunteer this condition, we will treat the premises as a pub or bar and the applicant should refer to the relevant section of this chapter.

- a) Alcoholic beverages shall only be sold to customers seated at tables and only when taking a table meal.
- b) Orders for food and beverages shall be taken and dispensed by waiter or waitress service only.
- c) No alcoholic beverages or glass containers shall be taken outside the premises by customers at any time.
- d) Means of escape shall be maintained unobstructed, immediately available and clearly identifiable.
- e) Exit doors shall be checked before opening each day to ensure they function satisfactorily.
- f) The use of the garden/external area shall cease after *(insert time)* hours on *(insert days of the week)*.
- g) Alcoholic beverages can only be sold to and consumed by customers outside the premises when sat at a table covered by a tables and chairs licence where required.
- h) No more than *(insert number)* of customers shall be permitted to smoke outside the premises at any one time.
- i) Customers smoking on the public footway shall not be permitted to cause obstruction of the highway to passers-by.
- j) To monitor and manage customers consuming alcohol outside the premises, *(insert number)* door supervisors will be used from *(insert times)* to *(insert times)*.
- k) Regular litter and glass collections shall be carried out in all areas where customers are congregating.
- l) A physical barrier, such as a rope, will be used to mark the boundary of the area outside the premises where customers are allowed.
- m) Notices shall be prominently displayed at each exit from the premises asking customers to be considerate to neighbours when leaving.
- n) External lighting for the premises shall be turned off after the premises are closed to the public.
- o) 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.

### Premises supplying hot takeaway food and drink (Late night refreshment venues)

7.14 This policy applies to late night refreshment venues whose activities include supplying hot food and drink for consumption off the premises between the hours of 11:00 pm and 05:00 am. Such premises can attract large groups of customers who have come from pubs, bars and clubs in the area and who have consumed considerable quantities of alcohol. These customers can be noisy and cause disturbance in the area long after other nearby licensed premises have closed.

- 7.15 Consumption of food away from the premises can also lead litter causing a public nuisance in the area.
- 7.16 Customers of these venues can often be intoxicated and may be difficult to control. We strongly recommend that operators provide appropriate training for their staff, to ensure they can deal with such situations effectively and fully uphold the licensing objectives.
- 7.17 Late night refreshment venues will generally operate outside framework hours. They are therefore, expected to provide an operating schedule outlining in particular how they will address the prevention of crime and disorder and public nuisance objectives.
- 7.18 Some late night refreshment venues may allow customers to bring their own alcohol to the premises to drink with a meal. Although the licence holder does not need a licence for the consumption of alcohol, we would expect operators to consider the risk associated with allowing this activity. We also expect the applicant or licence holder to pay greater attention to the prevention of crime and disorder and prevention of public nuisance objectives, and ensure they have prepared a robust operating schedule in this respect.
- 7.19 The following are examples of conditions that may be relevant to late night refreshment venues:
- a) A minimum of *(insert number)* registered door supervisors shall be on the premises during the hours of *(insert times)*.
  - b) Policy and procedures for door staff will be put into place detailing dispersal techniques for customers and procedures for dealing with incidents that occur near the premises.
  - c) CCTV must be operational at all times while the premises remain open to the public and all images captured will be recorded and stored on site for a minimum period of 31 days.
  - d) 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.
  - e) If the CCTV equipment is inoperative, or is otherwise not installed and working to the satisfaction of the police and licensing authority, then within 48 hours the police and licensing authority shall be notified and an estimate given of the repair timescale. The premises will comply with all reasonable requests from the police and/or the licensing authority, which may include the suspension of licensable activities.
  - f) Notices shall be prominently displayed at each exit from the premises asking customers to be considerate to neighbours when leaving.
  - g) A maximum of *(insert number)* customers shall be permitted on the premises at any one time.



- h) Patrols of the area outside the premises shall be undertaken every *(insert period)* during the use of the licence and any litter attributable to the premises cleared.
- i) 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 shall be competent to ensure offences are not committed and that the premises shall be run in accordance with the licence.
- j) A minimum of *(insert number)* litterbins shall be provided by the licence holder in *(give details of locality)* for the use of customers.
- k) Policies and procedures shall be put in place for collection of street litter generated by the premises and such policies shall be implemented by staff whenever the premises are being used under the terms of this licence.

## Pubs and bars

- 7.20 This section of the policy applies to pubs and bars where the sale of alcohol is the primary licensable activity. It also applies to proprietary clubs (i.e. members clubs run for profit) and restaurants where the sale of alcohol is not restricted to customers who are taking table meals at the premises.
- 7.21 Venues who also provide music and dance or similar entertainment should read this section in conjunction with the next section of this chapter.
- 7.22 Pubs and bars provide a valuable service to people living in, working in, and visiting the borough. However, they may also contribute to crime, disorder, anti-social behaviour and nuisance in an area due to customers consuming excessive quantities of alcohol on the premises.
- 7.23 Pubs and bars, including those only operating within framework hours, need to address how they will avoid the sale of alcohol to children, how they will control potential nuisance from customers drinking and smoking in gardens and on pavements, and how they will reduce the risk of causing nuisance to their neighbours when customers leave the premises at night.
- 7.24 We expect premises selling alcohol to have a proof of age policy in place (such as Challenge 25), but it is important that all staff responsible for selling alcohol are trained to ask for, and recognise, acceptable means of identification, and are aware the proof of age policy exists.
- 7.25 Particular care should be taken where customers use pavement areas to consume alcohol or smoke. A licence may be required for tables and chairs that are used on pavement areas and Contact Camden can offer advice on this issue. Additionally, customers congregating outside licensed premises can block pavements and cause considerable public nuisance without necessarily behaving in a rowdy manner.



- 7.26 We advise licensees to monitor the use of such areas carefully and be aware of any situations where the licensing objectives are not being upheld. We note this is of particular concern in the Seven Dials area of Covent Garden, where pavements are narrow and can quickly become blocked by even a small congregation of drinkers.
- 7.27 If premises are not authorised to supply alcohol for consumption off the premises, we expect the licence holder to ensure that customers do not take their drinks from the premises into any area that is not authorised on the premises plan. This may include the pavement immediately outside the premises.
- 7.28 Premises operating outside framework hours should pay even greater attention to the prevention of crime and disorder and prevention of public nuisance objectives, and ensure they have prepared a robust operating schedule in this respect.
- 7.29 The following are examples of conditions that may be relevant to pubs and bars:
- a) A minimum of *(insert number)* door supervisors shall be on duty on the premises during the hours of *(insert times)* on *(insert days of week)*.
  - b) Random searches shall be undertaken of customers entering the premises between the hours of *(insert times)* and prominent signage provided to this effect. At least one male and one female supervisor shall be provided for this purpose.
  - c) 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)*.
  - d) Customers shall not be permitted to take drinks outside with them and prominent signage shall be provided to this effect.
  - e) The garden of the premises shall be closed to customers at *(insert time)*.
  - f) Staff shall regularly supervise the pavement area outside the premises to ensure customers are not blocking pavements or causing nuisance to neighbouring premises.
  - g) The tables and chairs outside the premises shall be brought inside at *(insert time)*.
  - h) No more than *(insert number)* of customers shall be permitted to drink or smoke outside the premises at any one time.
  - i) Any alcohol sold for consumption off the premises shall be sold in a sealed container.
  - j) CCTV must be operational 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.
  - k) Copies of CCTV recordings shall 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.

- l) If the CCTV equipment is inoperative, or is otherwise not installed and working to the satisfaction of the police and licensing authority, then within 48 hours the police and licensing authority shall be notified and an estimate given of the repair timescale. The premises will comply with all reasonable requests from the police and/or a duly authorised officer of the licensing authority, which may include the suspension of licensable activities.
- m) Notices shall be prominently displayed at each exit from the premises asking customers to be considerate to neighbours when leaving.
- n) A maximum of (*insert number*) of customers shall be permitted on the premises at any one time.
- o) 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. Customers found in possession of drugs or weapons should be refused entry or removed from the premises.
- p) The premises shall operate a dispersal policy and all staff shall be trained in its implementation. (Further information on dispersal policies can be found at Appendix Five).
- q) There shall be no admittance or re-admittance to the premises after (*insert time*).
- r) An incident logbook shall 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 logbook 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.
- s) Customers shall be supervised when leaving the premises and shall be asked to leave quietly.
- t) The licence holder shall actively participate in any local Pubwatch or similar scheme.
- u) 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.
- v) A proof of age scheme such as Challenge 25 shall operate at the premises and all staff shall be trained in its implementation. Only photographic ID such as a British driving licence or a passport shall be treated as acceptable forms of identification.

7.30 For premises wishing to operate as proprietary clubs:

- a) Admission to the licensed premises shall be restricted to Members of the club and their bona fide guests.
- b) No person shall be admitted to the premises without an interval of at least 48 hours between application for membership and admission.
- c) No more than (*insert number*) guests per member shall be admitted to the club. Details of all guests shall be recorded on site and to be made available to police and a duly authorised officer of

the licensing authority immediately upon request during a visit the premises.

- d) The maximum number of guests in attendance shall not exceed 25% of the total number of Members present at the premises.
- e) Members and guests shall be required to “sign in” when entering the premises.
- 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 a duly authorised officer of the licensing authority.

