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Merton Council

Licensing Committee

Membership

Nick Draper (Chair)

David Simpson CBE (Vice-Chair)

Agatha Mary Akyigyina OBE

Stan Anderson

Pauline Cowper

Nigel Benbow

Paul Kohler

Nick McLean

Mary Curtin

Joan Henry

Oonagh Moulton

Marsie Skeete

A meeting of the Licensing Committee will be held on:

Date: 9 June 2020

Time: 7.15 pm

Venue: This will be a virtual meeting and therefore will not take place in a physical location, in accordance with s78 of the Coronavirus Act 2020.

Merton Civic Centre, London Road, Morden, Surrey SM4 5DX

This will be followed, if required, by a meeting of the Licensing Committee (miscellaneous) to deal with any licensing matters which are not within the scope of the Licensing Act 2003.

This is a public meeting and can be viewed by following this link

<https://www.youtube.com/user/MertonCouncil>.

For more information about the agenda and the decision making process contact democratic.services@merton.gov.uk or telephone 020 8545 3357.

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Licensing Committee

9 June 2020

1	Apologies for Absence	
2	Declarations of Pecuniary Interest	
3	Minutes of the Previous Meeting	1 - 4
4	Draft Statement of Licensing Policy 2021- 2026, including proposed Cumulative Impact Assessment	5 - 64
5	London Local Authorities Act 1991, Review of Special Treatment Licensing	65 - 98

Licensing Committee (Miscellaneous matters)

Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Managing Director, South London Legal Partnership.

Agenda Item 3

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at www.merton.gov.uk/committee.

LICENSING COMMITTEE

6 FEBRUARY 2020

(7.17 pm - 8.16 pm)

PRESENT Councillors Councillor Nick Draper (in the Chair), Councillor David Simpson, Councillor Stan Anderson, Councillor Pauline Cowper, Councillor Nigel Benbow, Councillor Paul Kohler, Councillor Nick McLean, Councillor Mary Curtin, Councillor Joan Henry and Councillor Oonagh Moulton

ALSO PRESENT Barry Croft (Licensing Manager), Helen Clark (Commercial Services Manager) and Amy Dumitrescu (Democratic Services Officer)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor Agatha Akyigyina and Councillor Marsie Skeete.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting of 9 October 2019 were agreed as a correct record.

4 THE DESIGNATION OF PARTS OF THE HIGHWAY AS LICENCE STREETS FOR THE PURPOSES OF STREET TRADING (Agenda Item 4)

The Licensing Manager presented the report on the designation of part of the highway for the purposes of street trading. The Licensing Manager gave an overview of the report which concerned one application for the following:

- 1) An area of 10.86m x 1.4m outside Megan's Deli High Street Wimbledon SW19 5DX.

The Licensing team had no immediate concerns with the application and the concerns of the Highways department had been addressed with the reduction in the size of the area applied for. The site was being regularly monitored by officers to ensure it did not extend out of the agreed area and the reduction in size of the application now complied with the requirements of the highways department. There had been one complaint which had been addressed by the reduction in size.

In response to member questions regarding wheelchair access, the Licensing Manager responded that the requirement is two metres of clear space and this application achieved this.

In response to further questions, officers and members were satisfied that the area would be able to cope with increased footfall during the Wimbledon Championships, however this area is closely monitored during that time as part of ongoing compliance checks for street traders during the tournament.

RESOLVED: That Committee resolved to grant the proposed designation:

- 2) An area of 10.86m x 1.4m outside Megan's Deli High Street Wimbledon SW19 5DX.

5 DRAFT STATEMENT OF LICENSING POLICY 2021- 2026, INCLUDING PROPOSED CUMULATIVE IMPACT ASSESSMENT (Agenda Item 5)

The Licensing Manager presented the report advising that the Licensing Act 2003 requires that the Council's Statement of Licensing Policy should be reviewed every 5 years. The Committee noted that following the legislative change to the Policing and Crime Act 2017 Cumulative Impact Assessments had been introduced into the Home Office Section 182 Guidance and therefore evidence was now required for special policy areas, with Merton currently having three Cumulative Impact Zones in place. The Licensing Manager stated that to retain these areas or to add additional ones, evidence would need to be provided and assessed. Data would be obtained from various sources including Safer Merton, Metropolitan Police and Public Health from across the Borough and this data would be brought to Committee in June. It was noted that the Cumulative Impact Assessments were required to be reviewed every 3 years. A twelve week public consultation on the proposed policy would follow the June meeting.

The Commercial Services Manager advised members that outside of any Cumulative Impact Assessments, the usual options would still apply for enforcement and/or the review of any premises licence where required.

Members made comments on the report including:

- CIZs can become a barrier to responsible new entrants to an area and there are a number of other ways in which to control problem traders – these should be used sensibly and this should be considered particularly in respect of current issues with struggling High Streets.
- Changes to the type of premises in an area can and have made a difference in relation to crime and disorder, for example a number of premises on Wimbledon Broadway had changed over recent years and this had led to a reduction in issues which had arisen from previous premises and it could be expected that this would be reflected in the evidence received.
- The new policy could be seen as an opportunity to consider what the Committee wanted to see in the Borough and to influence it do better and to improve the night-time economy.

In response to member questions, the Licensing Manager responded:

- There was an argument to suggest that the absence of anti-social behaviour and other issues within a Cumulative Impact Zone was evidence that the zone was successful, and it was possible that the removal of a CIZ could lead to an increase in applications, however the evidence would have to be assessed. Any evidence produced could be subject to legal challenge as could the policy and therefore Counsel's opinion would be sought prior to the Council approval of any policy.
- Cumulative Impact Assessments did not apply to Parks and open spaces (such as Figges Marsh) – these would be covered if required by a PSPO (Public Space Protection Order) which are covered by the Safer Merton team.
- There was currently no legislation in England to impose minimum unit pricing, however work had been undertaken in a number of premises where agreements had been reached between the Police, Licensing Authority and the Premises selling alcohol to not sell drinks with a certain %ABV alcohol strength.

RESOLVED:

- A. That the Licensing Committee approved, for preliminary consultation, the draft recommended Statement of Licensing Policy 2021-2026 as laid out in Appendix A.
- B. That the Licensing Committee approved the review of the existing Cumulative Impact Zones in light of the introduction of legislation in 2018 governing Cumulative Impact Policies.
- C. That the Licensing Committee approved the data streams to be explored to establish a robust evidence base for adoption of a Cumulative Impact Assessment for the Borough.

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Committee: Licensing Committee

Date: 9 June 2020

Wards: All

Subject: Draft Statement of Licensing Policy 2021-2026, including proposed Cumulative Impact Assessment

Lead officer: Chris Lee, Director, Environment and Regeneration

Lead member: Councillor Nick Draper, Chair, Licensing Committee

Contact officer: Helen Clark, Commercial Services Manager, London Boroughs of Merton, Richmond upon Thames and Wandsworth Joint Regulatory Services Partnership and Guy Bishop, Senior Lawyer Litigation and Planning Team.

Recommendations:

- A. The Licensing Committee to approve, for consultation, the draft Statement of Licensing Policy 2021-2026 as previously approved by the Licensing Committee on the 6th February 2020, attached at Appendix A .
 - B. The Licensing Committee to consider the proposed Cumulative Impact Assessment, attached at Appendix B, and approve it for consultation
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 There is a statutory requirement under section 5 (1) of the Licensing Act 2003 (as amended) for the Council to review and re-publish its Statement of Licensing Policy every five years. The next Statement of Licensing Policy is due to take effect from the 6th January 2021.
- 1.2 As of the 6th April 2018, Cumulative Impact Assessments (CIA) were introduced into legislation by the Policing and Crime Act 2017. The Act sets out what a licensing authority must do in order to introduce a Cumulative Impact Policy, including collecting, publishing and consulting on the evidential basis for its policy and the requirement to review the CIA (including public consultation) every three years. A Cumulative Impact Assessment must be included as part of the Authority's Licensing Policy. A review of the evidential base for the existing Cumulative Impact Zones for Mitcham Town Centre, Wimbledon Town Centre and Wimbledon Village has been carried out, together with an evaluation of whether there is evidence to introduce a special policy in any other area of the borough.
- 1.3 From the data and evidence gathered from a number of data sources it is considered that consultation should revolve around the proposition that:
 - There is sufficient evidence available to support the retention of two of the existing cumulative impact areas, Wimbledon Town Centre and Mitcham Town Centre:
 - There is insufficient evidence to retain the existing zone, Wimbledon Village, as there is not a concentration of licensed premises in the area and there is no evidence to support the view that the number of licenced premises is

such that it is likely that it would be inconsistent with the authority's duty to uphold the licensing objectives to grant any further authorisations in that area.

- It is not appropriate at this time to include any other area of the borough in the Cumulative Impact Assessment.

2. DETAILS.

2.1 Review of the Statements of Licensing Policy for the London Borough of Merton.

There is a statutory requirement under the Licensing Act 2003 for the Council to review and re-publish its Statement of Licensing Policy every five years. The requirement to review and re-publish the Council's Statement of Licensing Policy was extended from three to five years by an amendment to the Licensing Act 2003 brought about by the Police Reform and Social Responsibility Act 2011. The current Statement of Licensing Policy will expire on 6th January 2021

Attached at Appendix A is the draft proposed Licensing Policy Statement 2021-2026 for members to consider. The Policy Statement is unchanged from the Statement approved by this Committee on the 6th February 2020.

It was hoped to carry out a preliminary consultation with Responsible Authorities on the Policy prior to this Committee. However, in light of the current coronavirus pandemic and the changes to the way of working of all the parties concerned this has not been possible.

Instead, if agreed, the draft Statement of Licensing Policy and the proposed draft Cumulative Impact Assessment will be published for consultation, including to Responsible Authorities, starting on the 15th June 2020. It is recommended that the public consultation period should last for a minimum period of twelve weeks (three months).

Following the end of the public consultation period, officers of the Licensing Authority will collate comments received. Details of the comments received and any suggested changes to the draft Statement of Licensing Policy, including the insertion of the Council's Cumulative Impact Assessment at Appendix 3 to the Policy, will be made available to members for discussion at a meeting of the Licensing Committee on a date later this year. Following this meeting, if Committee members agree to the proposed amendments to the draft Statement of Licensing Policy, the Licensing Committee shall recommend adoption by Full Council.

2.2 Cumulative Impact Assessment (CIA)

Cumulative Impact Assessments were introduced into legislation by the Policing and Crime Act 2017 and came into effect on the 6th April 2018. The Secretary of State's Guidance describes a Cumulative Impact Assessment as a special policy consideration and must form part of the borough's Licensing

Policy. Cumulative Impact is described as meaning ‘the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area’.

A cumulative impact assessment must set out the evidence for the authority's opinion. The evidential basis must show that there is a link between the issues of concern in an area and the concentration of a number of licensed premises or licensable activities in that area.

