

Committee: Licensing Committee

Date: 21 October 2010

Agenda item: **4**

Wards: All

Subject: Review of Merton's Statement of Licensing Policy

Lead officer: Ian Murrell, Service Manager, EH, TS & Licensing

Lead member: Cllr Martin Whelton, Cabinet Member for Community & Culture

Forward Plan reference number: 962

Contact officer: Alan Powell, Principal Licensing Officer

Recommendations:

- A. The Licensing Committee approve the recommended amendments to the Revised Licensing Policy and that it be placed before Full Council for adoption on 24 November 2010
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. There is a statutory requirement under the Licensing Act 2003 that the council review its statement of licensing policy every 3 years

2 DETAILS

- 2.1. The first Licensing Policy was adopted by the council on 6 January 2005, subsequently reviewed and re-adopted with administrative amendments after 3 years on 28 November 2007 and expires on 6 January 2011.
- 2.2. In accordance with the requirements of the legislation a public consultation of the policy specifically asking for alternative or additional proposals was undertaken between 21 June and 20 September 2010
- 2.3. There were 4 responses to the consultation –
One from a councillor, one from a nightclub operator, one from an off licence operator and one from a representative of the GLA London Olympic Co-ordination Committee.
- 2.4. A summary of the responses and the Principal Licensing Officer's recommendations are as follows, all 4 responses are attached as Appendix 1:
- The councillor has suggested that the existing Cumulative Impact Zone along Wimbledon Broadway be extended to include the forecourt and platforms of Wimbledon Station and that the Zone also be extended some 100 metres into the residential side streets along Hartfield Road.

- The councillor has also suggested that, in the case of applications for or variations to, existing or new licences, that Ward Councillors be permitted to attend the Licensing Sub-committee meeting that will determine such applications and be allowed to make any representation not made during the statutory 28 day consultation period and that such representation be accepted and carry the same weight as if it had been made during the formal consultation period.

The Principal Licensing Officer recommends that the zone be extended to include the forecourt and platforms of Wimbledon Station as there now exist a number of commercial units operating on the platforms and forecourt, some of which have been granted liquor licences.

When the original Policy was adopted and subsequently updated, such units did not exist and therefore these areas were not included. This is no longer tenable as access to, and egress from, these units is via the current cumulative impact zone.

However if the Licensing Committee is minded to accept this recommendation, legal advice received is that a further consultation will need to be undertaken on this specific proposal to permit those who are likely be materially affected by such a change to comment properly.

There is insufficient time between this Licensing Committee meeting and the Full Council meeting on 24 November 2010 for a proper consultation to be undertaken.

Section 5 of the Licensing Act requires that the licensing authority to prepare and publish a statement of its licensing policy every three years. During the three year period, the policy must be kept under review and the licensing authority may make any revisions to it that it considers appropriate. The Authority may review its policy at any time during the 3 year period.

The Principal Licensing Officer recommends that the Licensing Committee do not accept this proposal at this time but adjourn it until after the Licensing Policy has been formally adopted by Full Council. A formal consultation on the proposal to extend the Cumulative Impact Zone can then be undertaken in accordance with Home Office guidelines with the Licensing Authority having fulfilled its statutory obligation to have reviewed and adopted its policy in accordance with Section 5 of the Licensing Act.

The Principal Licensing Officer does not recommend that the Cumulative Impact Zone is extended as suggested by some 100 metres into the residential side streets of Hartfield Road because there exist no commercial premises whatsoever in these roads and an increase of this nature would serve no purpose.

The Guidance to the Act requires that there be an evidential basis for the imposition of or increase to any Cumulative Impact Zone and there is no evidence to support this suggestion.

Legal advice on this proposal is the same as that above. If the Licensing Committee were minded to consider an increase in the cumulative impact zone then a further consultation would need to be undertaken.

The Principal Licensing Officer does not recommend that representations made by Ward Councillors, for or against new or existing premises licence applications, that were not submitted within the 28 day statutory consultation period be admitted at the Licensing Sub-committee hearings. This is contrary to the Licensing Act and Hearing Regulations. Recent legislative changes to the Licensing Act 2003 now permit Councillors to make representations in their own right.

Legal advice given on this proposal is that the inclusion in the Licensing Policy Statement of the representation requesting that representations not submitted within the consultation period from Ward Members be admitted at sub-committee hearings and that they be considered as having the same weight as if made during the statutory consultation period that is applicable to other interested parties or responsible authorities, would be contrary to the Act and the Licensing Act 2003 (Hearings) Regulations 2005.

Furthermore, notwithstanding that this would be contrary to the legislation, if this was included in the Policy Statement, this would be affording Ward members an opportunity by virtue of their position which would not be available to other interested parties, authorised persons and responsible authorities.

- The Nightclub operator, suggests that the Cumulative Impact Policy (cumulative impact zone) must remain and that operating schedules in respect of the grant of extended hours should reflect a “genuine plan” to provide entertainment and not merely a desire for later hours and increased alcohol sales.

The Principal Licensing Officer does not agree with the representation that any application for increased hours should have a “genuine plan” relating to the provision of entertainment because not all premises applying for extended hours are public houses or nightclubs, but are also off sales premises.

The current legislation makes no requirement of this nature and Merton’s Cumulative Impact Policy contains a presumption to refuse any extension of hours applied for unless the applicant addresses this presumption by showing how the application will not add to the existing problems associated with the zone.

The Principal Licensing Officer recommends that the representation is not included in the Licensing Policy Statement.

- The Off Licence operator, suggests that the Council supply A3 sized posters stating that adults who purchase alcohol for under-age children are committing crimes and to be mindful of the consequences of their

actions and a gentle reminder that external CCTV cameras can see them.

The Principal Licensing Officer, whilst sympathetic with the off licence operator's intentions, does not recommend adoption of his suggestion that the Council supply A3 posters. The actions he describes are, in his own words, a criminal offence and his suggested wording in respect of CCTV is somewhat misleading in that not all premises have outside CCTV nor are all covered by street mounted cameras. He is at liberty to place his own notices on his premises where they can readily be seen by the public. The costs associated with the production and printing of such notices is not justified.

- The GLA Olympic Co-ordination Committee representative, suggests that a lengthy paragraph relating to the consideration of applications just prior to the Olympic games be included in Merton's Licensing Policy – the wording as follows:

“The Council is fully committed to a safe and successful Olympic and Paralympic games in London in 2012. The Council recognises that the resources of the police and emergency services will be planned out and prioritised for the security of major events before, during and after the games from May 1 2012 until October 31 2012. Due consideration will be given by the Council to representations from the Police in relation to licence applications for activity during the games time on the grounds of public safety and security when police and other emergency services resources are insufficient to deal with the risks presented. Where, as a result of representations from a responsible authority, it is identified that a licence or proposed event presents a risk that the licensing objectives will be compromised, it is (the Council's policy) likely that such applications will not be granted”.

The Principal Licensing Officer recommends that this paragraph is not included on the following grounds:

1. The Licensing Act requires a licensing sub-committee to consider representations from a Responsible Authority such as the police, on public safety and security when making decisions as to the matter before them. The inclusion of this paragraph simply repeats that statutory requirement.
2. The Olympic games will occur over a very small part of the life of Merton's Licensing Policy and it is recommended that it should not therefore be referenced in a policy document.

The policy document has been updated in paragraph 5.1 to now make reference to the Equality Act 2010, this being the current legislation.

3 ALTERNATIVE OPTIONS

- 3.1. It is a statutory requirement to review this policy every 3 years and failure to do so will render the Council in breach of its statutory duty and any decisions made by a licensing sub-committee without a properly adopted policy could be subject to legal challenge.
- 3.2. The Council as Licensing Authority has recently responded to the Home Office consultation on possible changes to the Licensing Act. If as a result, substantive changes are made to the Act as a result of the consultation, it is likely that the whole policy document will need to be re-visited and consulted upon again.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. A full 3 month consultation of the existing policy was undertaken between 21 July and 20 September 2010

5 TIMETABLE

- 5.1. 21 June – 20 September 2010 – Public consultation
 - 21 October 2010 - Licensing Committee
 - 24 November 2010 - Full Council
 - 1 December 2010 - Proposed publication date
 - 6 January 2011 - Deadline for adoption of Policy for a further 3 years

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. The Proposed Policy can be met within the budget allocation for 2010/11 and subsequent years. The Services income streams being in relation to the consideration of applications for licences.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. Section 5 of the Licensing Act 2003 (The Act) requires each Licensing Authority to determine and publish a policy statement in respect of each 3 year period beginning with the appointed date prescribed by Order.
- 7.2. In order for a cumulative impact zone to be extended there has to be evidence to support the extension.
- 7.3. The officer's recommendations to the changes to the Merton Licensing Policy Statement relate to the extension of the cumulative impact zone to Wimbledon Rail Station and its forecourt. If the proposed extension of the cumulative impact zone is to be recommended to Full Council, this will require further consultation over a short period of time if this proposed

extension was not included in the Policy Statement that went out to consultation on 21st June 2010. If further consultation is required this will enable those affected by the proposal to make representations that can be considered before Full Council adopts the Licensing Policy Statement.