## Premises providing music, dance and similar entertainment

7.31 We recognise the cultural importance and significance of premises providing live music, dance and similar entertainment. We are keen to encourage diverse forms of entertainment throughout the borough, but at the same time recognise that this can, if not properly managed, give rise to public nuisance concerns that impact adversely on people who live near licensed premises.

7.32 The conditions suggested in this section apply to any premises who wish to provide recorded music, live music, dance performance, or provision of facilities for music and dancing as part of their licensable activities.

7.33 Generally, where an applicant wishes to provide these activities, we will expect the applicant to appoint a noise consultant who is competent to carry out a noise impact assessment. This will identify, for example, any structural weaknesses in the building, such as open vents, poor quality glazing or party wall issues. It will also give professional guidance on how to avoid causing noise nuisance from such activities to people living nearby.

7.34 Where the applicant does not submit a noise impact assessment with their application, our Environmental Health Department will normally make a representation concerning the prevention of public nuisance objective, unless the applicant can comprehensively demonstrate in their operating schedule that they are able to operate the premises without causing public nuisance.

7.35 The following are examples of conditions that may be relevant to premises providing music, dance and similar entertainment:

- a) A sound limiting device shall be installed, set and sealed at a level approved by the Council.
- b) Only the premises licence holder and the designated premises supervisor shall have access to the sound limiting device.
- c) The sound limiting device shall be used whenever relevant regulated entertainment is taking place.

- d) A cut-out device shall be connected to the exit doors and will be operational at all times the licence is in use. 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.
- e) Before 2300 hours, the noise climate of the surrounding area shall be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the application site, as measured one metre from any facade of any noise sensitive premises over any five minute period with entertainment taking place, shall not increase by more than 5dB as compared to the same measure, from the same position, and over a comparable period, with no entertainment taking place; and the unweighted equivalent noise level (Leq) in the 63Hz Octave band, measured using the "fast" time constant, inside any living room of any noise sensitive premises, with the windows open or closed, over any five minute period with entertainment taking place, should show no increase as compared to the same measure, from the same location(s), and over a comparable period, with no entertainment taking place.
- f) After 2300 hours, the noise climate of the surrounding area shall be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the application site, as measured one metre from any facade of any noise sensitive premises over any five minute period with entertainment taking place shall not increase by more than 3dB as compared to the same measure, from the same position, and over a comparable period, with no entertainment taking place; and the unweighted equivalent noise level (Leq) in the 63Hz Octave band, measured using the "fast" time constant, inside any living room of any noise sensitive premises, with the windows open or closed, over any five minute period with entertainment taking place, should show no increase as compared to the same measure, from the same location(s), and over a comparable period, with no entertainment taking place.
- g) 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.
- h) All external doors and windows to the premises shall be kept closed during the provision of regulated entertainment, save during access and egress.
- i) 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 noise break out.

## Nightclubs

- 7.36 Statistics show that nightclubs and late night dance venues generally contribute far higher levels of alcohol related violence per premises than other licensed venues. As a result, we expect nightclub and late night dance venue operators to pay particular regard to the prevention of crime and disorder objective when preparing their operating schedule.
- 7.37 It is extremely important that operators of such venues prepare a risk assessment before considering appropriate conditions for their operating schedule.
- 7.38 Applicants should consider the conditions outlined in this section in conjunction with the section applicable to premises providing music and dance and similar entertainment.
- a) A minimum of (*insert number*) door supervisors shall be on duty on the premises from (*insert time*) until all customers have left the premises and its vicinity.
  - b) Random searches shall be undertaken of customers entering the premises between the hours of (*insert times*) and prominent signage provided to this effect. At least one male and one female supervisor shall be provided for this purpose.
  - c) A metal detection device shall be randomly used by door supervisors to search customers for weapons.
  - d) A search arch shall be used at the entrance to the premises to detect customers who may be carrying weapons.
  - e) Customers shall not be permitted to take drinks outside with them and prominent signage shall be provided to this effect.
  - f) Persons wishing to leave the premises to smoke shall not be permitted to take drinks outside with them.
  - g) No more than (*insert number*) of customers shall be permitted to drink or smoke outside the premises at any one time.
  - h) Customers shall not be permitted to take glass bottles or drinking vessels outside the premises.
  - i) CCTV must be operational 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.
  - j) CCTV cameras shall be provided to cover all public areas of the premises except inside toilet cubicles, and shall record ingress points to the premises.
  - k) 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.
  - l) If the CCTV equipment is inoperative, or is otherwise not installed and working to the satisfaction of the police and licensing authority, then within 48 hours the police and licensing authority shall be notified and an estimate given of the repair timescale. The premises will comply with all reasonable requests from the

police and/or a duly authorised officer of the licensing authority, which may include the suspension of licensable activities if necessary.

- m) Notices shall be prominently displayed at each exit from the premises asking customers to be considerate to neighbours when leaving.
- n) A maximum of (*insert number*) customers shall be permitted on the premises at any one time.
- o) Appropriate devices shall be used by door staff to monitor the number of persons present on the premises at any one time.
- p) 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. Customers found in possession of drugs or weapons should be refused entry or removed from the premises.
- q) The premises shall operate a dispersal policy and all staff shall be trained in its implementation. (Further information on dispersal policies can be found at Appendix Five).
- r) There shall be no admittance or re-admittance to the premises after (*insert time*).
- s) An incident logbook 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 logbook 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.
- t) Customers shall be supervised when leaving the premises and shall be asked to leave quietly.
- u) Bag clips shall be made available on all tables.
- v) A cloakroom or similar facility shall be available for customers to leave their belongings.
- w) Notices shall be displayed throughout the premises to advise customers of the potential for thefts.
- x) The premises shall operate a zero tolerance policy to drug use and posters shall be prominently displayed to this effect.
- y) All staff shall be trained in the implementation of the venue drugs policy.
- z) Toilet cisterns shall be provided with sloping lids or similar and toilet seats without covers to discourage drug use.
- aa) The licensee shall undertake a risk assessment of any promotion or event using the Metropolitan Police Service Promotion/Event Risk Assessment (Form 696)<sup>13</sup> or an equivalent and provide a copy to the police licensing team at Holborn Police Station and the licensing authority not less than 14 days before the event is due to take place.

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<sup>13</sup> <http://content.met.police.uk/Article/Organising-a-promoted-event-in-a-licensed-premises-using-a-DJ-or-MC/1400002385589/1400002385589>

- bb) Following submission of the risk assessment, all directions of the police shall be complied with, including cancellation of an event if necessary.
- cc) Where an 'event' has taken place, the licensee shall complete an Metropolitan Police Service After Promotion/Event Debrief Risk Assessment (Form 696A) and submit this to the Metropolitan Police Licensing Officer at Holborn Police Station and the licensing authority, within three days of the conclusion of the event.
- dd) All bar servers 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.
- ee) The licence holder shall not permit the use of special effects such as lasers and pyrotechnics, except with the prior consent of the Council, which may be subject to additional conditions if necessary to promote the public safety objective.
- ff) The licensee shall take all reasonable steps to ensure that there is no unauthorised advertising of events to be held at the premises.
- gg) Door supervisors shall be provided with radios to enable them to contact each other and the duty manager at the premises.
- hh) The premises shall participate in any local radio scheme in operation that enables them to be in contact with other local radio scheme users.
- ii) A proof of age scheme such as challenge 25 shall operate at the premises and all staff shall be trained in its implementation. Only photographic ID such as a British driving licence or a passport shall be treated as acceptable forms of identification.
- jj) Alcoholic and soft drinks shall be served in polycarbonate containers.
- kk) Bottled alcoholic and soft drinks shall be decanted and served in polycarbonate containers
- ll) All incidents involving drug use, drug dealing or assaults shall be reported to the police within 24 hours of the incident.

## Off licences

7.39 This part of the policy applies to shops, supermarkets and stores selling alcohol for consumption off the premises. 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.

7.40 We expect 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 may provide shelter or services to alcohol dependent persons.



7.41 It is important that staff working at off licences receive suitable training on the 2003 Act and can discharge their duties in full compliance with the licence conditions and the law. This includes the ability to verify customers' identification where necessary.

7.42 It is compulsory for premises selling alcohol to have a proof of age policy such as Challenge 25 in place, but it is important that all staff responsible for selling alcohol, are trained to ask for and recognise acceptable means of identification and are aware the proof of age policy exists.

7.43 Examples of conditions that may be appropriate to off licences are:

- a) Strong beer and cider above 5.5% ABV shall not be sold.
- b) No single cans or bottles of beer, cider, alcopops or mixed alcoholic drinks shall be sold.
- c) A minimum of two members of staff to be present at all times whilst the premises remain open for the sale of alcohol
- d) At least one person holding a personal licence shall be on duty at the premises when alcohol is being sold.
- e) Posters shall be displayed in prominent positions around the till advising customers of the proof of age policy in force at the premises.
- 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.
- g) The designated premises supervisor shall regularly check the refusals book to ensure it is being consistently used by all staff.
- h) 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 authorised Council officers on request.
- i) 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
- j) Shutters shall be closed and locked at the end of the permitted hours for the sale of alcohol. They shall remain locked until the start of the permitted hours on the following day.
- k) All alcohol shall be stored and displayed behind the service counter and not in aisles or other areas accessible to the public.
- l) All alcoholic drinks shall be clearly labelled or marked with the name of the premises.
- m) The premises shall operate a Challenge 25 policy.
- n) The premises shall use till prompts to remind staff to ask for proof of age.
- o) Notices shall be displayed in prominent positions on the premises near to where alcohol is kept and sold advising customers that the



whole of the London Borough of Camden is a controlled drinking zone.