Cumulative impact assessments may relate to all relevant authorisations or only to authorisations of a kind described in the assessment e.g. for premises selling alcohol for consumption off the premises only. An Authority must consult on its assessment and must review it every three years. The evidence underpinning the publication of the CIA must be suitable as a basis for a decision to refuse an application and must be sufficiently robust to withstand any appeal against the decision of the Licensing Committee by a licence applicant to a court.

Prior to 2018 a Licensing Authority was able to adopt a Cumulative Impact Policy although there was no explicit legislative provision to do so. At that time the adoption of such a Policy created a ‘rebuttable presumption’ that applications for new or variation premises licences or club premises certificates (for premises within the cumulative impact area) would be refused unless the applicant could demonstrate that the granting of the application would not have a negative cumulative impact on one or more of the licensing objectives. However, the Policing and Crime Act 2017 does not stipulate how the cumulative impact assessment should be used once published. Consequently, the requirements for determining new or variation applications are the same in areas with a cumulative impact assessment as they are elsewhere. But the licensing authority, responsible authorities and others can have regard to the CIA when deciding whether to make a representation to the Licensing Committee.

There are currently 3 Cumulative Impact Areas or Zones (CIZ) in the borough: Mitcham Town Centre, Wimbledon Town Centre and Wimbledon Village. The CIZ’s for Wimbledon Town Centre and Wimbledon Village were first adopted in 2005. The CIZ for Mitcham Town Centre was introduced in 2016 and relates to the sale of alcohol for consumption off the premises only. Maps showing the extent of the CIZ’s are included in the report at Appendix B.

At its meeting on the 6th February 2020, the Licensing Committee agreed the data sets that should be explored in order to indicate which, if any, areas should be included in any future special policy on cumulative impact. This information is contained in Appendix B to this report.

Having considered the information contained in the report at Appendix B it is considered that:

- evidence is available to support the retention of two of the existing cumulative impact areas, Wimbledon Town Centre and Mitcham Town Centre:

- there is insufficient evidence to support the retention of a special policy for Wimbledon Village.
- It is not appropriate at this time to include any other area of the borough in the Cumulative Impact Assessment.

The removal of an area to which a Cumulative Impact Policy applies does present a risk of business seeking to apply for licences or variations to existing licences in that area as they will no longer have the expectation of receiving a representation from a Responsible Authority. However, the absence of a special policy does not prevent any responsible authority or other person making representation on an application on the grounds that the granting of the licence will result in a negative impact on one or more of the licensing objectives.

The inclusion of new cumulative impact areas into the Assessment could result in responsible new businesses deciding not to move into an area and negatively impact on regeneration plans for currently struggling high streets.

3. Consultation undertaken or proposed.

3.1 It is proposed that a minimum twelve week (three month) public consultation be undertaken on the proposed Statement of Licensing Policy and proposed Cumulative Impact Assessment

4. Timetable.

4.1 Draft Statement of Licensing Policy and proposed Cumulative Impact Assessment to be brought before the Licensing Committee meeting on 9th June 2020 for approval for consultation.

4.2 Public consultation to start on 15th June 2020. Public consultation to last for a minimum of twelve weeks.

4.3 Comments received during the public consultation period and the final draft of the Statement of Licensing Policy to be submitted before the Licensing Committee on 15 October 2020.

4.4 Statement of Licensing Policy to go to Full Council meeting for adoption on 18 November 2020.

5. Financial, resource and property implications.

5.1 None for the purposes of this report.

6. Legal and statutory implications.

6.1 As set out in the report the licensing authority is required by section 5 the Licensing Act 2003 to determine and publish a Statement of Licensing Policy at intervals of not less than five years. The Licensing Authority is required to

undertake a consultation process prior to determining its Statement of Licensing Policy.

Section 141 of the Policing and Crime Act 2017 amended section 5 of the Licensing Act 2003 placing the requirement of a cumulative impact assessment ("CIA") on a statutory footing, instead of the adoption of Cumulative Impact Zones and Policies, as part of the licensing authority's Statement of Licensing Policy.

Section 5A(1) of the Licensing Act 2003 (as amended) states:

"A licensing authority may publish a document ("a cumulative impact assessment" stating that the licensing authority considers that the number of relevant authorisations in respect of premises in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part or those parts."

A cumulative impact assessment must set out the evidence for the authority's opinion as set out in the assessment in accordance with subsection (1) above and must be summarised in the Statement of Licensing Policy.

Before introducing a Cumulative Impact Assessment the Licensing Authority is required to undertake a formal public consultation process and a CIA can only be introduced where it is supported by evidence. Paragraphs 14.29 to 14.33 of the Home Office Guidance issued under section 182 of the Licensing Act 2003 sets out what evidence and other matters the Licensing Authority may wish to consider.

7. Human rights, equalities and community cohesion implications.

7.1 These are statutory functions and are applied globally.

8. Crime and Disorder Implications.

8.1 The service has a statutory duty to contribute to the reduction of crime and disorder within the London Borough of Merton under Section 17 Crime and Disorder Act 1988. The prevention of crime and disorder is also one of the licensing objectives as defined in the Licensing Act 2003 and in the Council's current Statement of Licensing Policy.

By examining issues raised such as the possible adoption of a Cumulative Impact Assessment covering specific areas of the borough the licensing authority is contributing to that commitment.

9. Risk management and health and safety implications.

9.1 All risk and health and safety implications have been considered when compiling this report. None are apparent.

10. Appendices – the following documents are to be published with this report and form part of the report.

10.1 Appendix “A” Draft Statement of Licensing Policy 2021-2026

10.2 Appendix “B” Cumulative Impact Assessment.

11. Background Papers – the following documents have been relied on in drawing up this report but do not form part of the report.

11.1 The Licensing Act 2003

<http://www.legislation.gov.uk/ukpga/2003/17/contents>; and

11.2 Revised guidance issued under section 182 of the Licensing Act 2003

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003__April_2018_.pdf

LONDON BOROUGH OF MERTON



STATEMENT OF LICENSING POLICY

Approved on
Published on
In effect from:

Index of Sections	
Section 1	Introduction
Section 2	Profile of the Borough
Section 3	Types of Licences
Section 4	The Policy
Section 5	Consultation
Section 6	Duplication
Section 7	Promotion of Equality
Section 8	Live Music, Theatre and Dancing
Section 9	Cumulative Impact
Section 10	Policies Supporting Each of the Licensing Objectives
Section 11	The Prevention of Crime and Disorder
Section 12	Public Safety
Section 13	The Prevention of Public Nuisance
Section 14	The Protection of Children from Harm
Section 15	Tourism, Employment, Planning and Building Control
Section 16	Licensing Hours
Section 17	Shops, Stores and Supermarkets
Section 18	Enforcement
Section 19	Applications for Personal Licences to Sell or Supply Alcohol
Section 20	Temporary Event Notices
Section 21	Registered Clubs
Section 22	Representations
Section 23	Reviews and Dealing with Complaints about Premises
Section 24	Administration, Exercise and Delegation of Functions
Section 25	Publication of the Policy
Appendix 1	Responsible Authority Contact Details
Appendix 2	Delegations
Appendix 3	Cumulative Impact Assessment

<i>The Council</i>	The London Borough of Merton Council
<i>The Licensing Authority</i>	The capacity in which the Council acts when performing its roles and duties set out in the Licensing Act 2003. This capacity is delegated to officers in certain situations and circumstances detailed in the Policy.
<i>Licensing Sub-Committee</i>	The 3 member committee appointed from the pool of the 12 member Licensing Committee to consider applications for Premises Licences, Club Premises Certificates, and their variations and reviews or other Types of Licences or applications.
<i>The Act thereunder.</i>	The Licensing Act 2003 and all Regulations made
<i>Secretary of State's Guidance</i>	The Guidance issued by the Home Office under section 182 Licensing Act 2003
<i>Other Person</i>	Any persons wishing to make representations on an application or to apply for or make representations on a review
<i>Cumulative Impact Assessment</i>	A special policy in which the Licensing Authority sets out that the number of premises within a certain area or areas is such that their cumulative impact (as opposed to the impact of any particular one premises) adversely affects the promotion of the licensing objectives. The CIAs arise under 5A of the Licensing Act 2003.
<i>Relevant representation</i>	The Licensing Authority may only consider relevant representations (objections) in determining applications. Relevant Representations are defined in the Act as being those that: <ul style="list-style-type: none"> ● are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives ● are made by any other person or responsible authority within the prescribed time period following an application ● are not frivolous or vexatious (in the opinion of the Licensing Authority or the Licensing Sub-Committee).
<i>Designated Premises Supervisor (DPS) hold</i>	A person specified on the licence as the supervisor of the premises licensed for the sale of alcohol. The DPS must hold a personal licence.
<i>Personal Licence</i>	A licence granted by a Licensing Authority to an individual, authorising that individual to sell, or authorise the sales of, alcohol.
<i>Operating schedule out</i>	The part of an application form in which the applicant sets

their proposed activities, the times which they wish to operate and the steps they propose to promote the licensing objectives.

Licensable activities

Activities for which authorisation is required under the Act:

- the sale by retail of alcohol,
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
- the provision of regulated entertainment, and
- the provision of late night refreshment.

Regulated entertainment

The provision of regulated entertainment is defined as any of the following activities that takes place in the presence of an audience for the entertainment of that audience and are provided with a view to profit:

- **Boxing or wrestling** including mixed martial arts (this does not include Greco-Roman or Freestyle wrestling)
- **An exhibition of a film** (this does not include live feed television i.e. sporting events)
- **Adult entertainment** (for example lap-dancing)
- **Playing of recorded music**
 - Between 11pm and 8am
 - At any time when the audience numbers are over 500 people
- **Unamplified live music**
 - Between 11pm and 8am
- **Amplified live music** (including karaoke):
 - Between 11pm and 8am
 - At any time when the audience numbers are over 500 people
- **Performance of dance**
 - Between 11pm and 8am
 - At any time when the audience numbers are over 500 people
- **Performance of a play**
 - Between 11pm and 8am
 - At any time when the audience numbers are over 500 people
- **Indoor Sporting Events**
 - Between 11pm and 8am
 - At any time when the audience numbers are over 1000 people
- **Entertainment of a similar description** to that falling within the performance of live music, playing of recorded music or performance of dance

Responsible Authority

Means the:

- the Chief Officer of Police
- the Fire Authority
- the Public Health authority
- the Enforcing Authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974,
- the Local Planning Authority within the meaning given by the Town and Country Planning Act 1990
- the Local Authority by which statutory functions are

exercisable in relation to minimising or preventing the risk of pollution of the environment or of harm to human health,

- a body which—
 - represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
 - is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters,
- the relevant licensing authority and any other licensing authority in whose area part of the premises is situated
- the Primary Care Trust or Local Health Board for any area in which the premises are situated
- the Trading Standards Authority,
- the Secretary of State for the Home Office,
- any Licensing Authority (other than the relevant licensing authority) in whose area part of the premises is situated,
- in relation to a vessel:
 - a Navigation Authority (within the meaning of section 221(1) of the Water Resources Act 1991) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities,
 - the Environment Agency,
 - the British Waterways Board, or
 - the Secretary of State.