- 7.4. With regards extending the cumulative impact zone being extended 100 metres into the residential side streets of Hartfield road, the officer recommendation is that this is not included in the policy statement as there is no evidence that supports this representation. If this proposed extension is to be recommended to Full Council, as in 7.3 above, a short consultation period will be required first.
- 7.5. Section 5(3) of the Act states that consultation must take place and lists those to be consulted. The period for consultation is not prescribed by the Act, but the Code of Practice on Consultation issued by central government suggests that a 12 week consultation is appropriate when consulting on a matter such as a Licensing Policy. However, this is guidance and there is nothing preventing the local authority adopting a shorter period of consultation as suggested in 7.3 and 7.4 above as long as there is good reason for the departure from the guidance.
- 7.6. It would not be appropriate for representations made by Ward Councillors to be heard outside the consultation period at the Licensing Committee on the 21 October 2010. Ward Councillors should not be afforded an opportunity that is not available to every individual, business or organisation that was consulted in the consultation period that covered 21st June 2010 to 20th September 2010.
- 7.7. The representations made by the Nightclub Operator, that operating schedules in respect of the grant of extended hours should reflect a genuine plan to provide entertainment, introduces a requirement that is not in the current legislation and does not relate to the licensing objectives. If this representation was adopted it could lead to legal challenge.
- 7.8. It is not necessary to include the paragraph that has been proposed by the GLA Olympic Co-ordination Committee as it reflects what would happen in any event under the current licensing regime. If there are objections on the ground of public safety or security it is open to interested persons or responsible authorities (including the police) to raise them if an application is received by the Licensing Authority before or during the Olympics. .
- 7.9. With regards section 5 of the Revised Policy Statement the coming into force of the Equality Act 2010 should be included.
- 7.10. It should also be noted that the current legislation is under review. Notwithstanding this, Licensing Authorities are still required to determine and publish a Licensing Policy Statement in January 2011. However, there are proposed amendments to the Section 182 Guidance issued by the DCMS. The earliest this will be laid down in parliament is 11th October 2010. Dependant on when the guidance is issued and what it contains, it may result in Merton's Licensing Policy Statement having to be revisited prior to going before Full Council.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. These are statutory functions and are applied globally. An equalities impact assessment of the attached policy and other related functions of the Service are undertaken on a regular basis.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. The Council has a statutory duty to contribute to the reduction of crime and disorder in Merton under section 17 of the Crime and Disorder Act 1988. Furthermore the prevention of crime and disorder is also one of the licensing objectives under the Act. The Licensing Authority in its decisions and in the determination of its Policy Statement will promote the licensing objective of preventing crime and disorder and carry out its duties under Section 17.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. All risk and health and safety implications have been considered in arriving at the final package of Service Plan measures. Risk ratings are determined for specific activities, including the delivery of outcomes, measures and targets in the Plan, and are included within the Councils corporate risk management strategy. Identified risks and actions to minimise them are assessed on an annual basis.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- **Appendix 1** - Replies to the public consultation (to follow)
- **Appendix 2** - Amended Licensing Policy for approval

12 BACKGROUND PAPERS

- 12.1. The following documents have been relied upon in compiling this report and the policy but do not form part of this report
- The Licensing Act 2003 (As amended)
 - The DCMS Guidance to Licensing Authorities issued under S182 (March 2010)

Cllr Edge rep 290610.txt

From: chris_edge
Sent: 29 June 2010 20:35
To: Alan Powell
Subject: Licensing Policy

Dear Alan

Further to your invitation to offer comments on the Licensing Policy.

I would like to propose:

1. That the cumulative impact zone be extended to include:
 - A. Wimbledon station forecourt and platforms for main line and underground areas
 - B. An area on Hartfield Crescent and 100 metres into the residential area.

2. Allow Representation from Ward Councillors to be made at the committee and to be considered as having the same weight as if made by the general closing date for representations.

Chris Edge

From: Robert Faux [Robert.Faux@london.gov.uk]
Sent: 17 September 2010 09:07
To: Licensing
Subject: Licensing Consultation for Merton

Dear Alan

Thank you for the opportunity to review and comment on the draft Licensing Consultation for Merton. As part of the City Operations programme, which is working to prepare the City and its services for 2012, we would like you to consider including the below paragraph in your Licensing Policy in the area of Events. At Games time many functions will not be able to operate under business as usual conditions and it should be recognised that London will have a finite emergency services resource in 2012. This wording has been put together collaboratively by a number of Boroughs, the GLA, TfL, Olympic Security Directorate, NHS and the emergency services (LFB, LAS, MPS, BTP) as part of London's 2012 planning and we think its inclusion will be one step in the preparations for the Games.

The Council is fully committed to a safe and successful Olympic and Paralympic games in London in 2012. The Council recognises that the resources of the police and emergency services will be planned out and prioritised for the security of major events before, during and after the games from May 1 2012 until October 31 2012. Due consideration will be given by the Council to representations from the Police in relation to licence applications for activity during the games time on the grounds of public safety and security when police and other emergency services resources are insufficient to deal with the risks presented. Where, as a result of representations from a responsible authority, it is identified that a licence or proposed event presents a risk that the licensing objectives will be compromised, it is [the Council's policy] likely that such applications will not be granted.

If you would like any further information, please do not hesitate to contact me.
Kind regards,

Robert Faux

GREATER LONDON AUTHORITY

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Back England's bid to host the 2018 FIFA World Cup and London as a Candidate Host City. Visit www.England2018bid.com or Text 'England' to 62018

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From:
Sent: 19 September 2010 22:50
To: Licensing
Subject: Merton's Licensing Policy Statement

Premier Mini Market Express

To Whom It Concerns,

On some occasions, adults purchase beers, spirits and wines and give them to under-age youngsters outside the premises. We cannot manage this problem and on some occasions, they then consume these items in front of the premises. When they do this, the local residents and community police are then under the impression that we are supplying under-age children with alcohol. When asked to move away, they ignore us and refuse to comply.

As a consequence, this is having a detrimental effect on the reputation of my premises. I am therefore, looking to the council to supply large A3 posters stating that adults who purchase alcohol for under-age children are committing crimes and to be mindful of the consequences of their actions, with a gentle reminder that external CCTV cameras can see them. I think if local shops had these posters, it could significantly reduce such events from occurring.

Yours Faithfully,

Mr P Navakumar

From: Julian Peterson
Sent: 20 September 2010 14:04
To: Licensing
Subject: Merton Licensing Policy
Dear Alan,

Please accept this email as the submission of The Watershed, 267 The Broadway, Wimbledon, London SW19 1SD and premises licence holders to the consultation by London Borough of Merton (LBM) about Licensing Policy for the next 3 years.

We have operated the premises since October 1995 and, therefore, have extensive experience of operating premises in the area both before and since The Licensing Act 2003 (the Act). As you may remember I also worked for Messrs Woodroffes Solicitors during the implementation of the Act and appeared in some 30 hearings before various Committees around London. I have the following comments whilst keeping in mind the Licensing Objectives.

My comments apply mainly to Wimbledon Town Centre and The Broadway.

1) Cumulative Impact Policy must remain

LBM must keep its' Cumulative Impact Policy in place. There has been such a huge proliferation of licensed premises in the area that substantial over capacity now exists. More licensed premises or later hours for the earlier closing premises will continue to push LBM to the "tipping point". In the current market conditions (over capacity and economic), those that are drunk or undesirable who would normally be refused entry to premises will be allowed in to the detriment of all and this results in nuisance, crime and disorder.

After this tipping point, anti social behaviour becomes so prevalent that it becomes the norm - see Granovetter's hypothetical mob - http://en.wikipedia.org/wiki/Mark_Granovetter

2) Operating Schedules and grant / retention of extended hours should reflect a genuine plan and not merely a desire for later hours and increased alcohol sales

The ability to apply for later hours has resulted in many premises applying for later and later hours in pursuit of profits through increased alcohol sales and not with any genuine plan to provide entertainment or a more attractive environment for their customers.

The Act or the Guidance states that longer hours are desirable but this is not the case unless there is an overall strategy to ensure that closing times are staggered or if premises applying for later hours have some genuine plan other than to simply serve more alcohol - that does not lead to less nuisance and crime but more plus it moves nuisance and crime later into the night. This has been seen across the UK since the Act was introduced.

LBM should consider hours of nearby premises and the area as a whole when considering any more extensions as well as the operating schedule of the premises. Is there a genuine intention to and does the extension benefit anything except the turnover through alcohol sales? If not, nuisance and crime always seem to follow.

LBM should certainly consider more conditions such as "lockout" conditions. For example, if a premises with a current 11pm or midnight licence wishes to extend their hours then a condition that they do not allow any more customers onto the premises after midnight can help to ensure that they have a genuine plan (reducing nuisance and crime) and are not just trying to "hoover up" the remaining people wandering the streets. (Just to sell more alcohol with the likely effect of increasing nuisance and crime). Such a "lockout" policy could also help stop problems outside an already late licensed premises where there have been problems with nuisance and crime.

Finally

Wimbledon is a good area of London and its nightlife and venues should reflect this - the committee are entitled to expect high operating standards from premises within the area.