## Theatres, cinemas, qualifying clubs and community premises

- 7.44 We welcome the contribution that theatres, cinemas and community premises make in providing diverse entertainment for people of all ages in Camden.
- 7.45 Similarly, qualifying clubs such as working men's clubs and other affiliated social clubs have strong membership conditions that also tend to discourage alcohol related crime, disorder and anti-social behaviour.
- 7.46 However, where such premises wish to provide regulated entertainment in the form of music and dance, they should refer to the relevant section in this chapter on music and dance venues.
- 7.47 A club premises certificate permits only the supply of alcohol to club members and sale to their bona fide guests. Clubs cannot sell alcohol to members of the public unless they are guests of a member. Clubs who wish to let rooms out for private hire with a paid bar, or who provide entertainment facilities to members of the public such as the provision of a sound system or dancing facilities, must obtain a premises licence.
- 7.48 Other conditions relevant to such venues may include:
- a) No more than (*insert number*) of persons shall be present on the premises at any one time.
  - b) Alcoholic and soft drinks shall be served in polycarbonate containers.
  - c) Means of escape shall be maintained unobstructed, immediately available and clearly identifiable.
  - d) Exit doors shall be checked before opening each day to ensure they function satisfactorily
  - e) An evacuation policy shall be in place 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.
  - f) Emergency drill and lighting tests will be conducted monthly. Records of these tests shall be made available to authorised Council officers upon request.
  - g) Any special effects or mechanical installation shall be arranged and stored to minimise any risk to the safety of the audience, performers and staff.
  - h) The licence (or club premises certificate) holder shall not permit the use of special effects, except with the prior consent of the Council, which may be subject to additional conditions if necessary to promote the public safety objective. Special effects include:

- 1) dry ice machines and cryogenic fog
  - 2) smoke machines and fog generators
  - 3) pyrotechnics, including fireworks
  - 4) real flames
  - 5) firearms
  - 6) motor vehicles
  - 7) strobe lighting
- i) The premises shall be adequately ventilated in all areas to which the staff and public have access.
  - j) 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.
  - k) 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 (or club premises certificate) and clearly states the responsibilities of the hirer in respect of upholding such conditions.
  - l) Where the premises are let to individuals or groups for private hire, a named person shall be responsible for ensuring adherence to the that conditions of the premises licence (or club premises certificate) are adhered to. This person shall provide their details to the licence holder (or Secretary of the club) 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.

## Hotels

- 7.49 Hotels often provide a range of licensable activities that may include entertainment for guests as well as providing a venue for private parties such as weddings and corporate hospitality.
- 7.50 Hotels wishing to provide regulated entertainment in the form of music and dance should follow the guidance in the appropriate section of this chapter.
- 7.51 Showing films in hotel bedrooms is a regulated activity and applicants should address film exhibitions in their operating schedule.
- 7.52 Where hotels have a bar that is open (and advertised) to the public, we shall consider this in the same manner as a pub or bar.
- 7.53 In all cases, we will generally expect hotels to propose the following additional conditions in their operating schedule:
- a) Alcohol may be sold at any time only to hotel guests for consumption on the premises.
  - b) Alcohol shall only be sold to non-residents from the hours of (*insert times*) on (*insert days of the week*) and during the following times,

to persons attending bona fide private functions at the hotel (*insert days and times*).

## Premises providing nudity, striptease and other adult entertainment

7.54 If the applicant proposes to provide “relevant entertainment” at the premises on a “frequent” basis, they should also apply for a sex establishment licence and refer to our sex establishment policy<sup>14</sup>.

7.55 Relevant entertainment is any live performance or live display of nudity for the purpose of sexually stimulating one person and includes:

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows

7.56 Frequent means the relevant entertainment is to be provided:

- more than 11 times in a 12 month period
- there is less than one month between each occasion
- occasions last longer than 24 hours

7.57 Where the applicant proposes to offer adult entertainment on an infrequent basis (including the showing of R18 certificate films) we expect the applicant to complete Box N of the operating schedule and give details of the proposed entertainment. If the applicant leaves Box N blank, we will include a condition (consistent with the operating schedule) that no adult entertainment shall be provided on the premises.

7.58 Applicants, who propose to offer infrequent adult entertainment, should read this section in conjunction with other relevant sections of this policy such as nightclubs and music and dance venues where appropriate.

7.59 Poorly run venues that provide adult entertainment are sometimes associated with issues such as prostitution and touting near to the licensed premises.

7.60 We will generally expect venues wishing to provide this kind of entertainment on an infrequent basis to offer the following conditions in their operating schedule:

- a) No person under the age of 18 shall be admitted to the premises at any time.

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<sup>14</sup> <http://www.camden.gov.uk/ccm/content/business/business-regulations/licensing-and-permits/licences/sex-establishment/sex-shop-and-sex-cinema-licence/>

- b) No person under the age of 18 shall be admitted to the premises when adult entertainment is taking place.
- c) 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.
- d) The premises shall be arranged so adult entertainment is not visible from the street.
- e) There shall be no external advertisement at the premises for adult entertainment.
- f) There shall be no leafleting or touting in respect of the adult entertainment hosted at the licensed premises.
- g) Nudity shall only be permitted by performers and not by customers.
- h) A minimum of one metre distance shall be maintained between dancers and customers during adult entertainment.
- i) 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 and/or a duly authorised officer of the licensing authority 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.
- j) CCTV cameras shall be provided to cover all public areas of the premises except inside toilet cubicles, and shall record ingress points to the premises.
- k) 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.
- l) If the CCTV equipment is inoperative, or is otherwise not installed and working to the satisfaction of the police and licensing authority, then within 48 hours the police and licensing authority shall be notified and an estimate given of the repair timescale. The premises will comply with all reasonable requests from the police and/or a duly authorised officer of the licensing authority, which may include the suspension of licensable activities if necessary.

## Large temporary events

7.61 This section relates to applications for large events that are temporary in nature, but cannot be authorised under a temporary event notice (TEN) because of the number of persons who will be present or because the event spans more days than permitted by a TEN.

7.62 Generally, we will license these events under a time limited premises licence lasting for the duration of the event.

7.63 We advise persons wishing to hold such events to contact us for advice prior to making an application.

- 7.64 We also advise applicants to read “The Purple Guide to Health, Safety and Welfare at Music and Other Events”<sup>15</sup> which replaces “The Event Safety Guide” (HSG195) published by the Health and Safety Executive.
- 7.65 Usually, we will ask applicants seeking a time limited premises licence for a large event to attend a meeting of the Safety Advisory Group (SAG).
- 7.66 The SAG consists of officers from responsible authorities such as the police, our noise and health and safety teams, the fire authority. Officers from other relevant departments and agencies such as the London Ambulance Service, Transport for London and our highways team may also attend from time to time, where it is considered appropriate in the circumstances.
- 7.67 In cases where we consider a SAG meeting is necessary, our health and safety team will contact the applicant to advise them of the requirement for a meeting and arrange a suitable date, and time for the meeting.
- 7.68 We will invite applicants to present their application and details of their event to the SAG. We expect the applicant to bring a draft event management plan (EMP) with them to the meeting so the members can consider whether the event is being run safely and will cause minimum disruption to the environment in terms of nuisance, traffic management and so forth.
- 7.69 The SAG does not determine licence applications or impose conditions, but will advise applicants on producing an acceptable EMP for their event.
- 7.70 An EMP is a statement of how an event organiser will run their event. It incorporates such areas as risk assessment, traffic and transport planning, first aid, stewarding, site layout, emergency planning and evacuation plans, noise management, litter disposal and communication protocols.
- 7.71 We strongly urge applicants to consult the SAG and produce a draft EMP prior to submitting their licence application. Where a responsible authority considers an EMP is inadequate to promote the licensing objectives, it may make a representation to us about the application.
- 7.72 Generally, we advise applicants to offer only the following conditions in their operating schedule:
- a) The Licensee shall comply with the event management plan submitted to the licensing authority and no changes shall be made to the event management plan without the prior written consent of the licensing authority.
  - b) The Event shall be run in accordance with the site plan submitted to the licensing authority. No changes shall be made to the site plan without the prior written consent of the licensing authority.

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<sup>15</sup> <http://www.thepurpleguide.co.uk/>

7.73 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 existing premises licence. Without this approach, any changes made could be unauthorised and possibly result in enforcement action.