The contact details for Responsible Authorities are provided in Appendix 1

1. Introduction

1.1 Merton Council is the Licensing Authority under the Licensing Act 2003 (“the Act”) responsible for processing, authorising the grant of and regulating premises licences, club premises certificates, temporary event notices and personal licences in respect of the sale or supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment within the Borough.

1.2 For the purposes of this policy, reference to Merton is in relation to its function as a licensing authority unless otherwise specified.

1.3 The Act requires the Licensing Authority to carry out its functions under the Act with a view to promoting the following four licensing objectives:

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

Each of these licensing objectives is of equal importance

1.4 These are the only matters that can be taken into account by the Authority when determining an application and any conditions attached to a licence must be lawful, appropriate and proportionate to achieve them.

1.5 Where no representations are received about an application it is the duty of the Licensing Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule and any mandatory conditions prescribed in the Act.

1.6 Under the Act, the Licensing Authority is required to publish a Statement of Licensing Policy with respect to the exercise of its licensing functions and to review it at least every five years. This is the fifth policy published by Merton and will take effect from the 6th January 2021. It has been prepared in accordance with Section 5 of the Licensing Act 2003 and having regard to the Government Guidance issued under Section 182 of the Licensing Act 2003 by the Home Secretary in April 2018.

1.7 The licensing policy is an integral element of the Council’s strategic objectives of making Merton a healthier place for all, promoting a high quality safe urban and suburban environment, providing new homes and infrastructure through physical regeneration and effective use of space, making Merton an exemplary borough in mitigating and adapting to climate change and reducing pollution, making it a well-connected and accessible borough and ensuring it is a prosperous borough with a strong economy.

1.8 In formulating the licensing policy the Licensing Authority has had regard to the Council’s Community Plan, the local strategies and plans of the four associated Thematic Partnerships; the Merton Children and Young People Partnership, the Health and Wellbeing Board; the Community Safety Partnership and the Sustainable Communities and Transport partnership as well as planning, cultural, tourism and equality strategies and seeks to

Licensing Policy

complement the aim of those strategies. Further information can be found on the Council's website at:

<http://www.merton.gov.uk/council/plansandpolicies.htm>

- 1.9 The Council recognises the links between excessive alcohol consumption and poor health. In addition, alcohol is associated with a wide range of criminal offences including drink driving, being drunk and disorderly, criminal damage, assault and domestic violence. In young people, alcohol is associated with anti-social behaviour and teenage conception. Whilst public health is not a licensing objective and cannot be taken strictly into account when deciding applications, The Director of Public Health is a Responsible Authority under the Act and is able to make representations in its own right or through supporting other representations. The Public Health team is able to bring data and evidence from the health sector into the licensing process in order to support the promotion of the licensing objectives, in particular the prevention of crime and disorder and the protection of children from harm.
- 1.10 The Council also recognises that in a modern and vibrant society the licensable activities covered by the Act require a responsive and flexible system that balances the interests of commerce and its customers with the rights of residents to enjoy their homes and locality without being unreasonably disturbed. One of the purposes of this Policy is to ensure that local people and visitors to the Borough will have better opportunities to enjoy their leisure time safely without fear of violence, intimidation or disorder. 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.
- 1.11 An effective Licensing Policy, alongside other initiatives, can work towards promoting positive aspects of the licensed economy, such as increasing the leisure industry provision for the community, encouraging regeneration of town centres and providing communal hubs, as well as controlling the negative impacts which affect residents, such as an increase in noise, nuisance, anti- social behaviour and crime and disorder.

2. Profile of the Borough

- 2.1 Merton is an outer London borough situated to the south west of central London, neighbouring the boroughs of Croydon, Kingston, Lambeth, Sutton and Wandsworth. Comprising of 20 wards, the borough of Merton covers an area of approximately 14.7 square miles and has a population at 2018 of just over 209,000 residents, projected to increase to 222,717 by 2025 and 232,473 by 2030. Merton is well connected with both central London and neighbouring boroughs, with 15 mainline stations and 28 bus routes. Wimbledon is a central transport hub in the South London area while the suburban station at Mitcham Eastfields connects the east of the borough. Both the District and Northern underground lines run through the borough while the Tramlink provides connections between Wimbledon and Croydon via Mitcham and Morden.
- 2.2 The Borough is predominantly a residential area. Its properties are both wide ranging in character and often of a high quality. The borough has five main commercial centres; Colliers Wood, Mitcham, Morden, Raynes Park and Wimbledon. The busiest of these areas is Wimbledon (comprising the Town Centre and Village, the former being approximately twice the size of the

Licensing Policy

latter), and has the highest density of leisure and entertainment venues in the Borough.

- 2.3 At present, the Council is responsible for the licensing of just under 500 premises including pubs, bars, restaurants, registered clubs, nightclubs and late night takeaways. Other premises including cultural venues and shops are also licensed. Some licensed premises are in residential areas. A greater number are located in the town centres which are often on a single main road with commercial uses backing onto residential streets. Town centre buildings may contain flats on their upper floors and customers of licensed premises often park their vehicles in residential streets.

3. Types of Licences

- 3.1 The types of licences and authorisations available under the Licensing Act 2003 include:

- premises licences;
- club premises certificates;
- temporary events notices (standard and late);
- provisional statements; and
- personal licences in respect of the sale and/or supply of alcohol.

4. The Policy

- 4.1 This Statement of Licensing Policy serves 4 main purposes:

- To guide elected Members sitting on the Licensing Committee and Sub-Committees on the boundaries and powers of the Licensing Authority and to provide them with guidance when making decisions. Members should be able to test any application against the criteria set out in this Policy.
- To inform and assist potential applicants for a licence of the expectations of the Licensing Authority and factors that will be considered when making licensing decisions;
- To inform and assist responsible authorities and other persons (including residents and residents' bodies) of the parameters under which the licensing authority will make licence decisions, and therefore how their needs and concerns can be addressed; and
- To inform a Court of Law of the policy considerations taken into account by the Licensing Authority when making a decision if it is challenged.

- 4.2 However, every application will be considered on its individual merits, taking into account all relevant matters.

- 4.3 The main activities which require a licence under the provisions of The Act and which are covered by this policy statement include:

- The sale by retail of alcohol;
- The supply of alcohol on behalf of a club to, or to the order of, a member of the club;

Licensing Policy

- The provision of entertainment to the public or to members of a club and their guests (regulated entertainment); and
- The supply of any hot food or drink between 23.00 hours and 05.00 hours.;

4.4 There are a number of exemptions to the above and details of these are set out in full in Schedule 1 of the Licensing Act 2003.

4.5 Main Principles

The following are the main principles underpinning this Policy:

- Nothing in this Policy restricts any person from making an application under this Act;
- Each application will be judged on its individual merits, having regard to this Policy, the Secretary of State's Revised Guidance issued under section 182 of the Licensing Act 2003 and the law of England and Wales;
- Nothing in this Policy restricts the right of any person to make relevant representations in response to an application or to seek a review of a premises licence or club premises certificate because of a matter arising at the premises in connection with any of the four licensing objectives;
- As well as responsible authorities, any person, body or business is entitled to make representations to the licensing authority in relation to applications for the grant, variation, or review of a premises licence or a club premises certificate, regardless of their geographical proximity to the premises. Appropriate weight will be given to all relevant representations by persons unless they are deemed frivolous, vexatious or repetitious by an officer of the Licensing Authority or the Licensing Sub-Committee;
- Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of those responsible for the individual premises or places. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in the London Borough of Merton.
- Conditions will only be imposed on a licence or other authorisation if they are appropriate for the promotion of the licensing objectives and are proportionate. Since licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events, any conditions attached will be focused on matters that are within the control of individual licence holders (i.e. the premises and its vicinity).
- Conditions will be tailored to the size, type, location, characteristics and activities taking place at the premises concerned and will be determined on a case-by-case basis.

Standardised conditions will be avoided, although selection may be made from pools of conditions. All conditions must be expressed in unequivocal, enforceable, and unambiguous terms. The Authority is currently developing a pool of model conditions which will be uploaded onto the Council's website on completion.

- The Licensing Authority expects applicants and licence holders to have due regard to the promotion of the licensing objectives and to take active measures to contribute to this aim. The operating schedule should be used to set out a detailed explanation of how applications will promote each of the four licensing objectives. The Licensing Authority would particularly encourage active involvement in best practice initiatives such as challenge 25 proof of age scheme, local pubwatch initiatives. We would also expect all people applying for a licence to install and maintain a good quality close circuit television (CCTV) system in the interests of public safety and security.

4.6 The Licensing Authority will monitor the effect of its licensing policy upon the Council's overall objectives and will amend the policy if it is seen to be having a negative impact upon related priorities. In any event the policy will be reviewed no later than five years after the current policy has been adopted by the Council. The Cumulative Impact Assessment will be reviewed every 3 years.

5. Consultation

5.1 Before publishing the policy, the Council will consult with stakeholders and interested parties. The consultation will be carried out over a period of 12 weeks commencing on the Xth2020.

5.2 Section 5(3) of The 2003 Act requires that the following must be consulted:
The Borough's Chief Officer of Police;
The Fire and Rescue Authority;
The local authority's Director of Public Health;
Persons/bodies representative of local premises licence holders;
Persons/bodies representative of local club premises certificates holders;
Persons/bodies representative of local personal licences holders; and
Persons/bodies representative of businesses and residents in the area.

5.3 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 Children's Safeguarding Board;
The Area Forums;
All Ward Councillors; and
Local Pubwatch organisations and local business organisations.

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

- 5.5 In determining this Policy appropriate weight will be given to the views of the persons and bodies consulted.

6. Duplication

- 6.1 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 place obligations on employers and operators in respect of employees or members of the public (e.g. Health & Safety at Work etc. Act 1974, Environmental Protection Act 1990, disability discrimination and equality legislation, building regulations, anti-social behavior and crime legislation and fire safety legislation).
- 6.2 Conditions will only be attached to licences if they are appropriate for the promotion of the licensing objectives and are proportionate. If a requirement is already imposed by other legislation, it will not generally be considered to be appropriate in the context of licensing law. However, the fact that a matter is covered by other legislation does not always mean that a condition will not be appropriate for the purposes of licensing. It may be that current legislation or regulations might not cover the particular circumstances that arise out of the type of activity at specific premises. In those situations, it may be appropriate for conditions to be attached that reflect those particular circumstances. However, the licensing authority will not seek to duplicate a condition which is already provided for under other legislation.