--

Julian

LONDON BOROUGH OF MERTON

STATEMENT OF LICENSING POLICY (FIRST REVIEW) (ADOPTED NOVEMBER 2010)

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1. The Licensing Act 2003 – Policy and Scope

- 1.1 The Licensing Act 2003 (“the Act”) gained royal assent on 10 July 2003 and repealed most of the existing legislation relating to liquor, entertainment and night cafe licensing (late night refreshment) and replaced it with a totally new licensing regime. Responsibility for liquor licensing was transferred from the Magistrates Court to Local Authorities. All licence applications are published on Merton’s web site (www.merton.gov.uk/licensing).
- 1.2 Under the Act, Local Authorities became licensing authorities for the purposes of liquor licensing, entertainment and late night refreshment.
- 1.3 Merton Council became the licensing authority within the London Borough of Merton under the provisions of the Licensing Act 2003. For the purposes of this policy reference to Merton is in relation to its function as a Licensing Authority unless otherwise specified.
- 1.4 The London Borough of Merton is situated in the South West of Greater London. Merton is generally “greener” and more suburban than most other London Boroughs. Predominantly a residential area, the borough comprises of properties, which are both wide ranging in character and are often of a high quality. The Council’s strategic objectives include improving the quality of life for residents and businesses. They will benefit from a cleaner and more attractive physical environment and improved access to high quality housing, transport systems, learning opportunities and jobs. The Council will also maintain our current position as a low crime borough and our residents will see Merton as a safe place to live, work and learn. Relationships between Merton’s many diverse communities will be positive.
- 1.5 The borough has five areas namely Raynes Park, Colliers Wood, Mitcham, Morden and Wimbledon. At present, the Council is responsible for the licensing of some 500 premises for the sale or supply of alcohol (e.g. off-licences, restaurants, public houses, registered clubs etc). In addition, the licensing authority is responsible for the grant of personal licences to those wishing to sell or supply alcohol. Some licensed premises are in residential areas. A greater number are located in town centres which are often on a single main road with commercial uses backing onto residential streets. In addition, town centre buildings may contain flats on their upper floors. Parking by customers of licensed premises may also take place in residential streets.
- 1.6 The busiest of these areas is Wimbledon (comprising the Town Centre and Village, the former being approximately twice the size of the latter) which has the highest density of leisure and entertainment venues.

1.7 The Act requires Merton to carry out its various licensing functions so as to promote the following licensing objectives:

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

1.8 Under the Act Merton is required to publish a Licensing Policy with respect to the exercise of its licensing functions. Merton's first Statement of Licensing Policy was prepared in accordance with the provisions of the Act and with regard to the Guidance issued under Section 182 of the Act, and was adopted by the Council on 05 January 2005. In accordance with the Act, this document is the first review of Merton's Statement of Licensing Policy.

1.9 The legislation is a recognition that in a modern and vibrant society the activities this Act covers require a more responsive and flexible system. One of the purposes of this Policy will ensure that local people and visitors to the London Borough of Merton will have better opportunities to enjoy their leisure time safely without fear of violence, intimidation or disorder while on, arriving at or leaving licensed premises. Another intention of the policy is to ensure that local residents are not unreasonably disturbed, whether in the street or at home, by activities within licensed premises or by customers arriving at or leaving licensed premises.

1.10 An effective Licensing Policy, alongside other initiatives, can work towards promoting positive aspects, such as increasing the leisure industry provision for the community and encouraging regeneration of town centres, as well as controlling the negative impacts which affects residents, such as an increase in noise, nuisance, anti-social behaviour and crime and disorder.

2. Types of Licences

2.1 The types of licences available under the Licensing Act 2003 are:

- premises licences,
- club premises certificates,
- temporary events notices
- personal licences in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.

3. The Policy

3.1 The Act requires that Merton carry out its various licensing functions so as to promote the following four licensing objectives:

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

3.2 This licensing policy serves 4 main purposes that are:

- To reinforce to elected Members on the Licensing Sub-Committee and Officers with delegated authority, the boundaries and power of the licensing authority, and to provide them with parameters under which to make their decisions. The committee should be able to test the application against criteria set out in the policy and if necessary add conditions to those set out in the operating schedule.
- To inform the licence applicants of the parameters under which the licensing authority will make licence decisions, and therefore how a licensed premises is likely to be able to operate within an area.
- To inform authorised persons, interested parties and responsible authorities of the parameters under which the licensing authority will make licence decisions, and therefore how their needs will be addressed.
- To inform a court of law how the Licensing authority arrived at its decisions when these are challenged in a court, and to support these decisions.

3.3 The scope of the 2003 Act covers:

- Retail sale of alcohol
- The supply of alcohol by or on behalf of a club, or at the order of a member of a club
- The provision of regulated entertainment
- The provision of late night refreshment
- Personal licences in respect of the sale and/or supply of alcohol

3.4 Regulated entertainment is defined as follows:

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment (indoor and outdoor)
- A performance of live music
- Any playing of recorded music
- A performance of dance

- Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance

3.5 Main Principles

The following are the main principles underpinning this policy:

- Nothing in this policy will undermine any person from applying for a variety of licences or permissions under this Act.
- Each application will be judged on its individual merits, having regard to this policy and national Guidance issued under S182 of the Licensing Act 2003.
- Nothing in this policy overrides the right of any person to make representations on any application or seek a review of a licence or certificate.
- That appropriate weight will be given to all relevant representations unless they are frivolous, vexatious or repetitious.
- Licensing is concerned with regulating licensable activities, therefore all conditions shall relate to matters that are within the control of operators, centering on premises and their vicinity.
- For the purposes of this Policy Statement, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, that person:
 - a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
 - b) Has business interests that might be affected by the authorised activities;
 - c) Represents persons who satisfy (a) or (b) above.
- The legislation relating to licensing is not the primary mechanism for the general control of anti social behaviour by individuals once they are away from the premises and beyond the direct control of the licence holder. Nonetheless, it is a key aspect of such control and licensing law will always be part of the holistic approach to the management of the evening and night-time economy in Merton.
- Conditions will be tailored to the individual style and characteristics of the premises and events, and standardised conditions will be avoided, although selection may be made from pools of conditions suggested in other publications. A list of such publications is set out in Appendix 1. For the purposes of the imposition of conditions, the principal source is Annexes D to E of the national Guidance issued under section 182 of the Licensing Act 2003.

- 3.6 This policy will be reviewed at regular intervals and, in accordance with the legislation, no later than three years after the policy has been adopted by

the Council.

3.7 Consultation on Policy Document

Section 5(3) of the 2003 Act prescribes that the following must be consulted:

- The Chief Officer of Police for the area
- The Fire Authority (LFEPA Croydon)
- Person/bodies representative of local holders of premises licences
- Person/bodies representative of club premises certificates
- Person/bodies representative of local holders of personal licences
- Person/bodies representative of businesses and residents in the area

3.8 The following organisations or individuals will also be consulted:

- Safer Merton
- British Transport Police
- Local Accident & Emergency Hospital Departments
- The Musician's Union & Equity
- Local Childrens Safeguarding Board
- The Area Forums
- Neighbouring Local Authorities
- All Councillors
- Merton and Sutton Primary Care Trust

3.9 In addition, the Policy will be available on the Internet on Merton's web site (www.merton.gov.uk/licensing).

3.10 In agreeing this policy proper weight will be given to the views of the persons and bodies consulted.

3.11 Duplication

3.11.1 This policy seeks to avoid duplication with other regulatory regimes so far as is possible. This policy statement is not intended to duplicate existing legislation and regulatory regimes that already places obligations on employers and operators in respect of employees and or members of the public e.g. the Health & Safety Act 1974, The Environmental Protection Act 1990, Disability Discrimination legislation, Anti-Social Behaviour Act 2003 and Fire Safety legislation.

3.11.2 Conditions will only be attached to licences if they are necessary for the promotion of the licensing objectives. If a necessary condition is not already provided for in other legislation, it will generally be considered necessary in

the context of licensing law. However, the fact that a matter is covered by other legislation does not necessarily mean that a condition will not be necessary for the purposes of licensing. It may be that current legislation or regulation might not cover particular circumstances that arise out of the type of activity at specific premises. In those situations it may be necessary for conditions to be attached that reflect those particular circumstances. However, Merton will not simply duplicate a condition which is already provided for under other legislation.

4. Integrating Strategies

4.1. There are many organisations including this Authority whose policies and strategies impact or involve the licensing objectives eg. Prevention of crime and nuisance.

4.2. Many of their strategies deal in part with the licensing function, and Merton will liaise with such groups to ensure proper integration of local crime prevention, planning, transport, tourism, economic development and cultural strategies and alcohol harm reduction, where necessary. Examples of these strategies are as follows:-

4.2.1 Alcohol Harm Reduction Strategy

In 2004, the Government published its 'Alcohol Harm Reduction Strategy for England' ("the Strategy") in which they identified the problems associated with the consumption of alcohol and suggest measures to tackle those problems.

In June 2007, the government published a further report identifying the Next Steps in the National Alcohol Strategy. This strategy, known as "Safe. Sensible. Social", builds upon the foundations, which have been laid, and the lessons learnt since 2004. It will forge a clearer national understanding of what is acceptable drinking behavior, in order to reduce the amount of harm that alcohol causes to individuals, families and communities. Safe, Sensible, Social outlines a concerted approach to support a change in drinking culture and shows how the police, local communities, local authorities, the NHS, voluntary organisations, the alcohol industry and others all have a role to play.