7.74 We also advise applicants to refer to the purple guide for guidance on producing an EMP.

Draft for consultation

## Chapter Eight

### Licence variations

This chapter provides guidance on our approach to variations of existing premises licences and club premises certificates

### Full variations

- 8.1 An applicant who wishes to make changes to an existing premises licence or club premises certificate must do so by making an application to us to vary their existing authorisation.
- 8.2 A full variation application can be used to:
- extend the hours during which licensable hours activities can take place
  - add licensable activities that may impact on one or more of the licensing objectives
  - remove or amend conditions that may impact on one or more of the licensing objectives
- 8.3 If the licence holder intends to make changes to the building (such as using previously unlicensed parts) that would result in an increase in capacity of the licensed premises, we expect the licence holder to apply for a new licence.
- 8.4 We also expect the licence holder to apply for a new premises licence for substantial changes to the nature of the premises (for example changing from a restaurant to a nightclub).
- 8.5 If applicants are in any doubt as to whether a variation or grant of an authorisation is required, they should seek our advice prior to submitting their application.

### Minor variations

- 8.6 The minor variations procedure allows licensees to apply to us for small changes to an existing premises licence or club premises certificate, without the need to make a full application to vary the existing authorisation.
- 8.7 Minor variations will generally fall into five categories:
- minor changes to the structure or layout of the premises
  - small adjustments to licensing hours
  - the removal of out of date, irrelevant or unenforceable conditions
  - addition of volunteered conditions

- addition of certain licensable activities

8.8 The minor variation process cannot be used to:

- a) add the retail or supply of alcohol
- b) extend the licensing hours for the supply of alcohol between 11 pm and 7 am
- c) increase the amount of time on any day during which alcohol may be supplied
- d) extend the period for which the licence has effect
- e) transfer the licence
- f) substantially vary the premises layout
- g) disapply the mandatory conditions

8.9 The applicant does not have to send a copy of the application for a minor variation to the responsible authorities. However, the applicant must display a notice at the premises for a period of ten working days starting on the first working day after giving the application to us.

8.10 Applicants should discuss their proposals with us before submitting an application, and we will advise whether the minor variation process is appropriate.

8.11 The 2003 Act does not provide a right to a hearing to consider minor variations. The Council has delegated the power to determine a minor variation application to the Director of Culture and Environment.

8.12 In making such decisions, the Director of Culture and Environment will have regard to any relevant representations received from interested parties within the statutory time limit. We will only regard representations as relevant where they relate to the likely effect of the grant of the application on one or more of the licensing objectives.

8.13 We will also consult, when and if necessary, with the relevant responsible authorities.

8.14 We will only approve an application for a minor variation where in our opinion the variation sought will not have an adverse impact on the licensing objectives.

## Relevant considerations

8.15 We will consider the following matters when deciding whether to approve a minor variation application. This list is not exhaustive and we cannot anticipate every scenario. We will determine each case on its individual merits.

- a) any of the factors in paragraph 8.8 above
- b) whether the application increases the capacity for consuming alcohol on the premises



- c) whether access to emergency exits or escape routes shall be blocked by the proposed changes
- d) whether the alterations might affect the operation of noise reduction measures such as an acoustic lobby
- e) whether the addition of a licensable activity might impact on the promotion of the licensing objectives, e.g. the addition of live or recorded music on the prevention of public nuisance objective
- f) the proximity of the licensed premises to residential accommodation
- g) conditions volunteered by the applicant to mitigate the effects of any changes
- h) the previous history of the premises
- i) the proximity and density of other licensed premises if customers from these premises may be attracted by the licensable activities being offered
- j) whether the premises is already licensed during that period for other licensable activities

8.16 If we refuse an application for a minor variation, we will inform the applicant of our reasons for doing so. Where we refuse an application and the applicant subsequently applies for a full variation, the rules governing applications for full variations apply, including all relevant time limits.

8.17 If we fail to respond to a request for a minor variation within fifteen working days, the 2003 Act treats the application as refused and we will refund any fees paid in respect of the application. However, we may agree with the applicant to retain the fee and treat the undetermined application as if it were a new one.

## Chapter Nine

### The responsibilities of licence holders and reviews

This chapter outlines our approach to reviews of premises licences and club premises certificates

#### Responsibilities of licence holders

- 9.1 Being a licence holder carries special responsibilities, and all licence holders must give meaningful effect to the terms and conditions of the licence with a view to preventing problems arising.
- 9.2 If management issues do arise, it is essential that licence holders proactively engage with responsible authorities, local people and us in order to address them. In particular, the licence holder should listen to concerns and seek to identify specific steps they can take to deal with problems in a way that promotes the licensing objectives.
- 9.3 Where possible, we will try to give licence holders early warning of concerns about problems and the need for improvement. In some cases, (where time allows) we may also be able to facilitate mediation between the licence holder and people who are concerned about the operation of the premises. However, the responsibility for addressing problems lies with the licence holder. In particular, we will expect licence holders to take immediate action to deal with problems that are seriously affecting the quality of life of local people. Failure on the part of the licence holder to respond proactively to management issues may lead us to take enforcement action (see Chapter 13). It may also trigger a party seeking a review of the licence. In considering such a review, we will have regard to the actions of the licence holder and the extent to which they have co-operated with other parties in attempting to deal with the issues.

#### Reviews

- 9.4 A responsible authority or any other person may seek a review of a licence if they are concerned about the operation of the premises, or may automatically following a police closure of the premises due to disorder.
- 9.5 A review must relate specifically to the premises that are the subject of the review.
- 9.6 We may reject an application for review from any other persons if it is frivolous, vexatious or repetitious, or if it is not relevant to the licensing objectives. We can only reject a review application from a responsible authority if it is not relevant to the licensing objectives.
- 9.7 We would only expect to receive an application to review a licence where other mechanisms to deal with problems at the premises have been

exhausted. For example, a review application would not be appropriate, and we may regard it as vexatious, if the applicant for the review has not brought the problems to our attention previously and given us an opportunity to investigate their complaint.

9.8 At a review hearing, we may:

- add conditions to the licence
- modify conditions of the licence
- remove certain licensable activities from the licence
- reduce the hours during which licensable activities may take place
- remove the designated premises supervisor
- suspend the licence for up to three months
- revoke the licence

## Shadow licences

9.9 The Council is concerned that the existence of a shadow licence may undermine the sanctions available to us in response to an application to review a premises licence when a shadow licence exists for the same premises.

9.10 In circumstances where we receive an application to review a licence at premises where a shadow licence exists, we will consider whether it is appropriate to the promotion of the licensing objectives, to make an application to review the shadow licence at the same time.

9.11 Where the applicant for the review is a responsible authority or any other person, we may ask the applicant to consider whether it may be appropriate to the promotion of the licensing objectives, to make an application to review the shadow licence at the same time.

## Expedited reviews

9.12 The Violent Crime Reduction Act 2006 gave the police powers to seek accelerated reviews of premises licences where the sale of alcohol is a licensable activity. The powers do not apply to other types of licence, or to club premises certificates.

9.13 The powers complement existing procedures in the 2003 Act for tackling crime and disorder associated with licensed premises. The existing powers, in Part 8 of the 2003 Act, provide for the instant closure of premises by the police in some circumstances, and allow the licensing authority to review the licence. The expedited review powers are aimed at tackling serious crime and serious disorder, including the use of guns and knives.

9.14 The powers allow:

- the police to trigger a fast track process where they consider that the premises are associated with serious crime or serious disorder (or both); and
- us to respond by taking interim steps quickly, where appropriate, pending a full review.

9.15 The police may apply to us for an expedited review of a premises licence where a senior police officer has issued a certificate stating that in his/her opinion the premises are associated with serious crime or serious disorder (or both).

9.16 On receipt of the application and the certificate, we must within 48 hours, consider whether it is necessary to take interim steps pending determination of the review of the premises licence. In any event, we must undertake a review within 28 days of receiving the application.

9.17 At the interim steps hearing, we may:

- modify the conditions of the premises licence
- exclude the sale of alcohol by retail (or other licensable activities) from the scope of the licence
- remove the designated premises supervisor from the licence
- suspend the licence.

9.18 Following the full review hearing, we may do any of the above, or revoke the licence.

9.19 “Serious crime” is defined as conduct that:

- a) constitutes an offence for which a person 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for three or more years or
- b) involves the use of violence, results in substantial financial gain, or is conduct by a large number of persons in pursuit of a common purpose

9.20 The 2003 Act does not define “Serious disorder” but it should be understood in its ordinary English sense.

9.21 The premises licence holder may make representations against interim steps taken by us. There is no time limit for this, though in practice at some point this would be superseded by the full review, which must be completed within 28 days. If we receive representations, we must hold a hearing within 48 hours of receiving them (unless the representations are withdrawn). This does not include Saturdays, Sundays or bank holidays.

9.22 In the case of an expedited review, the interim steps taken by us remain in force during any period within which the licence holder can bring an appeal, until the determination of that appeal. Any decision we take at the full hearing will not take effect during this time.