7. Promotion of Equality

- 7.1. The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. This Policy complies with that legal obligation.

8. Live Music, Theatre & Dancing

- 8.1. 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. The Council is particularly concerned to increase cultural opportunities for children.
- 8.2. When considering applications for such events and the imposition of conditions on licences or certificates, the Licensing Authority will carefully balance the cultural needs with the promotion of the licensing objectives.
- 8.3. 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.

Licensing Policy

- 8.4. As a Local Authority, the London Borough of Merton, 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 these venues to provide regulated entertainment have been relieved of the requirement to apply for a licence or other authorisation. Further information can be found at www.merton.gov.uk
- 8.5. The Licensing Authority will monitor the impact of licensing on regulated entertainment, particularly music and dancing, to ensure that inappropriate restrictions are not being placed on the development of entertainment activities in the Borough.

9. Cumulative Impact

- 9.1 The Secretary of State's Guidance advises that the cumulative impact of a significant number or saturation of licensed premises concentrated in one area can be such as to give rise to serious problems of crime, disorder and/or public nuisance and is a proper matter to take into account when developing its policy statement. An Authority may produce a cumulative impact assessment (CIA) for a particular area if there is a clear evidential basis to do so and following consultation. Section 5A of the Licensing Act 2003 (as amended by the Policing and Crime Act 2017) permits the Authority to consider that the number of authorisations in the area described in the assessment is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) to grant any further relevant authorisations in respect of premises in that area provided it is accompanied by evidence.
- 9.2 At its meeting on xxxxx, the Licensing Committee agreed to consult on the adoption of a Special Policy on Cumulative Impact for a total of x locations within the Borough.
- 9.2. The Cumulative Impact Assessment will be provided at Appendix 3 to this Policy.
- 9.3. Applicants should be aware that in publishing a CIA a licensing authority is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences or club premises certificates in the area described. Having published a CIA an Authority must have regard to the assessment when determining or revising its statement of licensing policy. The CIA does not, however, change the fundamental way that licensing decisions are made. It is therefore open to the licensing authority to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact.
- 9.4. Applications in areas covered by a CIA should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and a licensing authority decides to grant an application it will need to provide the applicant, the chief officer of police and all parties who made relevant representations with reasons for granting the application and this should include any reasons for departing from their own policy.

Licensing Policy

- 9.5. This special policy cannot be used at a review hearing as a ground for revoking an existing licence or certificate when relevant representations are received about problems with those premises.
- 9.6. The special policy relating to cumulative impact does not include provisions relating to any specific terminal hour in a particular area. The Council does not intend to attempt to fix a terminal hour in any area which may undermine a key purpose of the 2003 Act.
- 9.7. The Authority will consider whether there is a need for any additional special policies on cumulative impact where representations from responsible authorities and/or other parties are received. In doing so, the Authority will consider whether the evidence demonstrates that the cumulative effect of a number of premises in a given area is adversely affecting the licensing objectives, e.g. with regard to the prevention of crime and disorder and public nuisance objectives.
- 9.8. In any event, the Cumulative Impact Assessment will be reviewed every three years to assess whether it is needed any longer or whether it needs expanding or contracting.
- 9.9. The Authority recognises that the absence of a Special Policy on Cumulative Impact does not prevent any Responsible Authority or other person from making representations on the basis that an application would, if granted, give rise to or exacerbate negative cumulative impact.
- 9.10. The matter of 'need' (whether there is a need for another premises in a given area) is not a matter for consideration of the Authority, and will therefore not form part of the decision making process.

10. Policies supporting each of the licensing objectives

- 10.1 It is expected that prior to making any application under the Act, applicants will have undertaken a full risk assessment of the impact of their activities on the promotion of the licensing objectives. Thereafter, applicants are expected to submit a detailed operating schedule as part of the application, setting out the steps they intend to take to promote the licensing objectives with conditions to mitigate their activities. National guidance places an expectation upon applicants to give thorough consideration to the local area when making applications. An Applicant attending with or including a written set of conditions will assist the Authority in considering an application.
- 10.2 The following is intended to help applicants by setting out criteria and considerations that they should have in mind when drawing up their operating schedule.
- 10.3 The policy covers a wide range of premises including theatres, cinemas, public houses/bars, restaurants, shops/off-licences and fast food outlets/take-aways. Consequently, not all the considerations within the policy apply, or apply to the same degree, to all premises. However, applicants should have regard to the criteria when drawing up their operating schedules as these are the matters which responsible authorities and other persons are likely to consider when deciding to make representations on an application or whether to call for a Review. It also draws the attention of applicants to matters that are likely to be the subject of proposed conditions

Licensing Policy

designed to promote the licensing objectives that may be attached to a licence where relevant representations have been made.

- 10.4 The statutory licensing functions are primarily concerned with the regulation of premises and temporary events, in promoting the licensing objectives. Where appropriate conditions will focus on:
- Matters within the control of the individual licensee or those granted relevant permissions; and
 - The direct impact the activity will have on members of the public living, working or engaged in normal activity in the area concerned and on those visiting the premises.
- 10.5 Applicants are reminded that the Licensing Act 2003 provides that where an operating schedule (or club operating schedule) has been submitted with an application and no relevant representations have been received, the premises licence or club premises certificate must be granted subject only to such conditions as are consistent with the operating schedule accompanying the application and any mandatory conditions required by the Licensing Act 2003.
- 10.6 Therefore, it is important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.
- 10.7 It is also important for the applicant to ensure that the steps suggested by the operating schedule are realistic and within the control of the applicant and management of the premises. If a premises licence or club premises certificate is granted with conditions attached that require the implementation of such steps, a failure to comply with the condition would amount to a criminal offence.
- 10.8 Whether licence conditions are drawn from the applicant's operating schedule or imposed by the Licensing Sub Committee they:
- Must promote the licensing objectives;
 - Must be precise and enforceable;
 - Must be unambiguous and clear in what they intend to achieve;
 - Should not duplicate other statutory requirements;
 - Must be tailored to the individual type, location and characteristics of the premises and/or events concerned;
 - Cannot seek to manage behavior of customers once they are beyond the management/control of the licence holder and their staff, but may impact on the behavior of customers in the immediate vicinity of the premises as they enter or leave;
 - Should be written in a prescriptive format.
- 10.9 Conditions drawn from the applicant's operating schedule will, therefore, be interpreted in accordance with the intention of the applicant and will not simply replicate the wording in the operating schedule.
- 10.10 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 in relation to crime and disorder;
- Local community groups;
- Local environmental Health officers – nuisance including noise;
- Fire brigade – fire precautions and public safety; and
- Any other organisation or groups interested in the promotion of the licensing objectives in the area concerned.

11. The Prevention of Crime and Disorder

- 11.1. The Authority recognizes that licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a significant source of crime and disorder. Therefore, whether the premises make, or are likely to make, a significant contribution to the levels of crime and disorder and whether the operating schedule adequately addresses the likelihood of crime and disorder occurring as a result of the grant of the application is a key consideration.
- 11.2 Under section 17 of the Crime and Disorder Act 1998, the London Borough of Merton, as a Local Authority, has a duty to exercise its functions with due regard to the likely effect of the exercise of those functions on crime and disorder in the Borough and the need to do all that it reasonably can to prevent crime and disorder. The prevention of crime and disorder is one of the four licensing objectives that this Authority has a duty to promote.
- 11.3. In determining licence applications where relevant representations have been made, it will be the policy of the Authority 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:
- i. the levels of crime and disorder in and around the venue;
 - ii. the level of compliance with conditions on the existing licence;
 - iii. whether Closed Circuit Television (CCTV) is installed, the positioning of the cameras, the length of time that images will be retained and whether CCTV images will be provided to the police and Council officers in a timely fashion on reasonable request.
 - iv. the measures to be put in place to prevent underage drinking e.g. 'Challenge 25' requiring the production of photo identity cards, documented training procedures to ensure staff are fully trained in age verification (including regular refresher training, use of till prompts in shops, warning notices regarding ID, the use of refused sale records.
 - v. the measures proposed to prevent the consumption or supply of illegal drugs, including search procedures, design of premises, monitoring of toilets, surrender and seizure procedures;
 - vi. the measures proposed to discourage binge drinking and drunkenness and to promote responsible drinking including the sale or use of low % ABV alcohol or alcohol below a certain % ABV;

- vii. the measures proposed to prevent violence on the premises, including the threat of violence to staff and the use of polycarbonate drinking vessels to avoid injury to staff and customers;
- viii. whether door supervisors are to be provided and, if so, how many and the hours of employment;
- ix. measures to be put in place to react to any situations of disorder should they occur;
- x. 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;
- xi. any steps that are to be taken to reduce thefts from patrons using the premises;
- xii. any steps that are to be taken to reduce the risk of spiking of drinks; .and
- xiii. for new applications, the extent to which the layout has been designed to minimise crime and disorder;

11.4. This Authority will expect an applicant's operating schedule to satisfactorily address these issues from the design of the premises through to the daily operation of the business.

11.5. This Authority, where appropriate, will consider attaching additional conditions to licences to deter and prevent crime and disorder both inside and within the locality of the premises.

11.6. This Authority also recognises that there are a number of other mechanisms available to address the impact of crime and disorder and anti-social behavior in the borough. These include:

- ongoing measures to create a safe and clean environment in partnership with local businesses, transport operators and other Council Departments;
- designation of the Borough as a place where alcohol may not be consumed publicly where people are causing, or likely to cause, a nuisance;
- 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 likely or imminent disorder, or excessive noise nuisance from the premises;

Licensing Policy

- the power of the police, other responsible authorities, Ward Councillors or a local resident, as well as operators of local businesses, to seek a Review of the licence or certificate.