The key measures contained within the policy are:

- Working with the drinks industry to ensure that advertising does not promote or condone irresponsible or excessive drinking. This would include creating a Social Responsibility Charter for drinks producers requiring them to put "sensible drinking" messages on packaging; information about units of alcohol on bottles and cans and ensuring that products are not created to appeal to under-age drinkers.

- The strategy states that at local level, there will be new “code of good conduct” schemes for retailers, public houses and clubs, which would be run locally by a partnership of the industry, police and local authorities. These will ensure that industry works alongside local communities that are of concern such as: underage drinking and making town centres safer and more welcoming at night. However any such scheme would be voluntary.
- The strategy contains measures for combating alcohol related disorder in town and city centres. These include an increase in the use of exclusion orders and fixed penalty fines and better enforcement of existing rules governing under-age drinking and serving people who are already drunk.
- The strategy identifies the social and health problems associated with the consumption of alcohol and propose to combat them by promoting greater awareness among health service workers, in schools and by information campaigns.

When carrying out its licensing functions, Merton will endeavour to complement the Governments Alcohol Strategy and the following are examples of how this may be achieved:

- monitoring the sale or supply of alcohol to minors
- where there are relevant representations the licensing authority may attach conditions requiring licensees to require customers who appear to be under 18 to provide evidence of their age

4.2.2 Crime and Disorder Strategy

The Crime and Disorder Act 1998 (as amended) places a duty on Local Authority Chief Executives and Borough Police Commanders, in partnership with other agencies, to work together to reduce crime and disorder in the Borough. Merton’s Crime and Disorder Strategy complements central Government strategies and other initiatives, as well as the plans of the other member agencies.

The Safer Merton group has agreed seven key objectives for the Merton Crime and Disorder Strategy (available at www.safermerton.org.uk or on request at the Civic Centre), and the licensing authority’s Licensing Policy will integrate with those objectives in the following ways:

- promotion of the four statutory licensing objectives namely prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm
- where there are relevant representations, providing a pool of appropriate conditions to new licences or reviewing existing licences

- monitoring licensed and unlicensed activities
- prosecution of offences in accordance with the enforcement concordat and any other policies that may relate to enforcement
- the review of the licensing policy itself will also enable Merton to respond to changes in the types of crime and disorder in the Borough and take into account changes in this Council and central Governments strategies.

4.2.3 Metropolitan Police Drugs Strategy

- The Metropolitan Police drugs strategy has two strands, namely reducing supply and reducing demand, and this will be achieved by forging a partnership approach between the Police, Merton Council and the local community.
- The Police strategy supports the development, and use of, intelligence garnered from appropriate sources to target those involved in any form of drug dealing.
- The use, and sharing of, intelligence provided by all relevant organisations is emphasised as necessary to identify those areas of drug misuse that cause particular concern to the community.
- Merton is developing a protocol with the Metropolitan Police with regard to enforcement and part of the protocol will relate to the sharing of information generally and specifically in the area of misuse of drugs.
- Merton Council through the promotion of the licensing objectives and the carrying out of its licensing function will contribute to achieving the aims stated in this section.
- In this way, Merton's Licensing Policy will integrate with both the Police and Courts in seeking to properly address the "Crime & Disorder" objective of the Licensing Act 2003.

4.2.4 Door Supervisors

The Security Industry Authority (SIA) exists to manage the licensing of the private security industry as set out in the Private Security Industry Act 2001 ("PSIA 2001"). Their aims include:

- Increasing public confidence in the private sector security industry
- Improving training, standards and professionalism
- Promoting and spreading best practice
- Strengthening the extended police family by encouraging and supporting further engagement of the private security industry

Under the PSIA 2001, door supervisors are required to be licensed by the SIA. Door supervisors are employed at many licensed premises in Merton, either by the proprietor or when conditions have been attached to a licence by Merton with regards to the provision of door supervisors. Merton's Licensing Policy integrates with and is compatible with the SIA strategy by requiring such persons to be SIA licensed.

4.2.5 Test Purchases

A Code of Best Practice concerning test purchases has been compiled by the Local Authorities Co-ordinators of Regulatory Services (LACORS). This Code has been approved by Central Government and this Council has signed up to this code as a means to gather evidence and prosecute where appropriate.

4.2.6 Merton's Business Plan is organized around six key themes. The ambition for each of these themes is outlined below:

- Sustainable Communities

Our aim is to improve the quality of life for our residents and businesses. They will benefit from a cleaner and more attractive physical environment and improved access to high quality housing, transport systems, learning opportunities and jobs. In particular, those living and working in the east of the borough will benefit from the implementation of the LAA, our neighbourhood renewal programme, and the regeneration of Mitcham town centre.

- Safer and Stronger Communities

We will maintain our current position as a low crime borough and our residents will see Merton as a safe place to live, work and learn. Relationships between Merton's many diverse communities will be positive, and citizens of the borough will actively contribute to the development and delivery of council services.

- Healthier Communities

We will have a well developed and defined role in the promotion of healthier communities, with a special focus on reducing the health inequalities between the eastern and western wards.

- Older People

We will engage constructively with older people about their needs and aspirations as part of a broad approach that addresses the traditional areas of health, care and independence. We will also focus on a more holistic notion of age that involves a full expression of citizenship and active ageing.

- Children and Young People

We will work with our partners to improve the lives of children, young people and their families. We are determined to significantly improve the quality, accessibility and coherence of services so that every child and young person can fulfill their potential and those facing particular obstacles are supported to overcome them.

- Corporate capacity

Our residents and customers will receive excellent, value for money services. We will improve customer access to our services, set high standards of customer care and take advantage of new technology. We will manage our resources to provide value for money, high standards of governance, financial control and budget management. We will recruit and develop our workforce so that it is equipped and motivated to deliver effective services.

Notwithstanding other Council objectives set out in separate Plans, Policies and Strategies, the Licensing Objectives are overriding objectives in the context of this Policy Statement. Merton, in promoting the four Licensing Objectives, may also take into account the Council's policy on neighbourhood renewal. Examples of how this can be achieved are:

- attaching conditions to licences which are appropriate and proportionate
- reviewing the Policy and reflecting changes in Council and central Government strategies concerning renewal

5. Promotion of Racial and Gender Equality

- 5.1. The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000 and the Sex Discrimination Act 1975, as amended by the Disability Discrimination Act 1995 and the Equality Act 2010, places a legal obligation on this Council to have due regard to the need to eliminate unlawful discrimination.
- 5.2. This statement of Licensing Policy will be taken into account with regards to Merton Council's Race Equalities Scheme.

6. Live Music, Theatre & Dancing

- 6.1. In its role of implementing local authority cultural strategies, the Council recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community, to include children. The Council is particularly concerned to increase cultural opportunities for children.

- 6.2. When considering applications for such events and the imposition of conditions on licences or certificates, Merton will carefully balance the cultural needs with the necessity of promoting the licensing objectives.
- 6.3. Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.
- 6.4. As a Local Authority, the London Borough of Merton has applied to the Licensing Authority for premises licences and has been granted premises licences for a number of properties and sites owned by the Council. The granting of such premises licences means that those individuals or organisations who may wish to use such venues have been relieved of the necessity to apply for licences. Further information can be found at www.merton.gov.uk.
- 6.5. Merton will monitor the impact of licensing on regulated entertainment, particularly music and dancing, to ensure that unnecessary restrictions are not being placed on the development of entertainment activities in the borough. Where there is evidence of such a negative impact, Merton will have regard to this in reviewing the Licensing Policy Statement.

7. Cumulative Impact

- 7.1 The Council will not take 'need' into account when considering an application for a licence, as this is a matter for the market.
- 7.2. However, the Council recognises that the cumulative impact of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder outside and within the vicinity of these premises. In such circumstances the impact of those premises when taken as a whole can be far greater than that arising from individual premises and it may not be possible to distinguish a specific premises as being the sole cause, or even a major contributing factor of a particular problem. It is acknowledged that it is the "Cumulative Impact" of all of the premises that causes problems for a wider area.
- 7.3 It may become apparent to the Council by way of representations made to it by responsible authorities and/or interested parties that an area has or is becoming saturated with premises, making it a focal point for many/or large groups of people to gather and circulate away from licensed premises, creating exceptional problems of disorder and nuisance over and above the impact from the individual premises.

7.4 In these circumstances the Council may consider that the attachment of conditions is unlikely to address these problems and it may then consider the adoption of a special policy of refusing new premises licences or club premises certificates because the area is saturated with licensed premises and the granting of any more would undermine one of the licensing objectives.

7.5 When consulting upon its original Licensing Policy Statement, the Council took the following steps in considering whether to adopt a special policy:

- Identification of concern about crime and disorder or public nuisance;
- Consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises and if so identifying the area from which the problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent;
- Consultation with those specified by section 5(3) of the 2003 Act as part of the general consultation required in respect of the whole statement of licensing policy;
- Subject to that consultation, inclusion of a special policy about future premises licence or club premises certificate applications from that area within the terms of the Guidance in the statement of licensing policy;
- Publication of the special policy as part of the statement of licensing policy as required by the Act.

The Council still considers these steps to be appropriate for reviewing existing Special Policy areas and for contemplating new ones.