## Chapter Ten

### Temporary event notices

This chapter outlines our approach to authorising temporary events

- 10.1 A temporary event notice (TEN) authorises “one-off” licensable activities on a premises. There are two types TEN:
- a standard TEN (given at least 10 working days before the event)
  - a late TEN (given at least five working days before the event)
- 10.2 There are certain restrictions relating to a TEN set out in the 2003 Act:
- You must be at least 18 years old to give a TEN
  - You can only give a TEN if you are an individual (not a business or other organisation)
  - the number of times a person (the “premises user”) may give a temporary event notice in a calendar year is :
    - 50 times per year for a personal licence holder (10 of which may be a late TEN)
    - 5 times per year for other people (two of which may be a late TEN);
  - the number of times a temporary event notice may be given for any particular premises (15 times in a calendar year);
  - the length of time a temporary event may last (168 hours);
  - the aggregate number of days covered by temporary event notices at any individual premises (21 days); and
  - the scale of the event in terms of the maximum number of people attending at any one time (less than 500).
- 10.3 A calendar year runs from 1 January until 31 December.
- 10.4 Where events fall outside the limits above, the premises user must apply for a premises licence and should refer to Chapters four and seven.
- 10.5 The premises user must give the TEN using the prescribed form or use our website<sup>16</sup>.
- 10.6 Unless it is sent electronically, the premises user must give the TEN to the licensing authority, the Council’s environmental health team (EHT) and the police no later than ten working days before the first day on which the event begins or no later than five working days for a late TEN. If the premises user gives the TEN electronically, we will send a copy to

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<sup>16</sup> [www.camden.gov.uk](http://www.camden.gov.uk)

the EHT or the police.

- 10.7 Working days do not include the day the notice was given, the first day of the event, weekends or bank holidays. We encourage premises users to give as much notice as possible. The S182 Guidance contains further details regarding a TEN.
- 10.8 The 2003 Act uses the term “given” but does not define “given”. We consider the term to mean the date on which we receive the TEN, not the date on which it was sent. If the premises user gives the TEN electronically, the date it is given is the next working day after the TEN is submitted electronically. We therefore advise premises users to hand deliver notices if time is short, as we will not accept late notices under any circumstances.

## Objections to a TEN

- 10.9 The police and EHT can object to a TEN if they believe that using the TEN at the premises will undermine the licensing objectives. The following are relevant grounds for an objection:
- scale of the event
  - location of the event
  - timing
  - concerns about public nuisance
- 10.10 The police or EHT can agree with the premises user, to modify a standard TEN and allow the licensable activities to go ahead. If all parties agree to the modification, the event will be able to go ahead as agreed.
- 10.11 Where the premises user has given a standard TEN, and the parties cannot reach an agreement to modify the TEN, the Licensing Panel will consider the objection at a hearing.
- 10.12 Where the premises user has given a late TEN, the notice will be invalid and the event will not go ahead.

## Nudity, striptease and other adult entertainment

- 10.13 Where the TEN includes relevant entertainment such as table dancing, we expect the premises user to consider carefully, how they propose to promote the licensing objectives. We also expect the premises user to consider our sex establishment policy<sup>17</sup> and chapter seven of this Statement before giving the TEN.

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<sup>17</sup> <http://www.camden.gov.uk/ccm/content/business/business-regulations/licensing-and-permits/licences/sex-establishment/sex-shop-and-sex-cinema-licence/?page=2#section-2>

- 10.14 The police or EHT can object to prevent such an event. Due to the nature of the proposed activity, it is more likely that the TEN will attract representations.
- 10.15 We expect in most cases, that the EHT would not seek to modify the TEN and would instead refer the TEN to the Licensing Panel to consider.

### Hearings to impose conditions

- 10.16 At the hearing, the police or ENT can make representations to the Licensing Panel.
- 10.17 Following the hearing the Licensing panel can
- allow the event to go ahead as stated in the TEN
  - impose conditions that already apply to an existing premises licence at the venue or
  - issue a counter notice to prevent the event going ahead

### Temporary event notices for large events

- 10.18 In general, we expect organisers of large events to apply for a premises licence. We have set out our expectations in Chapter Seven.
- 10.19 However, there are occasions when event organisers seek to divide an area of land (the premises) to create separate artificial premises for the purposes of licensing. For example, an event organiser may propose holding a live music event in a field for 2000 people, selling alcohol and providing live and recorded music. The organiser may divide the field into three separate areas (three artificial premises) and give us a TEN for each of the areas.
- Area 1 sells alcohol and provides music for up to 499 people
  - Area 2 sells alcohol and provides music for up to 499 people
  - Area 3 sells alcohol and provides music for up to 499 people
  - Area 4 is the remaining part of the field and the organiser does not provide any licensable activity in this area
- 10.20 Where a premises user proposes to give more than one TEN for the same event, we will assess each TEN on its merits to determine whether using the TEN on the premises will undermine any of the licensing objectives. However, we will have regard to the fact that more than one TEN will be in use and we will consider the event to be a 'large event'. As such, we expect the premises user to show that he or she has considered all elements in chapter seven.

## Chapter Eleven

### Personal licences

This chapter outlines our approach to personal licences

- 11.1 Persons who wish to supply or authorise the supply of alcohol, in accordance with a premises licence must apply for a personal licence. Applicants who live in the borough should apply to us but if applicants ordinarily live outside England or Wales, they can apply to any licensing authority.
- 11.2 Applicants must use the prescribed application form. We have provided further details regarding the qualifying conditions, the application procedure and application fee on our website at [www.camden.gov.uk](http://www.camden.gov.uk).
- 11.3 Holders of personal licences issued by us must notify us of:
- any change in his/her name and/or address
  - any conviction of a relevant offence or foreign offence
- 11.4 A personal licence holder must authorise the sale of alcohol but does not have to be on the premises to do so.
- 11.5 We will have regard to the S182 Guidance when deciding whether a personal licence holder has given authorisation to supply alcohol. The following constitutes “authorisation”:
- the person(s) authorised to sell alcohol at any particular premises should be clearly identified;
  - the authorisation should have specified the acts which may be carried out by the person being authorised to supply alcohol;
  - there should be an overt act of authorisation, for example, a specific written statement given to the individual who is authorised to supply alcohol; and
  - there should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.
- 11.6 Although the 2003 does not require it, personal licence Holders should consider giving specific written authorisations to individuals that they are authorising to retail alcohol. A single written authorisation could cover multiple sales over an unlimited period. This would assist personal licence holders in demonstrating due diligence should enforcement issues arise; and would protect employees if they themselves are challenged in respect of their authority to sell alcohol.
- 11.7 Although the DPS or a personal licence holder may authorise other individuals to sell alcohol in their absence, they will remain responsible for any sales. Similarly, the premises licence holder remains responsible for



ensuring that licensing law and licence conditions are observed at the premises.

11.8 We expect licence holders to have regard to the Guidance when authorising non-personal licence holders to make sales of alcohol.

## Renewal of personal licence

11.9 A personal licence does not have to be renewed.

Draft for consultation

## Chapter Twelve

### Designated premises supervisors

This chapter outlines our approach to designated premises supervisors

- 12.1 The main purpose of the designated premises supervisor (DPS) is to ensure there is always one specified individual who can be readily identified for the premises.
- 12.2 Licences that authorise the sale of alcohol must contain details of the designated premises supervisor, unless the exceptions relating to certain community premises apply (as outlined below).
- 12.3 We do not expect the DPS to be on the premises at all times when the premises is selling alcohol. However, we expect the DPS to be a person with day-to-day managerial control of the premises who will take reasonable steps to promote the licensing objectives and comply with the licence conditions.
- 12.4 If a DPS is going to be absent for a prolonged period, perhaps due to ill health, maternity leave or extended holiday, we would expect the licence holder to appoint a new DPS to cover the period of absence.
- 12.5 If a DPS is repeatedly absent, the police may apply for a review of the premises licence if this gives rise to concerns about the operation of the premises and its impact on the licensing objectives.
- 12.6 If a person named on the licence as the DPS stops working for the premises, no longer holds a personal licence or the personal licence is suspended, it is our view that the premises no longer has a DPS. In these circumstances, we expect that no sales of alcohol will take place at the premises, until the licence holder has submitted an application to vary the DPS. This applies regardless of whether that person remains named as the DPS on the premises licence, or whether they have asked to remove their name from it. This will apply until we receive an application to nominate a new DPS.

### Applications

- 12.7 Applicants for new licences that include the sale of alcohol should include in their operating schedule the prescribed information in respect of the individual who the applicant wishes to have specified in the premises licence as the premises supervisor. Applications must be in the prescribed form and accompanied by the specified documents and fee. The specified documents must include a consent form signed by the proposed DPS.

## The DPS at community premises

- 12.8 Community premises may make an application to us to apply the alternative mandatory condition to their licence.
- 12.9 The alternative mandatory condition removes the requirement for a DPS and the management committee must then make or authorise every supply of alcohol under the premises licence.
- 12.10 A “Management Committee” in relation to community premises, is a committee or board of individuals with responsibility for the management of the premises. We have provided further information concerning the requirements for a Management Committee below.
- 12.11 “Community premises” are
- a) a church hall, chapel hall or other similar building, or
  - b) a village hall, parish hall, community hall or other similar building and
  - c) also premises that form part of such buildings.
- 12.12 In most cases it should be clear whether premises are “community premises”. However, if there is any doubt, we will consider each case on its merits, and we will give primary consideration as to how the premises are predominantly used.
- 12.13 Community premises are usually multi-purpose and we expect a variety of activities to take place in them, such as playschools, senior citizens’ clubs, indoor sports, youth clubs and public meetings. We would expect that in most circumstances, the following will be community premises:
- a) premises that are genuinely made available for community benefit most of the time
  - b) premises accessible to a wide range of sectors of the local community, and
  - c) premises used for purposes beneficial to the community as a whole.
  - d) educational premises such as school halls. This will apply when the hall is used for the benefit of the whole community and not just for the school in question.
- 12.14 The availability of a school or private hall for hire by the community would not be sufficient to qualify the premises as “community premises”. Though this may be provision of a service to the community, we will consider whether halls used largely for private hire by individuals or private entities are genuinely by their nature “community premises”. When assessing an application, we will consider the predominant use of the premises and not only the usefulness of the premises for members of the community for private purposes.
- 12.15 Generally, we will not class premises whose use is restricted to members

of a club or association as “community premises”. However, the hire of the premises to individual organisations and users who restrict their activities to their own members and guests would not necessarily conflict with the status of the premises as “community premises”, provided the premises are generally available for use by the community in the sense described above.