12. Public Safety

- 12.1. The Licensing Act 2003 covers a wide range of premises that require the authorisation of a premises licence or a club premises certificate, including, cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways and one off large scale outdoor events.
- 12.2. 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.
- 12.3. In determining licence applications where relevant representations have been made, it will be the policy of the Authority to consider the adequacy of measures proposed to protect public safety having regard to all the circumstances of the case. In particular, the authority may consider the following:
- i. Whether the premises already have a licence specifying the maximum capacity for the premises and, if not, whether the applicant has assessed the maximum safe capacity having regard to means of escape in case of emergency, toilet provision and overcrowding in compliance with the Regulatory Reform (Fire Safety) Order 2005;
 - ii. Whether specific measures have been identified to ensure the safety of indoor sporting events and boxing/wrestling/mixed martial arts events e.g. seating arrangements, provision of stewards, appropriate medical facilities, provision of staff adequately trained in rescue and life safety procedures (water based events);
 - iii. What measures are to be implemented to ensure that special effects, temporary electrical installations, temporary decorations and temporary fittings are safe;
 - iv. Where different events are to take place on site, whether it is proposed that event specific management documents outlining the proposed management structure, responsibilities and contact details for each individual event, together with details of the organization, control, monitoring and review mechanisms be produced and submitted to the appropriate responsible authorities in advance of the event;
 - v. Proposals relating specifically to theatres, cinemas and concert halls regarding number of attendants required, standing and seating in gangways, consumption of drinks, safety of scenery and ceilings, provision of safety curtains, fixing of seating and minimum lighting levels;

Licensing Policy

- vi. Whether provisions are in place to ensure that premises users safely leave the premises, including providing information on local taxi companies and ensuring adequate lighting levels outside the premises; and
 - vii. The steps the applicant has taken or proposes to take to comply with the following publications as they relate to the particular licensable activity: -
 - Technical Standards for Places of Entertainment;
 - The Purple Guide to Health Safety and Welfare at Music and Other Events – published by the Events Industry Forum, accessible (for a fee) via the website <https://www.thepurpleguide.co.uk/>
 - Managing Crowds Safely, second edition (HSE 2014) ISBN 978 0 7176 1834 7;
 - The Guide to the Safety at Sports Grounds 6th Edition ISBN 978 1 9164583 0 7
 - Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances;
- 12.4 This Authority will expect the applicant's operating schedule to fully address these issues. Applicants are advised to seek advice from relevant authorities, before preparing and submitting their application, plans and supporting documents.
- 12.5 This Authority where appropriate, will consider attaching additional conditions to licences to address public safety matters.
- 13. The Prevention of Public Nuisance**
- 13.1 Licensed premises, especially those operating late at night and in the early hours of the morning, may cause a range of public nuisances impacting on people living, working or sleeping in the locality of the premises. The concerns primarily relate to noise nuisance, light pollution and noxious smells.
- 13.2 The Authority recognises that it is necessary to actively protect residents, members of the public and businesses in the locality of licensed premises from disturbances linked to licensed premises or their customers that amount to a public nuisance. Such a nuisance can impact on the quality of life of residents and the ability of other businesses to operate effectively. The applicant must demonstrate within their operating schedule how they intend to promote the licensing objective relating to the prevention of public nuisance.
- 13.3 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community.
- 13.4 In determining licence applications where relevant representations have been made, it will be the policy of the Authority to consider the adequacy of measures proposed to promote avoidance of public nuisance having regard to all the circumstances of the case. In particular, the authority may consider the following:

- i. The steps the applicant has taken or proposes to take to prevent:
 - noise and vibration escaping from the premises, including from music, noise from ventilation equipment and human voices;
 - disturbance by customers arriving at or leaving the premises;
 - queuing, either by pedestrian or vehicular traffic;
 - Disposal/collection of empty bottles;
 - Loading and unloading of equipment e.g. sound systems, scenery, lighting.

This could include proposals to keep doors and windows closed, provision of a noise limiter on amplification equipment, the provision of acoustic lobbies, the provision of bottle crushers within the premises or other suitable method to prevent noise from emptying of bottles from the premise's refuse container into the refuse collector's container late at night; delivery and collection times avoiding night and early mornings, use of CCTV, employment of registered door supervisors.
- ii. the availability of public transport in the locality (including taxis and private hire vehicles) for patrons;
- iii. The steps the applicant has taken or proposes to take to prevent disturbance by patrons using gardens, patios, external balconies or associated open spaces, whether for licensable activities or for ancillary purpose such as smoking or consuming alcohol;
- iv. The measures proposed to prevent littering or glass dispersal in the immediate vicinity or to clear up any litter that does occur;
- v. the siting of external lighting, including security lighting;
- vi. The proposed operating hours of the premises, including those of the external areas;
- vii. Whether the operation is subject to a statutory notice served under Section 80 of the Environmental Protection Act 1990;
- viii. The steps the applicant will take to prevent patrons congregating immediately around off licences/supermarkets to consume their purchases;
- ix. Whether suitable and sufficient toilet provision has been made for customers' use;
- x. the steps the applicant intends to take to prevent the generation of odour, e.g. from the preparation of food, smell of cigarette smoke.
- xi. The steps the applicant intends to take to prevent the generation of noise or crime and disorder arising from any Outside Large Scale Event and compliance with any Strategy or Noise Management policy that the Council shall publish and/or the Noise Council's Code of Practice on Environmental Noise Control at Concerts.

- 13.5 This Authority will expect the applicant's Operating Schedule to fully address these issues. Applicants are advised to seek advice from relevant authorities, before preparing and submitting their application, plans and supporting documents.
- 13.6 This Authority, where appropriate, will consider attaching additional conditions to licences to address public safety matters

14. The Protection of Children from Harm

- 14.1 Access to licensed premises may present a risk of physical, moral or psychological harm to children, therefore the Licensing Authority expects applicants to consider measures to protect children from harm where relevant to the type of premises and activities involved.
- 14.2 The Licensing Authority recognises the Safeguarding Children Board as being competent to act as the responsible authority in relation to the protection of children from harm objective and can make relevant representations. As a responsible authority, the applicant is required to copy details of their applications to the Safeguarding Children Board when an application is made.
- 14.3 The wide range of premises that require a licence means that children and young persons may visit many of these, sometimes on their own, for food and/or entertainment.
- 14.4 It is an offence under the Act to sell alcohol to children (under 18). There is a further specific offence of persistently selling alcohol to children if sales are made on 2 or more occasions within 3 months. Unaccompanied children under 16 should not be on 'premises being used exclusively or primarily for supply of alcohol for consumption on those premises' e.g. pubs, bars and nightclubs. In addition, unaccompanied children under the age of 16 should not be allowed on licensed premises between midnight and 5am. 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 5am 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.
- 14.5 Where licences cover the sale of alcohol, the Licensing Authority expects strict controls to be in place to prevent underage sales. Measures that should be considered by applicants to manage this include refusal logs, training of staff on use of identification and age verification schemes.
- 14.6 Subject to the provisions of the Licensing Act 2003 and any licence or certificate conditions, admission will always be at the discretion of those managing the premises. The Licensing Authority will not attach conditions requiring the admission of children.
- 14.7 The Licensing Authority 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.

- 14.8 In determining licence applications where relevant representations have been made, it will be the policy of the Authority to consider the adequacy of measures proposed to ensure the prevention of harm to children having regard to all the circumstances of the case. In particular, the authority will consider the following:
- i. whether there have been convictions of the current management for serving alcohol to minors or where there is a reputation for underage drinking;
 - ii. whether 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);
 - iii. whether it is intended to provide entertainment of an adult or sexual nature, the hours when such entertainment is to take place and the proximity to schools, youth clubs, places of religious worship or other premises where significant numbers of children are likely to attend;
 - iv. whether the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided;
 - v. whether or not children are to be admitted to the premises and, if so, whether restrictions are to be applied regarding age or times that children will be allowed access or the parts of the premises they may access;
 - vi. whether there is a requirement 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);
 - vi. measures to be put in place to prevent access to children where restrictions are to be applied due to the adult nature of entertainment;
 - vi. whether regard is paid to industry codes of good practice on the labelling and display of alcoholic drinks such as the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.

14.9 Children and films.

- 14.10 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.
- 14.11 In the past, films that have been shown at cinemas or film exhibitions in the London Borough of Merton have been classified by the British Board of Film Classification (BBFC). It is not anticipated that this will change.
- 14.12 If an applicant wishes to show a film which has not been classified by the BBFC then it will be for the applicant to present special circumstances

Licensing Policy

justifying a departure from this policy. The Authority may agree to the showing of the film having first established its suitability for children and the applicant must adhere to any age restrictions imposed. In all such cases at least 2 months' notice must be given in order for the Authority to address the application and advise the age restriction that will apply in that instance. The applicant must pay a fee to the Authority for the classification of a film by them.

- 14.13 Applicants for licences in relation to premises showing film exhibitions will be expected to address arrangements for preventing children from viewing age-restricted films, trailers and advertisements in their operating schedules.
- 14.14 A mandatory condition set out in the Act requires that where a licence authorises the exhibition of films the admission of children to any exhibition of film must be restricted in accordance with the BBFC (or licensing authority) classification.
- 14.15 Children and Public Entertainment.
- 14.16 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.
- 14.17 In determining licence applications where relevant representations have been made, it will be the policy of the Authority to consider the adequacy of measures proposed to safeguard children whilst they are on the premises and, in particular the authority may consider the following:
- i. In the case of regulated entertainment specially presented to children, the arrangements that will be put in place to ensure the safety of children during access and egress and during the duration of the entertainment, and in particular:
 - (i) the number and positioning of adult staff,
 - (ii) whether restrictions are to be put in place preventing children from sitting in the front row of any balcony unless accompanied by an adult and/or preventing children from standing in any part of the auditorium during the performance
 - ii. Whether age restrictions are to be put in place preventing children being admitted to any entertainment unless accompanied by and in the charge of a responsible adult;
 - iii. Where children are taking part in the entertainment, the arrangements that will be put in place to assure their safety.
- 14.18 This Authority will expect the applicant's Operating Schedule to fully address these issues. Applicants are advised to seek advice from relevant authorities, before preparing and submitting their application, plans and supporting documents.
- 14.19 This Authority will consider attaching additional conditions to licences to prevent harm to children where representations have been received and it is appropriate to do so.

15. Tourism, Employment, Planning & Building Control

- 15.1 Planning, Building Control and the Licensing functions will be properly separated in order to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice-versa. This is designed to allow flexibility if planning or licensing hours or conditions are amended.
- 15.2 However, it should be noted that under the Licensing Act 2003, the local Planning Authority is a “responsible authority” that must be notified of licensing applications and is entitled to make representations to the Licensing Authority in relation to the application for the grant, variation or review of a premises licence or club premises certificate.

16. Licensing Hours

- 16.1 In the Secretary of State’s Guidance, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application
- 16.2 Fixed trading hours within designated areas (Zoning) will not be adopted in this Authority. 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.
- 16.3 All applications will be considered on their merits. Where representations have been received, in considering whether to restrict licensing hours in order to promote the licensing objectives, the Licensing Authority will consider the following matters (amongst others):
- whether the licensed activity is likely to result in an increase in crime, disorder or anti-social behaviour in the area;
 - whether the licensed activity is likely to lead to a public nuisance disturbing residents or other businesses in the vicinity, particularly late at night, and what measures will be put in place to prevent it;
 - whether there will be an increase in any cumulative adverse effect from the activity on local residents or other businesses in the vicinity; and
 - the 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 that will prevent the licensing objectives being undermined.

17. Shops, Stores and Supermarkets

17.1 Shops, stores and supermarkets will normally be permitted to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours. e.g. police representations relating to crime and disorder and/or representations relating to public nuisance.

18. Enforcement

18.1 It is essential that the requirements of the Licensing Act 2003 are enforced to ensure that the licensing objectives are met within the Borough. To this end, the Council will work closely with the Metropolitan Police and other agencies to ensure the efficient deployment of resources.