7.6 In 2005, the Council considered that the evidence available justified two specific areas in Merton where a special policy was appropriate and necessary. Those areas were Wimbledon Town Centre (part of this area is also a Controlled Drinking Zone) and Wimbledon Village. Having regard to the evidence currently available the Council considers that it is appropriate to continue the special policies in these two areas.

Wimbledon Town Centre

There has been a significant increase in the number and scale of licensed premises in Wimbledon Town Centre over recent years. This has resulted in a significant number of alcohol related crimes and of complaints being made to the Council concerning nuisance. The Police have provided evidence regarding alcohol related crime and disorder and the connection between the offences and licensed premises. Anti-social behaviour has led to the Metropolitan Police designating part of the town centre as a dispersal area under the Anti -Social Behaviour Act 2003. Residents and Residents

Associations in Wimbledon Town Centre have made representations that the Town Centre is at saturation point. The Police support the designation of Wimbledon Town Centre as a cumulative impact zone.

Wimbledon Village

Wimbledon Village has not experienced the same development pressures as Wimbledon Town Centre. However, the usage and opening hours of existing public houses and conversion of shops to restaurants has impacted on the locality. There are fewer crimes recorded in the Village as compared to the Town Centre. However, it is clear from the significant number of responses received from residents and Residents Associations to the original consultation that many people experience regular disturbance and nuisance as a result of the proximity of a large number of licensed premises. The Police again supported the designation of Wimbledon Village as a cumulative impact zone. By designating these areas as cumulative impact zones, the Council is promoting the licensing objectives and complying with its statutory duty under Section 17 of the Crime and Disorder Act 1998 to prevent crime and disorder in its area.

- 7.7 The areas subject to the special policy are as shown in the plans attached to this policy.

The Wimbledon Town Centre cumulative impact zone applies to the following roads and areas:

- Wimbledon Hill Road from the junction with Mansel Road and Woodside Road to the Broadway including Wimbledon Bridge;
- The Broadway to its junction with Merton Road;
- Kings Road from its junction with The Broadway to South Park Road;
- Stanley Road from its junction with The Broadway to South Park Road;
- Merton Road from its junction with The Broadway to its junction with Griffiths Road and Quicks Road;
- Hartfield Road from its junction with Wimbledon Bridge to Sir Cyril Black Way;
- Sir Cyril Black Way;
- Gladstone Road from its junction with The Broadway to Sir Cyril Black Way;
- Worple Road from Wimbledon Hill Road to its junction with Raymond Road and Francis Grove; and
- Centre Court Shopping Precinct.

The Wimbledon Village cumulative impact zone applies to the following roads:

- High Street (including Hampton House), from its junction with Marryat Road to Wimbledon Hill Road;
- Church Road from its junction with the High Street to its junction with Belvedere Square; and
- The Ridgway from its junction with the High Street to its junction with Sunnyside including 120 Wimbledon Hill Road (120 Wimbledon Hill Road has frontage on the Ridgway).

7.8 The Council considers that it is appropriate and necessary to continue a special policy within the designated cumulative impact zones. Where relevant representations have been received the policy will affect applications for new premises' licences or club premises' certificates or variations of existing licences or certificates. It will be for the applicants to show in their operating schedules that their proposals will not add to the cumulative impact already being experienced. Responsible authorities and/or interested parties will need to see the steps proposed by an applicant in order to decide whether to write representations. The presumption will be that where proposed operations are material to the policy they will normally be refused, however, the process allows applicants to rebut the presumption in their applications, and to make the case before a licensing sub-committee. Where an application is material to the special policy the burden of proof lies on the applicant to rebut the presumption.

7.9. The presumption of a refusal does not, however, relieve responsible authorities or interested parties of the need to make a relevant representation, as the special policy can only lawfully be invoked by a licensing sub-committee, which has been convened in response to valid representations that refer to that special policy. If no representation were received it would remain the case that any application must be granted in terms that are consistent with the operating schedule submitted.

Responsible authorities, such as the Police, or interested parties, can make a written representation maintaining that it is necessary to refuse the application in order to meet the licensing objectives. In doing so they should refer to the special policy and any information, which had been before the licensing authority when it developed its Statement of Licensing policy.

Responsible authorities, where they have promoted or provided the evidence to support a special policy, should consider carefully any implications that maybe drawn from their not making a representation.

- 7.10 This special policy is not absolute. The circumstances of each application will be considered properly and it is possible for licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives to be granted. As a consequence of the presumption that underpins the special policy such cases are likely to be exceptional. Following receipt of representations in respect of a new application for or a variation of a licence or certificate, the Licensing Authority will consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. Notwithstanding the significance of the special policy the Licensing sub committee will announce its reasons for any decision to refuse an application.
- 7.11 This special policy cannot be used as a ground for revoking an existing licence or certificate when relevant representations are received about problems with those premises. The special policy can also not be used to justify rejecting applications to vary an existing licence or a certificate except where refusal of those modifications are directly relevant to the policy and are strictly necessary for the promotion of the licensing objectives.
- 7.12 The special policy relating to cumulative impact does not include provisions for a terminal hour in a particular area. The Council acknowledges that it would be wrong not to apply the special policy to applications that include provisions to open no later than, for example, midnight, but to apply the policy to any other premises that propose opening later. The effect would be to impose a fixed closing time akin to that under the “permitted hours” provisions of the Licensing Act 1964. The Council recognises that terminal hours were abolished by statute to avoid the serious problems that arise when customers exit licensed premises simultaneously. The Council does not intend to attempt to fix a terminal hour in any area so as directly to undermine a key purpose of the 2003 Act.
- 7.13 This special policy does not impose quotas – based on either the number of premises or the capacity of those premises – that restrict the consideration of any application on its individual merits or which seek to impose limitations on trading hours in particular areas. Quotas that indirectly have the effect of pre-determining the outcome of any application will not be used because they have no regard to the individual characteristics of the premises concerned. Public houses, night clubs, restaurants, hotels, theatres, concert halls and cinemas all could sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be given to those differences and the differing impact they will have on the promotion of the licensing objectives.
- 7.14 Notwithstanding the special policy the Council will continue to work with all appropriate partners to help meet the licensing objectives through local initiatives and good practice, including the provision of CCTV surveillance, police enforcement of general law, ongoing measures to create a safe and clean environment, and working in partnership with licensees.

7.15 This special policy will be reviewed regularly to assess whether it is needed any longer or whether it needs expanding.

8. Crime and Disorder

8.1 Under section 17 of the Crime and Disorder Act 1998, the London Borough of Merton, as a Local Authority, has a duty to do all it reasonably can to prevent crime and disorder in the borough. As previously stated the prevention of crime and disorder is also one of the four licensing objectives that this Licensing Authority is to promote.

8.2 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.

8.3 In deciding licence applications where relevant representations are made, it will be the policy of the Council to consider the adequacy of measures proposed to deal with the potential for crime and disorder having regard to all the circumstances of the case. In particular the authority may consider the following:

- the levels of crime and disorder in and around the venue;
- the level of compliance with conditions on existing licences;
- the measures to be put in place to prevent underage drinking;
- the measures proposed to prevent the consumption or supply of illegal drugs, including search procedures, provision of CCTV, design of premises, monitoring of toilets, surrender and seizure procedures;
- the measures proposed to discourage binge drinking and drunkenness and to promote sensible drinking;
- the measures proposed to prevent violence on the premises, including the threat of violence to staff;
- whether door supervisors are to be provided and, if so, how many and the hours of employment;
- measures to be put in place to react to any situations of disorder should they occur;
- in the case of premises selling alcohol on the premises, any measures to be put in place to prevent glass or bottles from being taken into the street;

- any steps that are to be taken to reduce thefts from patrons using the premises;
- for new applications, the extent to which the layout has been designed to minimise crime and disorder; and any steps that are to be taken to reduce the risk of spiking of drinks.

8.4 Merton will expect Operating Schedules to satisfactorily address these issues from the design of the premises through to the daily operation of the business.

8.5 Applicants are recommended to seek advice from the Council's Licensing Officers and the Metropolitan Police, as well as taking into account, as appropriate, local planning policies, tourism, cultural and crime prevention strategies, when preparing their plans and Schedules. In general, conditions will, so far as possible, reflect local crime prevention strategies.

8.6 Merton, where appropriate and necessary, will consider attaching conditions to licences to deter and prevent crime and disorder both inside and within the vicinity of the premises and these may include the conditions that are in appendix 1 of this statement.

8.7 Merton also recognises that there are a number of other mechanisms available to address the impact of crime and disorder and anti-social behaviour. Examples of these are as follows:

- ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council Departments
- designation of parts of the Borough as places where alcohol may not be consumed publicly
- regular liaison with local Metropolitan Police on law enforcement issues regarding disorder and anti-social behaviour, including the issue of fixed penalty notices, prosecution of those selling alcohol to people who are drunk; confiscation of alcohol from adults and children in designated areas and instantly closing down licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises
- the power of the police, other responsible authority or a local resident or business to seek a review of the licence or certificate
- Similar liaison is also available via Safer Merton who are the co-ordinating body in respect of the Merton Crime and Disorder Strategy

9. Public Safety

- 9.1 The Act covers a wide range of premises that require licensing, including, cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways.
- 9.2 These types of premises present the potential for a variety of safety concerns, some of which are common to all premises and others that may be unique to specific operations. It is essential that premises are constructed or adapted and operated so as to address potential and identified risks and safeguard occupants against them.
- 9.3 The Council will expect Operating Schedules to fully address these issues. Applicants are advised to seek advice from the Council's Licensing team, Building Control Officers, the London Fire and Emergency Planning Authority, the Police and Health & Safety (both the Executive and the Council's department) before preparing and submitting their plans and Schedules.
- 9.4 Merton, where appropriate and necessary, will consider attaching conditions to licences to promote safety, and these may include the conditions that are in Appendix 1 of this statement.