- 12.16 Qualifying clubs, which are entitled to apply for a club premises certificate to supply alcohol to their Members, should not apply for a premises licence with the alternative mandatory condition.
- 12.17 We must be satisfied that the 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.
- 12.18 We expect the management committee to be a formally constituted, transparent and accountable management committee or structure. The committee should provide sufficient oversight of the premises to minimise any risk to the licensing objectives. This could include management committees, executive committees and boards of trustees. The application form requires the applicants to provide the names of the management committee's key officers e.g. the Chair, Secretary, Treasurer.
- 12.19 Applicants must explain how they manage the premises, its committee structure and how they will supervise alcohol sales in different situations (for example when the hall is hired to private parties). They should also describe how responsibility is determined in individual cases and how they discuss and review arising issues within the committee procedure. The applicant must provide copies of any constitution or other management documents together with names of key officers such as the Chair, Secretary and Treasurer.
- 12.20 Where the management arrangements are less clear, we may ask for further details to confirm that the management board or committee is properly constituted and accountable before taking a decision on whether to grant the application. We will also obtain the police's views on this matter. Community premises may wish to check with us before making an application.
- 12.21 We strongly encourage the management committee to notify us of any key changes in the committee's composition, for example to the Chair, Secretary or Treasurer, and to submit a copy to the Chief Officer of police. Failure to do so may result in a review of the premises licence.
- 12.22 The management committee will be collectively responsible for complying with licence conditions and the law, and may remain liable to prosecution for any offences, even in cases where a member of the management committee is not present during licensable events.

- 12.23 We strongly advise management committees to provide hirers with a written summary of their responsibilities under the 2003 Act in relation to the sale of alcohol. The management committee should take reasonable steps to ensure that the hirer has read, understood and is able and willing to comply with the summary. In such cases, we are likely to consider that the management committee has taken adequate steps to avoid liability to prosecution if a licensing offence is committed.
- 12.24 In exceptional circumstances, the police can object to a request for inclusion of the alternative licence condition on the grounds of crime and disorder, and any responsible authority and/or interested party can seek reinstatement of the mandatory conditions through a review of the licence. The police will consider any history of incidents at an establishment in light of the actual or proposed management arrangements, including the use of appropriate hire agreements. If the police issue a notice, seeking refusal of the application to include the alternative licence condition, we must hold a Licensing Panel hearing to decide whether to grant the application.

## Chapter Thirteen

### Enforcement and monitoring

This chapter outlines in general terms, our approach to monitoring the operation of premises to check compliance with licence conditions and the law, and our approach to enforcement for non-compliance.

- 13.1 The primary aim of enforcement is to achieve compliance. Enforcement means the formal approach, but also includes advice and support to business to achieve compliance.
- 13.2 We may achieve compliance through encouraging a sense of community, improved communication, and proactive work with licensees and businesses. Such proactive work may include training, giving advice and information, and initiatives that educate, inform and encourage partners and stakeholders to work together efficiently and effectively. Our principal objective in taking a holistic approach to managing the night-time economy is to prevent problems from occurring before they begin.
- 13.3 However, we recognise that we cannot always achieve such aims, and that active enforcement of the law may be the only effective means of securing compliance. To this end the following enforcement options are available to us:
- verbal or written advice
  - verbal warning
  - written warning
  - mediation between licensees and residents
  - simple caution
  - prosecution
- 13.4 These actions are not mutually exclusive and it may be that one course of action follows another, depending on the individual circumstances.
- 13.5 Additionally, responsible authorities and any other persons may seek a review of a premises licence if they feel the premises are not properly upholding the licensing objectives. The police may also issue closure notices against certain problem premises.
- 13.6 We operate a partnership approach to dealing with enforcement matters concerning licensed premises. This may include working with the police or any of the other responsible authorities, or working with colleagues from other Council departments or outside agencies.
- 13.7 We have agreed an enforcement protocol with the responsible authorities to clarify each partner's roles and responsibilities. The primary aims of the

protocol are to:

- promote the licensing objectives
- promote open communication between agencies
- provide clear lines of responsibility regarding enforcement of the law
- share intelligence, where appropriate, to enable effective enforcement of the law
- establish a process for responsible authorities to call for reviews of licences.

13.8 We have a licensing enforcement policy<sup>18</sup> under which all of our monitoring and enforcement practices operate. This enforcement policy follows the principles of the Enforcement Concordat<sup>19</sup>.

13.9 We will also have regard to the Regulator's Code<sup>20</sup> under which we should:

- carry out our activities in a way that supports those we regulate to comply and grow
- provide simple and straightforward ways to engage with those we regulate and hear their views
- base our regulatory activities on risk
- share information about compliance and risk
- ensure clear information, guidance and advice is available to help those we regulate meet their responsibilities to comply
- ensure that our approach to their regulatory activities is transparent

13.10 One of the key mechanisms we use to manage alcohol related crime and disorder and public nuisance in licensed premises is the Communities Tasking Group (CTG).

13.11 The CTG consists of representatives from all the responsible authorities and meets monthly. The Meetings focus on operational matters and partners provide and share intelligence in the form of crime statistics, complaints and any other relevant information. The CTG agrees tasks for the partner that is best equipped to deal with the particular problem. The relevant partner reports outcomes from that task back to the group at the following meeting and we decide on further action as necessary.

13.12 We need to be satisfied that premises are complying with the law and licence conditions. To achieve this, we make full inspections of premises, covert visits and general monitoring of known problem areas.

13.13 We will base our inspections and enforcement activity on the principles of

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<sup>18</sup> <http://www.camden.gov.uk/ccm/navigation/business/your-business-account/licensing-and-permits/>

<sup>19</sup> <http://webarchive.nationalarchives.gov.uk/+/http://www.berr.gov.uk/files/file10150.pdf>

<sup>20</sup> <https://www.gov.uk/government/publications/regulators-code>

risk assessment, a graduated response and the targeting of problem premises. We will not routinely carry out full premises inspections and the frequency of inspections will be determined on risk-based criteria with high- risk operations receiving more attention than premises carrying low public safety, crime and disorder or public nuisance risks.

- 13.14 We will rate fully compliant premises as lower risk. We will rate non-compliant premises as higher risk.
- 13.15 We will take appropriate enforcement action against those responsible for unlicensed premises/activity. We will take any action in accordance with our enforcement policy.
- 13.16 Before deciding which course of action to take, we will consider the following matters:
- the history of the premises
  - the history of the offender
  - the offender's attitude
  - the circumstances of the offence
  - whether the offender has a statutory defence to the allegations
  - the impact or potential impact of the breach on the public
  - the quality of the evidence against the offender
  - the likelihood of achieving success in a prosecution
  - the likely punishment that will be incurred if the case goes to Court
  - whether the course of action proposed is likely to act as a deterrent
  - whether the course of action, if it is publicised, is likely to have a beneficial effect on the behaviour of others



## Chapter Fourteen

### Film Classifications

This chapter outlines our approach to classifying films on request

- 14.1 Before release, the British Board of Film Classification (BBFC) examines and age rates films. However, we are the classification body for films shown in the borough, and, as such, we have the right to issue film classifications to films upon request. Films may be shown in any premises (for example cinemas) when permitted by the premises licence.
- 14.2 The purpose of film classification is to protect children from unsuitable and harmful content and to give consumers information they might need about a particular film.
- 14.3 The applicant must submit a request to classify a film to us. The applicant must also submit
  - a) a synopsis of the film and
  - b) a full copy of the film, DVD or Blu-ray in a format that we can view without the need for specialist equipment or computer software
- 14.4 At least two Council officers will view the film or DVD all the way through and recommend an age rating and insight to each one.
- 14.5 The officers will apply the standards and criteria contained in the BBFC Classification Guidelines.
- 14.6 The Head of Customer Support shall consider the officer's recommendation and make the final decision on the classification.