18.2 Enforcement visits will be targeted as follows:

- To known problem areas/premises
- To high risk premises/events;
- To premises where it is believed that trading is taking place without the necessary licence/club premises certificate or licensing conditions are not being met; and
- To premises where complaints have been received.

18.3 This will ensure that resources are deployed to high risk and problem premises that require the greatest attention. In turn a lighter touch will be adopted in respect of low risk premises. However, ad hoc compliance visits may be carried across the borough to ensure that statutory requirements are not being breached. In particular, test purchases will be carried out to ensure that alcohol is not being sold to children. All such test purchasing will be carried out in accordance with The Code of Practice on Age Restricted Products, published by the Department of Business Innovation and Skills. The Code can be accessed here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/299373/13-537-code-of-practice-age-restricted-products.pdf

18.4 The Council's Environmental Services, Trading Standards and Licensing Services have adopted an enforcement policy. The aim of the policy is to ensure that the services apply enforcement guidelines in a consistent manner and is open and clear about the standards which it applies. The Policy is founded on the Government's Regulators Compliance Code and can be accessed at https://www2.merton.gov.uk/enforcement_policy-4.pdf

18.5 Enforcement decisions will be taken in line with the principles contained in the Enforcement Policy and having regard to the Code of Crown Prosecutors.

19. Applications for Personal Licences to Sell or Supply Alcohol

19.1 In order to obtain a personal licence under Part 6 of the Licensing Act 2003 the applicant:

- Must be aged 18 years or over;

Licensing Policy

- Must be entitled to work in the UK;
- 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;
- has not been convicted of a relevant offence or foreign offence (requiring the production of a Disclosure and Barring Service check);
- has paid the appropriate fee to the Council.

19.2 The Metropolitan Police and/or Home Office may make representations where the applicant has been convicted of a relevant offence or foreign offence. In such cases, in making their decision, the Licensing Authority will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offences(s) were committed and any mitigating circumstances.

19.3 Applicants with unspent criminal convictions for relevant offences set out in the Licensing Act 2003 are strongly advised to first discuss their intended application with the Police and/or Home Office before making an application.

19.4 A personal licence is valid for an indefinite period. A designated premises supervisor must hold a personal licence.

19.5 Further information about personal licences can be found on the London Borough of Merton's website (www.merton.gov.uk/licensing)

20. Temporary Event Notices

20.1 The system of permitted temporary activities is intended as a light touch process and, as such, the carrying on of licensable activities does not have to be authorised by the licensing authority by way of an application. Instead, a person wishing to hold such an event must give notice to the licensing authority of the event (a temporary event notice (TEN)). A number of limitations apply to temporary event notices and these are laid out in more detail on our website (www.merton.gov.uk/licensing).

20.2 If the Licensing Authority receives a standard or late Temporary Event Notice ("TEN") and there are no representations made against it by the Police or Environmental Health services, then the Licensing Authority is obliged to issue the TEN subject to the statutory limits being complied with. Only the Police and Environmental Health team can object to a TEN and can do so in relation to any or all of the licensing objectives.

20.3 A **standard** TEN must be given to the licensing authority no later than 10 working days before the day on which the event period begins, and must be accompanied by the prescribed fee. An objection to a standard TEN must be made up to 3 working days following receipt by the Police or Environmental Health services. If an objection is made to a standard TEN then the objection will be considered at a hearing and the licensing sub-committee will consider whether to issue a counter-notice that does not permit the event occurring.

20.4 A **late** TEN must be given to the licensing authority no later than 5 working days, but no earlier than 9 working days, before the day on which the event period begins, and must be accompanied by the prescribed fee. If the Police

Licensing Policy

or Environmental Health services object to a late TEN then the event will not be able to go ahead and a counter notice will be issued without a hearing taking place. This notice must be issued at least 24 hours before the event is due to take place.

- 20.5 The working days run from the day after the notice is received by the Licensing Authority, as the day the notice is received is deemed to be day zero. Public holidays and weekends are not counted, as they are not working days. For example, if a TEN was served on Tuesday, 13 November, the working days would begin to run from Wednesday, 14 November to Tuesday, 27 November and the event could be no earlier than Wednesday, 28 November.
- 20.6 When considering an objection to a TEN the Licensing Authority may attach conditions to a standard TEN, where it is appropriate for the promotion of the licensing objectives, but only if the conditions to be applied are already on a Premises Licence or Club Premises Certificate relating to the premises where the event will take place.
- 20.7 In any event, the person submitting the TEN is responsible for ensuring that the event complies with all relevant legislation, including the avoidance of a statutory nuisance, and that the event complies with all health and safety requirements.
- 20.8 Although the statutory procedure requires only ten working days' notice of a temporary event (or 5 in the case of a late TEN) the Council would urge applicants to apply at least 2 calendar months before the event is due to take place. This will allow time for the Police and Council to investigate whether there are any issues relating to any of the licensing objectives in plenty of time for the organiser to advertise the event with confidence.

21. Registered Clubs

- 21.1 Part 4 of the 2003 Act deals with registered clubs.
- 21.2 The Licensing Authority can grant a Club Premises Certificate for the sale of alcohol and regulated entertainment to qualifying clubs.
- 21.3 There are various conditions that have to be complied with for a club to qualify e.g.: Forty-eight hour wait before becoming a member and the Club having at least 25 members.
- 21.4 There are also requirements concerning 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.
- 21.5 The provisions with regards to making an application for the Club Certificate are similar to those for a premises licence.
- 21.6 Further information can be found on the Merton web site www.merton.gov.uk/licensing and in the guidance issued by the Government.

22 Representations

22.1 Responsible Authorities and any other person have the right to make representations where applications for new licences or variations are being sought and to receive appropriate consideration of their representations. Representations can be made in opposition to, or in support, of an application. Irrelevant, frivolous or vexatious representations will be disregarded. A representation may be considered to be irrelevant if:

- It does not relate to one of the four licensing objectives;
- It does not directly relate to a particular premises;
- It relates to commercial considerations alone
- It relates to matters already considered by the Council's Planning Committee (or during subsequent Appeal) or, should more properly have been considered by that Committee.

22.2 A representation may be considered frivolous or vexatious if:

- It arises from a dispute between rival business; or
- It relates to matters already considered, and dismissed, by a Court

22.3 Where relevant representations are received to an application, a copy of the representation, including the name and address of the person making representation, must be forwarded to the applicant. Where the representation has been made by e-mail, this will include the email details unless the representation is provided as an attachment. However, it is recognized that in exceptional cases those making representations may have a genuine and well-founded fear of intimidation if they raise objection to an application. In such cases, the Licensing Authority may decide to remove some personal details from the representation, but leaving minimal details such as street name or general location within a street before forwarding to the applicant. Such action will only be taken rarely and only where the Licensing Authority are satisfied that the concerns are well founded following such a request. Copies of representations will be posted on the Council's website (with personal details redacted) together with the relevant report if the matter is to be considered by the Licensing Sub Committee.

22.4 All licence applications received under the Act are published on Merton's website (www.merton.gov.uk/licensing)

23. Reviews and dealing with complaints about premises

23.1 The Licensing Act 2003 provides for a process whereby responsible authorities and/or other persons can make an application for a review of the licence.

23.2 However, in the first instance, responsible authorities and other persons may wish to make complaints about a premises if it is failing to comply with the licensing objectives. The Licensing Authority will seek to encourage alternative methods of resolving complaints before an application is made for a review. However, this does not override the right of any person to seek a Review of a Premises Licence or Certificate.

Licensing Policy

- 23.3 In the first instance, persons 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.
- 23.4 The Review application and any other representations received may be amplified upon at a hearing to consider the Review or may stand in their own right. However, generally, new matters not included in the original Review/Representation will not be admissible at the hearing. Therefore, it is important that the original Review application and any other Representations made are clear, comprehensive, and to the point.
- 23.5 Furthermore, these representations must relate to particular premises for which a premises licence is already held and must be relevant to the promotion of one or more of the licensing objectives. The review process is not an opportunity to revisit earlier representations made to the Licensing Authority when the original application for a premises licence was determined.
- 23.6 A request for a review will be disregarded if it is considered irrelevant, vexatious, frivolous or repetitious.
- 23.7 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. A reasonable time will be considered to be 12 months save in compelling circumstances such as whether operation of the premises has begun or changed significantly since the previous representation was made.
- 23.8 The Licensing Authority will take a particularly serious view where the grounds for review are substantiated and relate to the use of the licensed premises:
- for the sale and distribution of drugs and the laundering of the proceeds of drugs crimes;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music;
 - for the illegal purchase and consumption of alcohol by minors;
 - for prostitution or the sale of unlawful pornography;
 - for unlawful gambling;
 - as a base for organised criminal activity, particularly by gangs;
 - for the organisation of racist, homophobic or sexual abuse or attacks;
 - for the sale or storage of smuggled tobacco and alcohol;
 - for the sale of stolen goods;
 - for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
 - where Police are frequently called to attend to incidents of crime and disorder;
 - where there has been prolonged and/or repeated instances of public nuisance;
 - where there are serious risks to public safety and the management is unable or unwilling to address these matters; and
 - serious risks to children.

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

23.9 Where the Licensing Authority considers that action under its statutory powers is appropriate it may take any of the following steps:

- to take no action and/or issue a warning
- issue a letter confirming an offence has been committed and agree a formal caution
- in a Review to modify the conditions of the premises licence;
- in a Review to exclude a licensable activity from the scope of the licence;
- in a Review to remove the designated premises supervisor;
- in a Review to suspend the licence for not more than 3 months;
- to prosecute; and
- in a Review to revoke the licence.

23.10 Review proceedings may take place in addition to criminal proceedings for any offence that arises out of the complaint that led to the review application. Review proceedings do not need to be delayed pending the outcome of those criminal proceedings.

24. Administration, Exercise and Delegation of Functions

24.1 The Council is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

24.2 In order to provide a speedy, efficient and cost-effective service to all involved in the licensing process, the Committee has delegated certain decisions and functions to Sub-Committees.

24.3 Further, with many of the decisions and functions being purely administrative, the grant of non-contentious applications has been delegated to Council officers.

24.4 In view of the tight timescales involved in the processing of Minor Variation applications, this function has been delegated to Council officers. In all cases, officers will assess the Minor Variation application and where it is felt that the variation could have an adverse effect on any of the four licensing objectives they will consult with the relevant Responsible Authority(ies). If the licensing officer, or any of the Responsible Authorities have concerns about the application or it seeks to extend the licence or substantially vary the premises, appoint a new DPS or add any time or late night alcohol sales, it will be refused and a recommendation made to the applicant to submit a full variation application under section 34 of The Act.

24.5 Appendix 2 sets out the delegation of decisions and functions to the Licensing Committee, Sub-Committee and officers.