10. Prevention of Nuisance

- 10.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 10.2 The concerns mainly relate to noise nuisance, light pollution and noxious smell. Merton will expect Operating Schedules to address these issues. Applicants are advised to seek advice from the Environmental Health Department (Housing & Pollution) before preparing their plans and Schedules.
- 10.3 The Council in its capacity as a licensing authority is concerned to ensure the necessary protection of residents, members of the public and businesses in the vicinity of licensed premises, whose living, working and sleeping can be adversely affected by nuisance. The applicant must demonstrate within their operating schedule how they intend to promote the licensing objective relating to the prevention of nuisance.
- 10.4 Merton, where appropriate and necessary, will consider attaching conditions to licences to promote avoidance of nuisance, and these may include Conditions as attached at appendix 1.

10.5 The following are some examples of problems that may give rise to concern and should be addressed where appropriate:

- noise and vibration escaping from the premises, including
- music, noise from ventilation equipment, and human voices
- disturbance by customers arriving at or leaving the premises
- queuing, either by pedestrian or vehicular traffic
- parking by patrons and staff
- the provision for public transport in the locality (including taxis and private hire vehicles) for patrons
- the level of likely disturbance from associated vehicular movement
- the use of licensed premises gardens and other open-air areas
- littering or glass dispersal in the immediate vicinity
- the delivery and collection areas and times e.g. early morning refuse collection
- the siting of external lighting, including security lighting that is installed inappropriately
- the impact on refuse storage and litter (including fly posters and illegal placards)
- the generation of odour, e.g. from the preparation of food
- any other relevant activity likely to give rise to nuisance

11. Prevention of Harm to Children

11.1 Access to Licensed Premises

11.1.1 The wide range of premises that require licensing means that children and young persons may visit many of these, sometimes on their own, for food and/or entertainment.

11.1.2 The Act creates the following two offences:

- to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under authorisation of a premises licence, club premises certificate etc.
- to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club premises certificate etc. Outside these hours, this offence does not prevent the admission of unaccompanied children under 16 to various types of premises where the consumption of alcohol is not the exclusive or primary activity at those venues. It should also be noted that between 5 am and midnight the offence would not necessarily apply to many restaurants, hotels, cinemas and those pubs where the main activity is the consumption of both food and drink.

11.1.3 Subject to the provisions of the Act and any licence or certificate conditions, admission will always be at the discretion of those managing the premises. Merton will not attach conditions requiring the admission of children.

11.1.4 Merton will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them.

11.1.5 Each application shall be considered on its merits. However, there may be particular areas of concern in respect of children including the following examples:

- premises where there have been convictions for serving alcohol to minors or with a reputation for underage drinking
- premises with a known association with drug taking or dealing
- premises where there is a strong element of gambling on the premises (but not, for e.g. the simple presence of a small number of fruit machines, slot machines or any other cash prize gaming machines)
- premises where entertainment or services of an adult or sexual nature are commonly provided
- premises where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided

11.1.6 The following options are possible alternatives which Merton may consider attaching as conditions for limiting the access of children where it is necessary for the prevention of harm to children:

- Limitations on the hours when children may be present
- Limitations on ages below 18
- Limitations or exclusion when certain activities are taking place
- Requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult)
- Full exclusion of people under 18 from the premises when any licensable activities are taking place

These alternatives can be adopted either individually or in combination in order to promote this licensing objective.

11.1.7 Merton recognises that the Safeguarding Children Board as being competent to advise on matters relating to the protection of children from harm and is a “responsible authority” that can make relevant representations. As a responsible authority, the applicant is required to copy details of their applications to this Board when an application is made.

11.2 Access to Cinemas

11.2.1 Films cover a vast range of subjects, some of which deal with adult themes and/or contain, for example, scenes of horror or violence that may be considered unsuitable for children within certain age groups.

11.2.2 In the past, films that have been shown at cinemas or film exhibitions in Merton have been classified by the Board of Film Classification (BBFC). It is not anticipated that this will change.

11.2.3 Applicants for licences in relation to premises showing film exhibitions will be expected to address arrangements for restricting children from viewing age-restricted films (as classified by the BBFC) in their operating schedules.

11.2.4 The Act also provides a mandatory condition to be included in all premises licences and club premises certificates authorising the exhibition of films for the admission of children to the exhibition of any films to be restricted in accordance with the recommendations given to films by the BBFC or the licensing authority if it so desires.

11.3 Children and Public Entertainment

11.3.1 Many children go to see and/or take part in an entertainment arranged especially for them, for example children's film shows and dance or drama school productions.

11.3.2 In order to promote the protection of children, Merton may attach conditions where it is appropriate and necessary to safeguard them whilst they are on the premises.

Examples of such conditions may be:

- concerning the presence of adult staff at places of public entertainment to control the access and egress of children and to protect them from harm
- age restrictions of children or young persons if unaccompanied by a responsible adult

11.3.3 Merton will expect, where relevant, that submitted Operating Schedules will address the licensing objective relating to the protection of children and public safety.

11.3.4 Merton will consider attaching Conditions to licences and permissions to promote these licensing objectives and these may include the conditions that are in appendix 1 of this statement.

11.3.5 The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks is commended.

11.3.6 The body competent to advise Merton regarding the child protection objective is the Safeguarding Children Board, which may be contacted at Children, Schools & Families Department, London Borough of Merton.

12. Tourism, Employment, Planning & Building Control

12.1 Planning, Building Control and the Licensing functions will be properly separated in accordance with statutory requirements to avoid duplication and inefficiency.

12.2 It should also be noted that under the Act, the local Planning Authority is one of the "responsible authorities" that must be notified of licensing applications and are entitled to make representations to the Licensing Authority in relation to the application for the grant, variation or review of a premises licence.

12.3 Arrangements will also be made for the Licensing Committee to receive reports where appropriate on the following matters to ensure members are aware of them when making decisions:

- the needs of the local tourist economy and cultural strategy for the Borough, and,
- the employment situation in the Borough and the need for investment and employment

12.4 However, some regulations do not cover the unique circumstances of some entertainment. Merton will consider, where appropriate and necessary, attaching conditions to premises licences and club premises certificates where these are necessary for the promotion of the licensing objectives and are not already provided for in any other legislation in respect of that particular premises.

13. Licensing Hours

13.1 The Government considers that longer licensing hours for the sale of alcohol may avoid large numbers of people leaving premises at the same time. This in turn, could reduce potential friction at late night fast food outlets, taxi ranks, minicab offices and other sources of transport that can lead to disorder and disturbance.

13.2 Fixed trading hours within designated areas (Zoning) will not be adopted in this Borough. One reason for this is that it could lead to significant movements of people to areas within the borough at particular times either seeking premises or going to premises that have longer opening hours and provide either alcohol and/or other regulated entertainment. This movement of people may give rise to a concentration of disturbance and noise.

13.3 Merton recognises that hours of trading are a critical factor in assessing adverse and beneficial impacts in its area. Whilst the Borough does not have in general a problem with large numbers of customers leaving licensed premises at the same time, there is a problem with noise and anti social behaviour which affects local residents. Residents can tolerate an element of noise disturbance in the earlier part of the night when ambient noise levels are higher but find it increasingly intolerable as ambient levels fall later at night when they expect to sleep. Noise can come from within premises, a potentially controllable source, and from revellers in the street.

13.4 All applications will be considered on their merits. In considering whether to impose licensing hours conditions and their terms to promote the licensing objectives Merton will consider the following matters:

- whether the licensed activity may result in a reduction or an increase in crime and anti-social behaviour in the area;
- whether the licensed activity would not be likely to cause adverse effect on the safety and amenity of local residents, or, if there is any potential to cause adverse effect, whether any and if so what measures will be put in place to prevent it;
- whether there will not be an increase in any cumulative adverse effect from the activity on local residents in the vicinity;
- whether there is a high level of public transport accessibility to and from the premises for the hours requested or whether other effective methods of dispersal will be put in place which will not themselves add to adverse impact on local residents in the vicinity.

13.5 Merton will consider the imposition of conditions in relation to the design, operation and management of premises which reflect any licensing hours allowed. In particular consideration may be given to imposing stricter conditions in respect of noise control where premises are below or adjacent to residential premises.

13.6 Particular areas of concern that may be taken into account by Merton include:

- Noise emanating from the premises itself including external areas, that may affect residents
- Noise caused by patrons leaving the premises
- Noise caused by patrons queuing at the premises prior to admission
- Behaviour of patrons in the vicinity that may result in public nuisance and/or crime and disorder
- Noise caused by delivery vehicles, waste vehicles and operatives collecting empty bottles and other waste products

Shops, Stores and Supermarkets

Merton will generally consider that shops, stores and supermarkets will sell alcohol for consumption off the premises at any time when they are open for shopping, unless there are good reasons for restricting those hours e.g. police representations relating to crime and disorder; representations relating to public nuisance.