## Appendix One

### Responsible authorities and any other persons

- 1) Section 13 of the 2003 Act defines 'responsible authority' and 'any other persons'.
- 2) 'Any other persons' means any individual, body or business entitled to make representations in relation to applications for the grant, variation or review of a premises licence or club premises certificate regardless of their proximity to a premises.
- 3) 'Responsible authority' means any of the following:

- 1) the chief officer of police:

Metropolitan Police Service Licensing Team  
Holborn Police Station  
10 Lambs Conduit Street  
London WC1N 3NR

- 2) the Fire Authority:

LFEPA  
Camden Borough Team  
Fire Safety Regulations  
London Fire Brigade  
169 Union Street  
London SE1 0LL

- 3) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 for any area in which the premises are situated:

London Borough of Camden  
Health and Safety Team  
5 Pancras Square  
c/o Town Hall  
Judd Street  
London  
WC1H 9JE

or

The Health and Safety Executive  
Rose Court  
2 Southwark Bridge  
London SE1 9HS

- 4) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c. 8):

London Borough of Camden  
Planning Division  
5 Pancras Square  
c/o Town Hall  
Judd Street  
London  
WC1H 9JE

- 5) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health:

London Borough of Camden  
Environmental Health Team  
5 Pancras Square  
c/o Town Hall  
Judd Street  
London  
WC1H 9JE

- 6) a body which represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and is recognised by the licensing authority for that area as being competent to advise it on such matters:

The Camden Safeguarding Children Board  
Quality Assurance  
Crowndale Centre  
218 Eversholt Street  
London NW1 1BD

- 7) London Boroughs of Camden and Islington Public Health  
5 Pancras Square  
c/o Town Hall  
Judd Street  
London  
WC1H 9JE

[CIPHlicensing@islington.gov.uk](mailto:CIPHlicensing@islington.gov.uk)

- 8) Any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated.

- 9) The local weights and measures authority (within the meaning of section 69 of the Weights and Measures Act 1985):

London Borough of Camden  
Trading Standards Team  
5 Pancras Square  
c/o Town Hall  
Judd Street  
London  
WC1H 9JE

In relation to a vessel:

- 10) A navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c. 57)) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities:

- the Environment Agency
- the British Waterways Board
- the Secretary of State
- the British Waterways Board (where appropriate)
- Boating Business Manager
- British Waterways Authority, 1 Sheldon Square, London W2 6TT

## Appendix Two

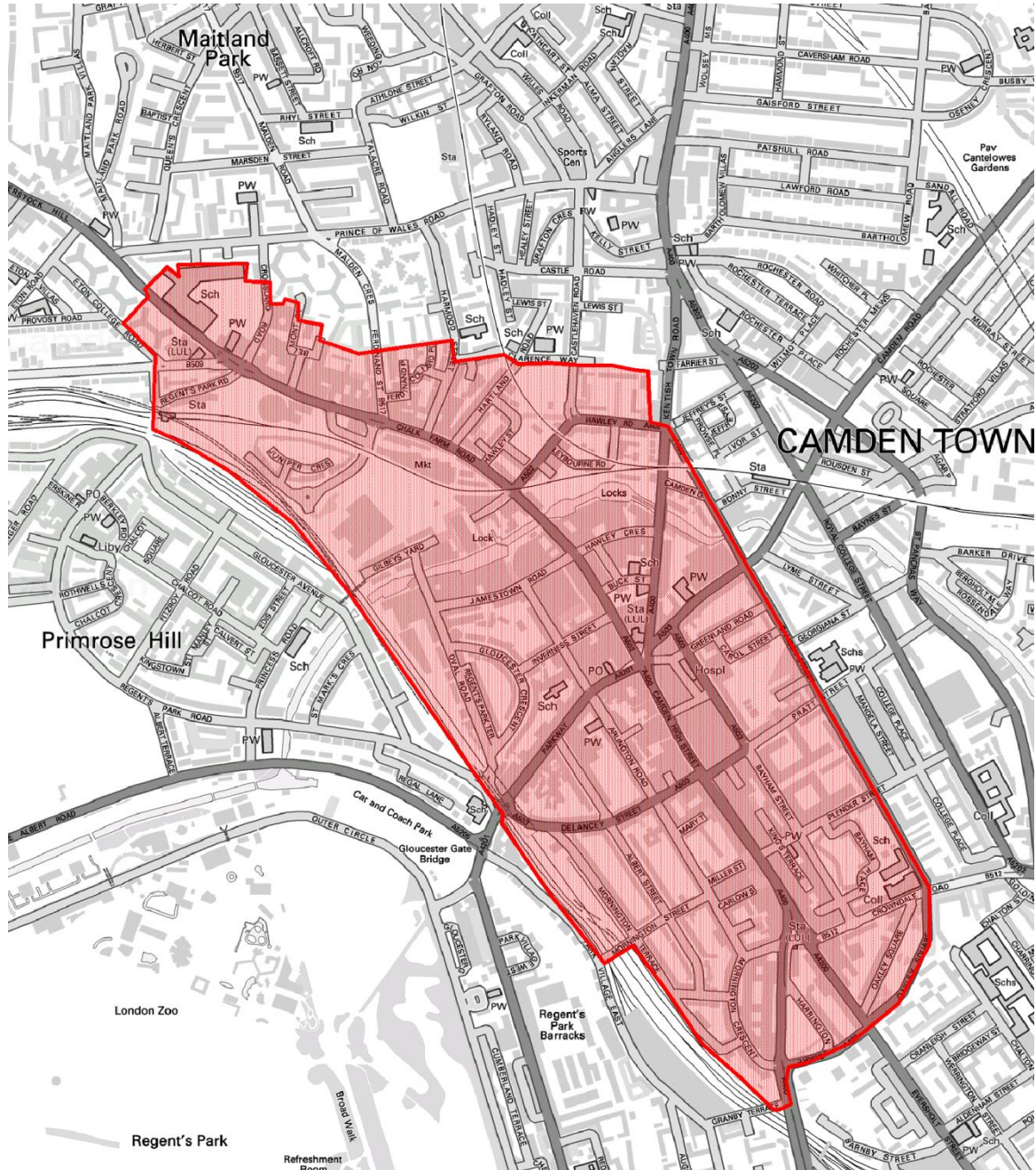
### Scheme of Delegation

Matter to be dealt with	Sub Committee (Licensing Panel)	Officers
Application for personal licence	If a police representation is made	If no representation made
Application for personal licence with unspent convictions	All cases	-
Application for premises licence/club premises certificate	If a relevant representation is made	If no representation made
Application for provisional statement	If a relevant representation is made	If no representation made
Application to vary premises licence/club premises certificate	If a relevant representation is made	If no representation made
Application to vary designated premises supervisor	If a police representation is made	All other cases
Request to be removed as designated premises supervisor	-	All cases
Application for transfer of premises licence	If a police representation is made	All other cases
Applications for Interim Authorities	If a police representation is made	All other cases
Application to review premises licence/club premises certificate	All cases	-
Decision on whether a complaint is irrelevant frivolous vexatious etc.	-	All cases
Determination of a police representation to a temporary event notice	All cases	-