25 Publication of the policy

25.1 The Licensing Policy is available on the Merton website:
www.merton.gov.uk/licensing

Licensing Policy

25.2 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

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

Appendix 1 – Responsible Authorities Contact details

Authority	Contact Details
Metropolitan Police	The Licensing Officer, Wimbledon Police Station, 15 Queens Road, London, SW19 8NN
London Fire Authority	Fire Safety Regulation: South West Area 4, London Fire Brigade, 169 Union Street, London, SE1 0LL
The Local Planning Authority	Planning Manager, Merton Civic Centre, London Road, Morden, SM4 5DX
Responsible Authority for Noise and Environmental Pollution	Environmental Health (Pollution) Manager, Merton Civic Centre, London Road, Morden, SM4 5DX
Health and Safety (Local Authority Enforced Premises)	Environmental Health (Commercial) Manager, Merton Civic Centre, London Road, Morden, SM4 5DX
Health and Safety (HSE enforced businesses)	HM Inspector of Health and Safety FOD London Division Health and Safety Executive Rose Court 2 Southwark Bridge London SE1 4LW
Trading Standards	Chief Inspector of Weights and Measures, Trading Standards Service, Merton Civic Centre, London Road, Morden, SM4 5DX Trading.standards@merton.gov.uk
Protection of Children from Harm	Merton Local Safeguarding Children Board, Merton Civic Centre, London Road, Morden, SM4 5DX

Public Health	Director of Public Health, Merton Civic Centre, London Road, Morden, SM4 5DX
The Licensing Authority	Environmental Health (Licensing) Manager, Merton Civic Centre, London Road, Morden, SM4 5DX licensing@merton.gov.uk
Secretary of State for the Home Office	Home Office Immigration Enforcement Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY Email: Alcohol@homeoffice.gsi.gov.uk

Appendix 2 - Delegation of licensing decisions and functions

Matter to be Dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		If a police objection	If no objection made
Application for premises licence/club premises certificate		If relevant representations made	If no relevant representations made
Application for provisional statement		If relevant representations made	If no relevant representations made
Application to vary premises licence/club premises certificate		If relevant representations made	If no relevant representations made
Application to vary a designated premises supervisor		If a police objection	All other cases
Request to be removed as a designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authority		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition		If a police objection	All other cases
Decision on whether to consult other responsible authorities on minor variation application			All cases
Determination of a minor variation			All cases
To raise representations on behalf of the Licensing Authority as a Responsible Authority			All cases



Appendix 3 – Cumulative Impact Assessment published as a separate document

Cumulative Impact Analysis

1. Introduction

Cumulative Impact is defined as the potential impact on the promotion of the licensing objectives of a number of licenced premises concentrated in one area. In some areas where the number, type or density of licensed premises is high, or exceptional, serious problems of nuisance, crime or disorder may occur within or some distance away from the area.

A Cumulative Impact Assessment may be published by a Licensing Authority to help it to limit the number or type of applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.

The Policing and Crime Act 2017 sets out what a licensing authority must do in order to publish a cumulative impact assessment (CIA). This includes publishing the evidential basis for its opinion and consulting on this evidence. A cumulative Impact Assessment must be published, and consulted upon, every three years. The evidence underpinning the publication of the CIA must be suitable as a basis for a decision to refuse an application or impose conditions.

The evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the particular problems identified in the specific area to be covered by the CIA. The Secretary of State's Guidance provides a list of Information which licensing authorities may be able to draw on when considering whether to publish a CIA including

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
- statistics on local anti-social behaviour offences;
- health-related statistics such as alcohol-related emergency attendances and hospital admissions;
- environmental health complaints, particularly in relation to litter and noise;
- complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- residents' questionnaires;
- evidence from local and parish councillors;
- evidence obtained through local consultation;
- Underage drinking statistics.

This report lays out the evidence underpinning the proposal to:

- retain the two existing cumulative impact areas, Wimbledon Town Centre and Mitcham Town Centre;
- remove the existing zone, Wimbledon Village, from the Assessment

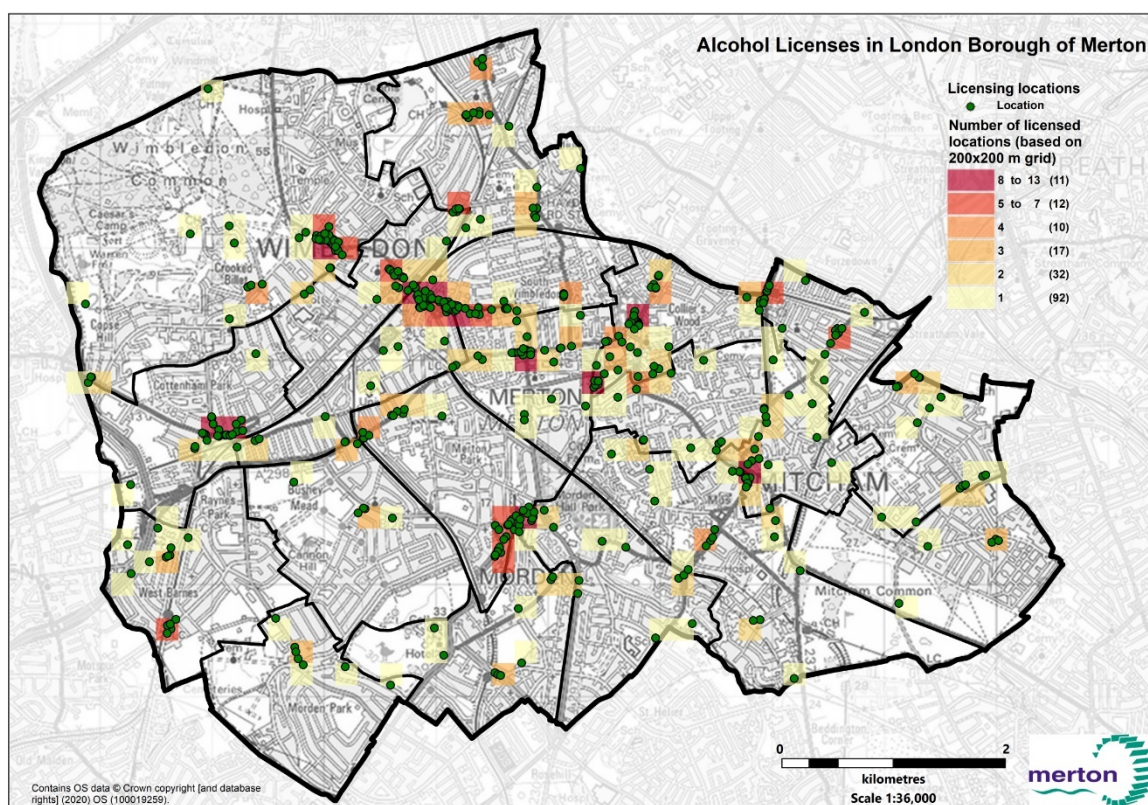
- not include any other area of the borough in the Cumulative Impact Assessment at this time.

2. Council Wards



3. Licensed premises

There are currently 426 licensed premises in Merton. The borough has five main commercial centres; Colliers Wood, Mitcham, Morden, Raynes Park and Wimbledon. From the map it can be seen that the highest concentrations of licensed premises lie within these commercial centres with Wimbledon commercial centre having the most licensed premises in the borough. However, it should be noted that not all these premises have licences to sell alcohol, some may be licensed to sell hot food only after 23.00 hours or to provide only public entertainment. A more detailed analysis of the number and type of licensed premises in each of the three exiting Cumulative Impact Zones are shown later.



4. Residents Survey 2019

The London Borough of Merton carried out a survey of 1,000 local residents aged 18+ and 271 young people aged 11-17 between February 4th and April 5th, 2019. The survey explored resident perceptions of their local area and council services and, amongst other matters, measured perceptions of the local safety, levels of anti-social behaviour, and community cohesion within the borough.

The survey results show that most Merton residents are satisfied with their local area as a place to live both during the day (98%) and at night (84%). Feelings of safety in local areas after dark and during the day remain relatively high. There has been an increase, since the previous survey carried out in 2017, in residents perceiving people using or dealing drugs as a problem (11% to 20%) but decrease in people being drunk or rowdy in public spaces (17% to 13%)

Responses to the question: How safe or unsafe do you feel when outside in your local area...?		
Proportion feeling unsafe by ward		
Ward	% feeling unsafe after dark	% feeling unsafe during the day
Abbey	1	0
Cannon Hill	0	0
Colliers Wood	13	2
Cricket Green	0	0
Dundonald	0	0
Figges Marsh	10	4
Graveney	17	0
Hillside	0	0
Lavender Fields	2	0
Longthorton	16	0
Lower Morden	0	0
Merton Park	12	2
Pollards Hill	10	2
Ravensbury	0	2
Raynes Park	0	0
St Helier	7	0
Trinity	3	0
Village	4	0
West Barnes	16	0
Wimbledon Park	0	0

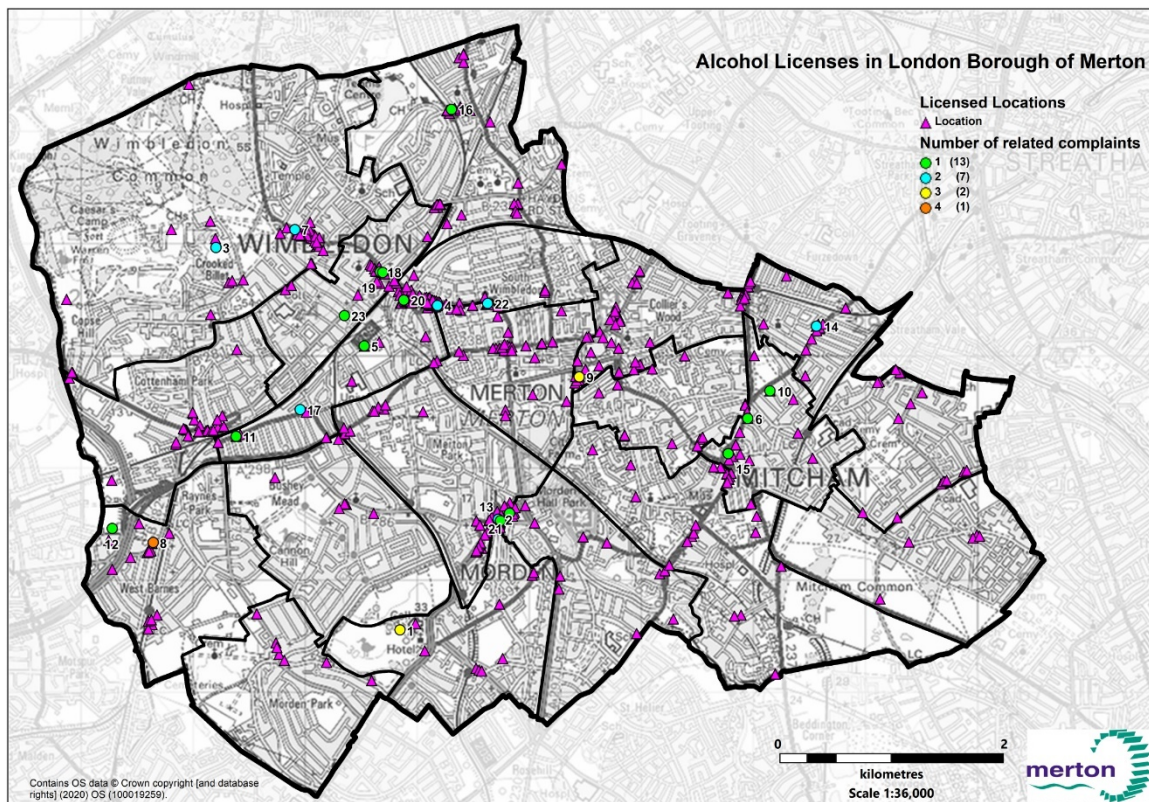
Responses to the question: Thinking about the area how much of a problem do you think each of the following is?			
Ward	Anti-social behaviour	People drunk or rowdy in public places	Groups hanging around the streets
Abbey	19	30	19
Cannon Hill	0	0	0
Colliers Wood	14	17	19
Cricket Green	25	2	5
Dundonald	12	0	6
Figges Marsh	21	27	20
Graveney	38	39	34
Hillside	11	4	10
Lavender Fields	41	13	14
Longthorton	26	13	13
Lower Morden	18	15	9
Merton Park	18	10	33
Pollards Hill	11	4	9
Ravensbury	45	37	35
Raynes Park	4	1	0
St Helier	22	19	25