13.7 If there is more than one business trading from the same premises (e.g. hypermarkets, malls etc) which require separate premises licences, Merton where necessary will assign a nominal unit number or sub-division of the address to accommodate and individually identify such premises and issue a premises licence accordingly.

14. Conditions

14.1 Mandatory Conditions

14.1.1 Section 19, 20 and 21 of the Act, provides for certain mandatory conditions to be included in a premises licence.

14.1.2 Under section 19, Merton will be required to attach to any premises licence authorising the supply of alcohol the conditions that at any time when such supplies under the premises licence are made

- There must be a 'designated premises supervisor' who is the holder of a valid personal licence, and
- Every supply of alcohol under the premises licence must be made by a personal licence holder (although not necessarily by the designated premises supervisor) or an individual authorised by a personal licence holder

14.1.3 Where a premises licence authorises the exhibition of a film, section 20 makes it mandatory for a condition to be included in the premises licence requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 or by the licensing authority itself. When the Licensing Act was passed the only body designated under section 4 of the Video Recordings Act 1984 was the British Board of Film Classification.

14.1.4 Section 21 applies where the provision of door supervision is a requirement of the premises licence. It requires the licence to provide that anyone carrying out such a security function must be licensed by the Security Industry Authority established under the Private Security Industry Act 2001. However, S21(2) specifies some exceptions to the requirement (e.g. theatres). The provisions of the Private Security Industry Act 2001 are amended by paragraph 118 of schedule 6 to the Act.

14.2 Prohibited conditions

14.2.1 Under section 22, in the case of any premises licence authorising the performance of a play, Merton will not be able to attach conditions relating to the nature of the play performed or the manner of its performance, unless they are justified as a matter of public safety.

14.3 Standard Conditions

14.3.1 Conditions may only be imposed on licences and certificates where they are necessary for the promotion of one or more of the four licensing objectives. Standard conditions will be avoided. The pool of conditions from which this Licensing Authority may draw necessary and proportionate conditions in particular circumstances can be found with reference to the documents referred to in Appendix 1 to this policy.

15. Applications for Premises Licences

15.1 Any person (if an individual aged 18 or over) who is carrying on or who proposes to carry on a business which involves the use of premises (which includes any place including one in the open air) for licensable activities may apply for a premises licence either on a permanent basis or for a time limited basis.

15.2 Furthermore, a wide range of other individuals and bodies set out in section 16 of the 2003 Act may apply for this type of licence e.g. government departments, local authorities, hospitals, schools and police.

15.3 An application for a premises licence must be on the prescribed form to this Licensing Authority and be copied to each of the responsible authorities (see Section 13 of the 2003 Act) and it must be accompanied by:

- The required fee
- An operating schedule (see below)
- A plan of the premises in a prescribed form to which the application relates or to a scale agreed by the licensing authority; and
- If the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the designated premises supervisor

15.4 If the application form is not completed correctly the application will be returned to the applicant.

15.5 Further, Merton will not determine an application which has not been properly made, for example by failing to provide material information requested by the form, or failing to advertise or notify responsible authorities as required by regulations.

15.6 Merton recommends that applicants for premises licences or for major variations of such licences to conduct a thorough risk assessment with regard to the licensing objectives when preparing their applications.

15.7 Merton will have a policy whereby valid applications will automatically be referred to the Building Control, Health & Safety or other appropriate departments and it will be for them to decide whether an inspection of the premises is required, and if any breaches are found these will be dealt with under other relevant legislation.

15.8 There will not be a routine inspection of premises carried out by the Licensing Team, but inspections may take place for example in the following circumstances:

- Where applications are received for new premises where there are concerns that arise out of the operating schedule
- Where there have been complaints raising concerns with regard to the promotion of the licensing objectives
- If there is a level of risk associated with the type of entertainment to be offered at the premises
- In situations where relevant representations have been received to cause Merton's confidence in the management of the premises to be questioned
- The history of the premises
- Any other relevant factor
- Where other regulating authorities (internal or external) recommend action

16. Operating Schedule (Licensed Premises and Registered Clubs)

16.1 As part of an application for a premises licence (or club premises certificate) an Operating Schedule must be submitted. The Operating schedule is required to include information that is necessary to enable Merton (or an interested party/responsible authority) to assess whether the steps to be taken to promote the licensing objectives are satisfactory. The following are a few examples of the type of information that would be useful:

- Descriptions of the style and character of the business to be conducted on the premises (e.g. supermarket, bar, restaurant etc.)
- If alcohol were being sold for consumption on the premises, it would be valuable for the applicant to indicate the extent of seating available as research has shown that the amount of seating can be relevant to the prevention of crime and disorder.

- The type of activities available in the premises whether licensable under the 2003 Act or not e.g. if there is dancing it would be helpful for a brief description to be given of the type of dancing and whether it is members of the public or professional performers.

16.2 An applicant is required to ensure that the operating schedule sets out the following details:

- the relevant licensable activities to be conducted on the premises
- the times during which it is proposed that the relevant licensable activities are to take place (including the times during each day of the week, during particular holiday periods and during particular seasons, if it is likely that the times would be different during different parts of the year)
- any other times when the premises are to be open to the public
- where the licence is required only for a limited period, details of that period
- where the licensable activities include the supply of alcohol, the name and address of the individual (who must hold a valid personal licence) to be specified as the designated premises supervisor who will be responsible on a day-to-day basis for conducting business in the premises in a manner consistent with the terms and conditions of the licence, in accordance with the Act and with the promotion of the licensing objectives
- where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both
- the steps which the applicant proposes to take to promote the licensing objectives
- Such other matters as may be prescribed

16.3 Applicants are reminded that the 2003 Act provides that where an operating schedule (or club operating schedule) has been submitted with an application and there are no relevant representations made with regards to the application, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required by the Act.

16.4 Therefore, it is important that all schedules should be precise and clear about the measures that it is proposed to take to promote each of the licensing objectives, in particular in relation to the protection of children.

16.5 It is also important for the applicant to ensure that the steps suggested by the schedule are realistic and within the control of the applicant and

management of the premises. If a licence is granted with conditions attached requiring the implementation of such steps, a failure to comply with the condition is a criminal offence.

16.6 Applicants for new premises licences/Club Operating Schedules and those seeking variations to existing premises licences, are advised to consult with the following organisations before preparing their schedules or at the earliest possible stage in order to avoid disputes:

- Police and local authority community safety officers– crime and disorder
- Local community groups- nuisance especially in relation to noise
- Local environmental Health officers – nuisance including noise
- Fire brigade – fire precautions and public safety
- Health & Safety Team of the London Borough of Merton – public safety
- Any other organisations or groups interested in the promotion of the licensing objectives in the area concerned.

17. Enforcement

17.1 The Council has a long-established enforcement Policy, based around the principles of consistency, transparency and proportionality set out in the Department of Trade and Industry's Enforcement Concordat and which also takes into account the Attorney General's Guidelines to Crown Prosecutors for bringing prosecutions.

17.2 Enforcement decisions will be taken in line with the principles contained in the concordat and our enforcement policy.

17.3 The Council will comply with all laws and standards that govern the way enforcement action is to be dealt with. (e.g. The Licensing Act 2003 & Guidance, Police and Criminal Evidence Act 1984, Criminal Procedure and Investigations Act 1996, Data Protection Act 1998, Human Rights Act 2000, Regulation of Investigatory Powers Act 2000 etc).

17.4 Merton will work closely with the Metropolitan Police on enforcement issues to ensure an efficient deployment of Police and Council Officers engaged in enforcing licensing law and inspecting licensed premises. This will provide for the targeting of agreed problems and high-risk premises that require greater attention. In turn a lighter touch will be adopted in respect of low risk premises.

18. Applications for Personal Licences to Sell or Supply Alcohol

18.1 In order to obtain a personal licence under Part 6 of the 2003 Act the requirements are that the applicant:

- Must be aged 18 years or over
- Must possess a licensing qualification accredited by the Secretary of State (or one which is certified as if it is such a qualification or is considered equivalent) or is a person of a description prescribed by the Secretary of State by regulations
- must not have forfeited a personal licence within five years of his or her application; and,
- must produce a Criminal Record Bureau certificate,
- must not have an objection notice from the police about the grant of a personal licence following notification of any unspent relevant offence or foreign offence; or
- must show that any unspent relevant offence should not be considered on crime and prevention grounds if an objection is received by the police; and
- must pay the appropriate fee to the Council.

18.2 Applicants with unspent criminal convictions for relevant offences set out in the Licensing Act are strongly encouraged to first discuss their intended application with the Police and the Licensing Team before making an application.

18.3 A personal licence is valid for 10 years. A designated premises supervisor must hold a personal licence.

18.4 Further information about personal licences can be found on Merton's Web-site (www.merton.gov.uk/licensing) in Merton's Public Libraries or by contacting the Licensing Section of Merton Council.