Set out the Council's constitution

## Appendix Three

### Map of Camden Town cumulative impact policy area

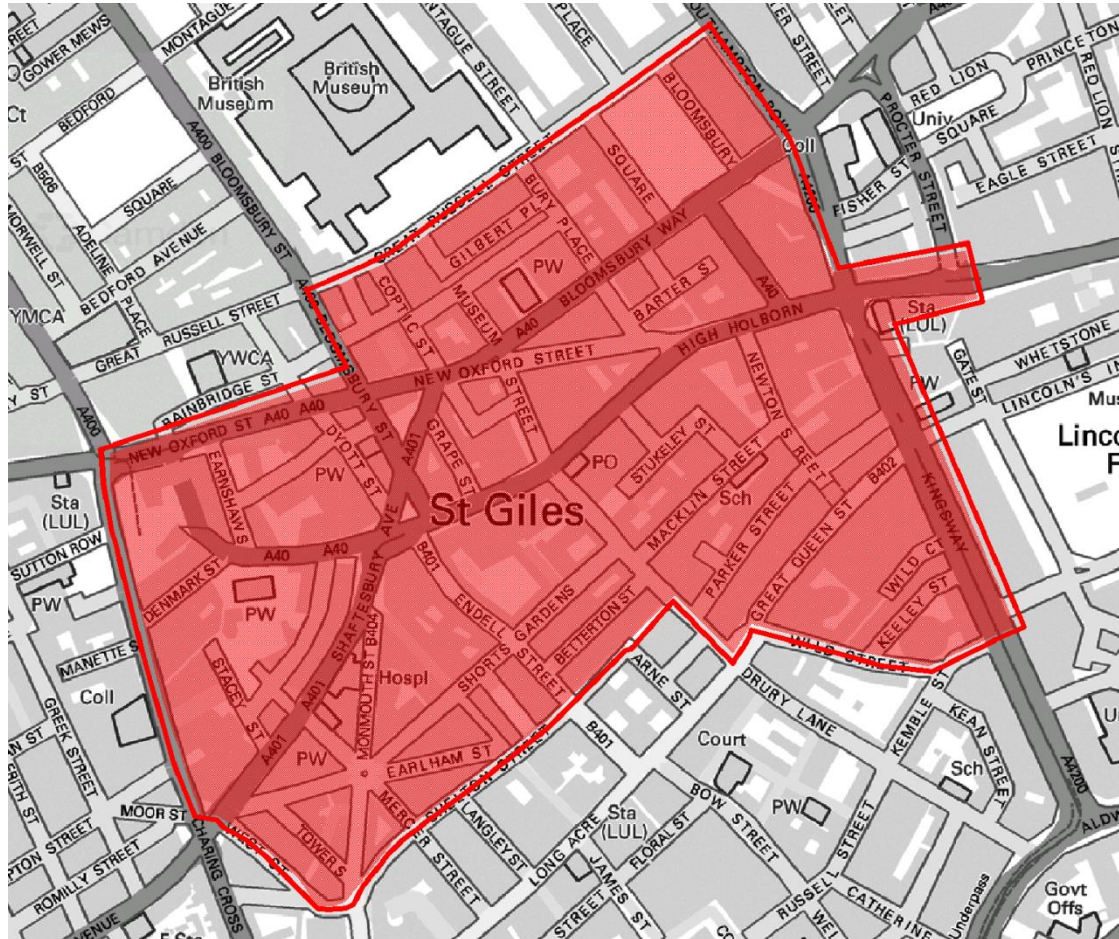


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## Appendix Four

### Map of Seven Dials cumulative impact policy area



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## Appendix Five

### Dispersal policies

- 1) One of the most common complaints we receive is about nuisance caused by customers as they leave licensed premises at night.
- 2) We recommend that primarily alcohol-led premises such as nightclubs and pubs, where located in close proximity to any residential premises, implement a dispersal policy at their venue. We have given examples of factors licensees should consider in this section. Licensees should provide training for all relevant staff in any policy, and take all reasonable steps to ensure it is adhered to.
- 3) Venues wishing to operate a policy to control dispersal of customers effectively should read the following guidance.

### Drunkenness

- 4) Selling alcohol to someone who is drunk is a criminal offence. Drunken customers tend to be noisier, and are more prone to aggressive behaviour. They are less likely to respond to reason. The licensee should instruct staff to monitor customers and eject anyone who is obviously intoxicated and no longer able to exert reasonable control over their behaviour. CCTV with monitors behind the bar can be used to supervise customers in areas of the premises that cannot be seen from the bar area.

### Drug use

- 5) Licence holders can obtain advice from the police on how to spot signs of drugs. They can use drug wipes to check if customers are using surfaces such as toilet cistern lids to take drugs. This may prove useful in discovering whether there is a problem with drug use at the premises.
- 6) A documented drugs policy should be in place and the licence holder should make all staff, including door staff, aware of it and train Staff to spot details of drug use. Premises should display posters throughout the venue, on the entrance and in the toilets, stating that they will not tolerate drug use. The policy should state what action staff will take if they find someone using, possessing, or selling drugs in the venue. It should also form part of the overall risk assessment for the premises. Licence holders should carefully consider the consequences of ejecting customers who have taken illegal drugs and put appropriate control measures in place to ensure staff can handle ejections as safely as possible.
- 7) The premises should provide a drugs safe to enable confiscated drugs to be stored safely and securely before handing the drugs over to police.



## Transport

- 8) Licence holders should consider the means available for customers to leave the premises at night.
- 9) Premises should prominently display telephone numbers for Taxis in the premises and bar staff should be aware of them. Customers should be encouraged to wait inside the venue for taxis. Large groups of customers lingering outside are noisy and can cause disruption to local residents. If booking a taxi for a customer, staff should ask the driver to come inside to collect the fare.
- 10) Customers travelling by car to the venue by car can cause problems by inconsiderate parking. If this is a problem, staff should give customers information about where to park safely in promotional literature and on the premises website if there is one.
- 11) Staff should be familiar with local public transport links and last times for buses, tubes and trains. The licensee should provide information on public transport on any website and promotional literature to enable customers to plan their journey home.

## “Soft” finishes

- 12) A “soft finish” encourages customers to disperse gradually and gives greater control over their exit. Premises should implement a soft finish at least half an hour before the premises close. A soft finish can be implemented by:
  - gradually turning up the lighting
  - playing slower music and reducing the volume
  - visible signs, such as putting up bar shutters or stacking furniture away
  - closing external areas such as beer gardens
  - using the DJ to make announcements for people to leave the premises quietly
  - ceasing the sale of alcohol
  - providing hot drinks and / or snacks.

## Signage

- 13) Prominent signs should be placed at exits asking customers to leave the premises quietly.
- 14) Where CCTV is provided, signage should be displayed throughout the premises advising customers that they are being recorded.

## CCTV

- 15) A CCTV system that records both inside and directly outside the premises may help to deter customers from behaving undesirably. The effectiveness of CCTV is increased when its presence is advertised, and where customers are warned they may be barred from the premises if they cause nuisance or participate in anti-social behaviour.

## Radio schemes

- 16) Radio schemes allow licensed premises to make contact with each other quickly and easily. Licensees can warn each other when they eject troublesome customers or refuse admission to the venue. This enables nearby premises to be prepared and put mechanisms in place to deal with potential incidents before they occur.
- 17) Camden Business Against Crime (CBAC)<sup>21</sup> run a radio scheme for all commercial premises in the borough that includes administration, ongoing training and support, and data sharing such as photographs of known suspects.
- 18) Licence holders should be aware that we view liaison with CBAC and agencies such as the police in a positive light and that the reporting of crime or incidents at the premises via such organisations will not count against the premises concerned.

## Pubwatch

- 19) Pubwatch can be an invaluable resource for licensees. It enables them to share information, intelligence and advice about crime, disorder and anti-social behaviour in the area with each other, the Council and the police. This can include sharing information such as photographs of offenders and the “Barred from One, Barred from All” scheme. This can in turn assist with dispersal because known troublemakers cannot gain access to licensed premises in the first instance.
- 20) CBAC can assist licensees with setting up a Pubwatch for their area if required.

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<sup>21</sup>

[http://www.camden.gov.uk/ccm/content/policing-and-public-safety/community-safety/camden-business-against-crime-\(cbac\)/?context=live](http://www.camden.gov.uk/ccm/content/policing-and-public-safety/community-safety/camden-business-against-crime-(cbac)/?context=live)

## Door supervisors

- 21) It may be helpful for door supervisors to wear high visibility tabards when supervising customers leaving premises at night. This ensures they are easily recognisable by customers and can give a greater sense of authority.
- 22) Although door supervisors cannot physically control the behaviour of customers once they are away from the licensed premises, they may ask noisy customers to be quiet and can direct customers to nearby transport and so forth.
- 23) Door supervisors can also hand out lollipops or sweets to customers as they leave. This can reduce noise from customers talking as they exit licensed premises.

## Legal considerations

- 24) We do not expect licence holders to control the behaviour of customers once they are away from licensed premises. We cannot impose conditions on licences that require them to do so.
- 25) However, we can require licence holders to take reasonable steps within their control to reduce the likelihood of customers causing nuisance, or participating in anti-social behaviour as they leave. Examples of the kind of steps that licensees can take have been provided in this section.
- 26) The behaviour of customers leaving licensed premises is a proper matter for us to consider when determining applications for the grant, variation or review of a licence. If nuisance or disorder is occurring because of customers leaving the premises when they close, we may impose conditions on the licence requiring the licensee to take preventative steps. Alternatively, we may reduce the hours or refuse the application.
- 27) It is particularly important for premises operating outside framework hours to have a dispersal policy in place, and we shall scrutinise each application carefully to ensure the applicant has addressed this issue within the operating schedule.

## **Appendix Six**

### **Licensing Act 2003 mandatory conditions**

#### **Conditions applicable to premises licences authorising the sale of alcohol**

- 1) The supply of alcohol is prohibited at a time when there is no designated premises supervisor in respect of the premises.
- 2) The supply of alcohol is prohibited at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 3) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

#### **Conditions applicable to all premises licences and club premises certificates authorising the sale or supply of alcohol**

- 4) 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.
- 5) 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.
- 6) 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).
- 7) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 8) 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.
- 9) 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.
- 10) 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.

## Conditions applicable to premises licences where the licence includes a condition that one or more individuals at the premises shall carry out a security activity

- 11) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must –
  - a. be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - b. be entitled to carry out that activity by virtue of section 4 of that Act.
- 12) But nothing in the subsection above requires such a condition to be imposed –
  - a. In respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or
  - b. in respect of premises in relation to –
    - i. any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
    - ii. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- 13) For the purposes of this section–
  - a. “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies[ and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act)], and
  - b. paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## Conditions applicable where the premises licence or club premises certificate authorises the exhibition of films

- 14) Where the film classification body is specified in the licence, unless subsection (15)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- 15) Where-
  - a. the film classification body is not specified in the licence, or
  - b. the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question

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

16) 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).

### Conditions applicable where a club premises certificate authorises the sale of alcohol for consumption off the premises

- 17) The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.
- 18) Any alcohol supplied for consumption off the premises must be in a sealed container.
- 19) Any supply of alcohol for consumption off the premises must be made to a member of the club in person.

Additional information about the mandatory conditions is available in the Guidance to Licensing Authorities from the Secretary of State published under section 182 of the Licensing Act 2003<sup>22</sup>. Guidance on the application of mandatory conditions at individual premises can be obtained by contacting the licensing authority.

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<sup>22</sup>

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418114/182-Guidance2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf)

If you would like the Statement of Licensing Policy in large print, Braille, audiotape or in another language, please contact Contact Camden

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