19. Temporary Event Notices

19.1 This section deals with temporary permitted regulated activities carried on in accordance with a statutory notice.

19.2 An individual who wants to use premises for one or more licensable activities in a period not exceeding 96 hours has to give a Temporary Event Notice to Merton.

19.3 This notice must be in the form prescribed by regulations and must give:

- details of the proposed activities,
- the date & time during which they will take place and
- whether there will be alcohol sold on or off the premises.

The Notice must also state the maximum number of persons permitted on the premises, which must be less than 500. There must be a minimum of 24 hours between the end of one event period and the start of another.

19.4 The Temporary Event Notice must be sent in duplicate to Merton and a copy has to be sent to the Chief Officer of Police at Wimbledon Police Station no less than a minimum of 10 working days before the event period begins. The Police then have 48 hours to lodge an objection. The grounds for an objection must concern the crime prevention objective. No other person or body can lodge an objection.

19.5 Notwithstanding that the law states that a minimum of ten working days notice must be given, it is recommended that wherever possible applicants give Merton and the Metropolitan Police at least three months' notice of the events, to allow them to help organisers plan their events safely.

19.6 Organisers of temporary events are strongly advised to contact the Licensing Team at the Council and the Police for advice at the earliest opportunity when planning events, to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed.

19.7 If the police raise an objection there must be a hearing unless both parties agree it is unnecessary and if Merton is in agreement with the police, it may serve a Counter Notice at least 24 hours before the event is to start.

19.8 There are limits on the number of Temporary Event Notices in any one year. The limit for a Personal Licence Holder is 50 and a non personal holder is 5. Further, no more than 12 Notices may be served in respect of a premises for events during a single calendar year, and premises may not be used for temporary events on more than 15 days in that year. If the limits are exceeded, Merton will issue a Counter Notice prohibiting licensable activities at the premises for which the Temporary Event Notice has been issued.

19.9 Police and Council Officers have a right of entry at reasonable times but only to assess the effect of the event on the crime prevention objective.

19.10 Further information on temporary event notices can be found on the Merton web site (www.merton.gov.uk/licensing), in leaflets and in the guidance.

20. Registered Clubs

20.1 Part 4 of the 2003 Act deals with registered clubs.

20.2 Merton can grant a Club Premises Certificate for the sale of alcohol and regulated entertainment to qualifying clubs.

20.3 There are various conditions that have to be complied with for a club to qualify e.g.

- Two day wait before becoming a member
- Club having at least 25 members

There are requirements about the supply of financial information to members and the keeping of financial records. The club also has to be managed by an elected Management Committee.

20.4 The provisions with regards to making an application for the Club Certificate are similar to those for a premises licence

20.5 Further information can be found on the Merton web site www.merton.gov.uk/licensing , in leaflets at public libraries and in the guidance issued by the Government.

21. Dealing with complaints about premises

21.1 After the grant of a premises licence, responsible authorities (e.g. police, fire brigade, environmental health) and interested parties (e.g. residents living in the vicinity) may wish to make complaints about problems associated with crime and disorder, public safety, public nuisance or the protection of children.

21.2 The Act provides for a process whereby responsible authorities and/or interested parties can make an application for a review of the licence and provide their written representations.

- 21.3 Written representations may be expanded upon at a subsequent hearing or may stand in their own right. Representations in addition to those already made in writing may not be heard at a subsequent hearing. Therefore it is important that any representation made is clear concise and to the point.
- 21.4 Furthermore, these representations must relate to particular premises for which a premises licence is already held and must be relevant to the promotion of the licensing objectives. The review process is not an opportunity to revisit the earlier representations made to the Licensing Authority when the original application for a premises licence was determined.
- 21.5 Representations from interested parties will be considered by the Licensing Team to decide if they are frivolous, vexatious or repetitious. If it is determined that such representations are either frivolous, vexatious or repetitious, the application for review will not be accepted.
- 21.6 A representation is repetitious when it is identical or substantially similar to a representation made on a previous review or when the application for the licence was itself determined, and a reasonable interval has not elapsed since that time. In considering whether a reasonable interval has elapsed, Merton will have regard to whether operation of the premises has begun or changed since the previous representation was made.
- 21.6 On receiving applications for a review from responsible authorities and/or interested parties that are relevant, Merton will arrange a hearing before the Licensing Sub-committee in accordance with the regulations attached to the Licensing Act.
- 21.7 In circumstances where there are complaints by interested parties, Merton will seek to encourage alternative methods of resolving the complaints before an application is made for a review. However this does not override the right of any interested party to seek a review of a licence or certificate.
- 21.8 In the first instance, interested parties are encouraged to raise the complaint directly with the licensee or business concerned. Responsible authorities are also encouraged to give licence holders early warnings of their concerns and of the need for improvement.
- 21.9 Merton will take a particularly serious view where the grounds for review are substantiated and relate to:
- use of licensed premises for the sale and distribution of drugs and the laundering of the proceeds of drugs crimes
 - use of licensed premises for the sale and distribution of illegal firearms

- evasion of copyright in respect of pirated films and music
- underage purchase and consumption of alcohol
- use of licensed premises for prostitution or the sale of unlawful pornography
- use of licensed premises for unlawful gaming
- use of licensed premises as a base for organised criminal activity
- use of licensed premises for the organisation of racist, homophobic or, sexual abuse or attacks
- use of licensed premises for the sale of smuggled tobacco or goods
- use of licensed premises for the sale of stolen goods
- Police are frequently called to attend to incidents of disorder
- prolonged and/or repeated instances of public nuisance
- serious risks to public safety and the management is unable or unwilling to address these matters
- serious risks to children

This is not an exhaustive list and only provided by way of example.

21.10 Where the Council considers that action under its statutory powers is necessary it may take any of the following steps:

- to modify the conditions of the premises licence
- to exclude a licensable activity from the scope of the licence
- to remove the designated premises supervisor
- to suspend the licence for not more than 3 months
- to issue a warning, formal caution
- to prosecute
- to revoke the licence.

22. Administration, Exercise and Delegation of Functions

- 22.1 A scheme of delegations will be agreed by the Licensing Committee and published with this policy.
- 22.2 The Licensing Committee will receive regular reports on decisions made by officers so that they maintain an overview of the situation.

Publication of the policy

The Licensing Policy is available on the Merton Web-site - www.merton.gov.uk/licensing

The Licensing Policy will be available upon request in large type and audio. The Licensing Policy will be available upon request in the following languages:

Albanian
Arabic
Bengali
Chinese
Farsi
French
Greek
Gujarati
Hindi
Italian
Korean
Polish
Punjabi
Somali
Spanish
Tamil
Turkish
Urdu

The Council will endeavour to make the Licensing Policy available in other languages upon request.

Appendix 1 - Pool of Conditions

Conditions may only be imposed on licences and certificates where they are proportionate and necessary for the promotion of one or more of the four licensing objectives.

The pool of conditions from which this Licensing Authority may draw necessary and proportionate conditions in particular circumstances can be found with reference to the

following documents:

- Code of Guidance issued under section 182 of the 2003 Act
- Model National and Standard Conditions for the Places of Public Entertainment and Associated Guidance ISBN 1 904031 110 (Entertainment Technology Press-ABTT Publications)
- Alcohol Harm Reduction Strategy
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 07176 2453 6
- The Guide to Safety at Sports Grounds (The Stationery Office 1997) (“The Green Guide”) ISBN 011300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts
- The Street Arts Network.
- The London District Surveyors Association’s “Technical Standards for Places of Public Entertainment” ISBN 0 9531229 2 1
- The Portman Group Code of Practice on the Naming Packaging and Promotion of Alcoholic Drinks.
- The Portman Group PASS Accreditation system - proof of age
- Safer Clubbing and the “Updated Drug Strategy”
- Health & Safety Executive (HSE)

The conditions are a pool from which this Licensing Authority can choose appropriate ones to suit the specific needs of an individual premises operation. They are not an exhaustive list and conditions not listed in the pool may be specifically tailored by the Licensing authority and attached to licences as appropriate.

In addition to the possible conditions described above the following are conditions that this Licensing Authority may also attach where it is necessary or appropriate:

- (i) Where a regulated entertainment is specially presented for children, the Council may require the following arrangements when necessary in order to control their access and egress and to ensure their safety:
Age restrictions attached to children being admitted to any entertainment unless such child is accompanied by and is in the charge of a responsible adult person
 - no child unless accompanied by an adult to be permitted in the front row of any balcony
 - no standing to be permitted in any part of the auditorium during the performance

- an adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof

In addition to the staff members required to be stationed at any exit or head of any staircase there shall be on duty no less than 2 other attendants who shall take charge of and safeguard young children who are not accompanied by a responsible adult and as far as conditions allow, shall arrange for such young children to sit together in groups

- attendants wearing a conspicuous white armband not less than 4" wide with the wording "CHILDRENS ATTENDANT" marked thereon
- Police checks of staff that are dealing with children for relevant offences that may make them unsuitable to be dealing with children.

(ii) The following are also conditions that may be attached with regards to prevention of harm to children

- Limitations on the hours when children may be present
- Limitations on ages below 18
- Limitations or exclusion when certain activities are taking place
- Requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult)
- Full exclusion of people under 18 from the premises when any licensable activities are taking place

Appendix 2 – Maps showing Cumulative Impact Zone Boundaries