Trinity	11	15	20
Village	9	0	14
West Barnes	14	3	10
Wimbledon Park	20	1	6

Residents living in Cannon Hill, Raynes Park and Village report fewer problems with anti-social behaviour, people being drunk and rowdy and groups hanging around their streets than residents living elsewhere. Residents of Graveney, Ravensbury, Abbey and Figges Marsh report the highest levels of concern about people being drunk or rowdy in public places.

5. Noise and other complaints relating to licensed premises

Between March 2019 and April 2020 Merton Council received 37 complaints relating to 23 licensed premises or events in the borough. The number of complaints is low and generally confirms the view that the majority of residents in the borough are satisfied with the licensing arrangements in the borough.



6. Trading Standards – Test Purchases

Between April 2019 and January 2020 Merton Trading Standards conducted 56 test purchases across the borough for alcohol and tobacco sales. In 8 cases a sale of alcohol was made to a young person without any request for identification. All test purchases are carried out in premises selling alcohol for consumption off the premises.

7. Ambulance call outs

The number of alcohol –related ambulance callouts in Merton varies by time of day. Ambulance callouts for alcohol peaks between 6 and 7 pm and again between 11pm and midnight, whilst ambulance callouts for assaults begin to see an upward trend from 5pm and peak between 10pm and 11pm. Calls significantly drop off after 2am. There appears to be a strong link between ambulance call outs and hours granted for the sale of alcohol.

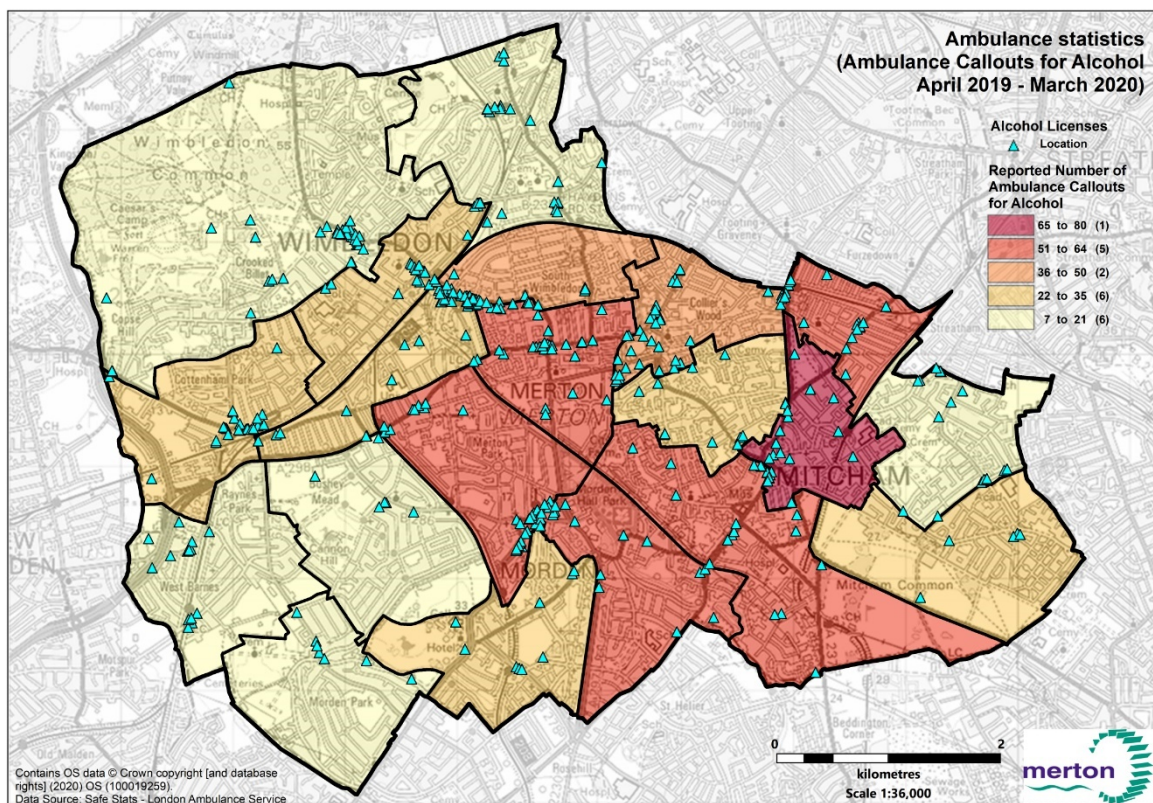
Figges Marsh, Abbey, Cricket Green, Graveney, Merton Park, Ravensbury and Trinity Wards have the highest ambulance call outs for alcohol, with Figges Marsh Ward having the highest level of ambulance callouts for assaults.

Ambulance callouts for alcohol (Paramedic derived only)

Time Period: April 19 - March 20

Data Source: London Ambulance Service via SafeStats

Paramedic derived



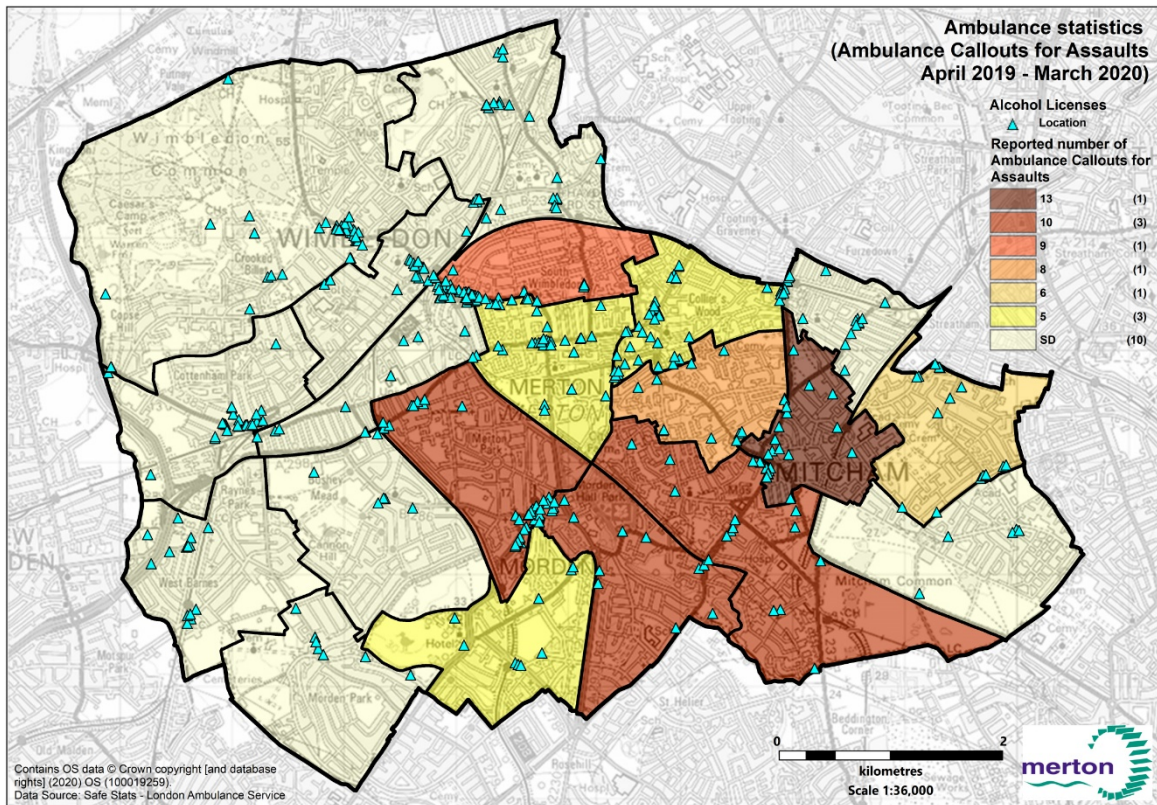
Ward Name	Count
Abbey	57
Cannon Hill	12
Colliers Wood	43
Cricket Green	54
Dundonald	24
Figge's Marsh	80
Graveney	52
Hillside	32
Lavender Fields	23
Longthornton	16
Lower Morden	7
Merton Park	52
Pollards Hill	30
Ravensbury	52
Raynes Park	22
St. Helier	27
Trinity	50
Village	21
West Barnes	11
Wimbledon Park	18

From 8am paramedic derived calls for alcohol begin to rise, peaking between 6-7pm with 50 calls and again between 11pm and 12am with 48 calls. Calls drop significantly after 2am.

Ambulance callouts for assaults (Caller derived)

Time Period: April 19 - March 20

Data Source: London Ambulance Service via SafeStats



SD= Supressed figure as it is less than 5

Ward Name	Count
Abbey	5
Cannon Hill	SD
Colliers Wood	5
Cricket Green	10
Dundonald	SD
Figge's Marsh	13
Graveney	SD
Hillside	SD
Lavender Fields	8
Longthornton	6
Lower Morden	SD
Merton Park	10
Pollards Hill	SD
Ravensbury	10
Raynes Park	SD
St. Helier	5
Trinity	9
Village	SD
West Barnes	SD
Wimbledon Park	SD

Caller derived assaults begin to see an upward trend from 5pm and peak between 10pm and 11pm with 13 calls. Calls significantly drop off after 2am.

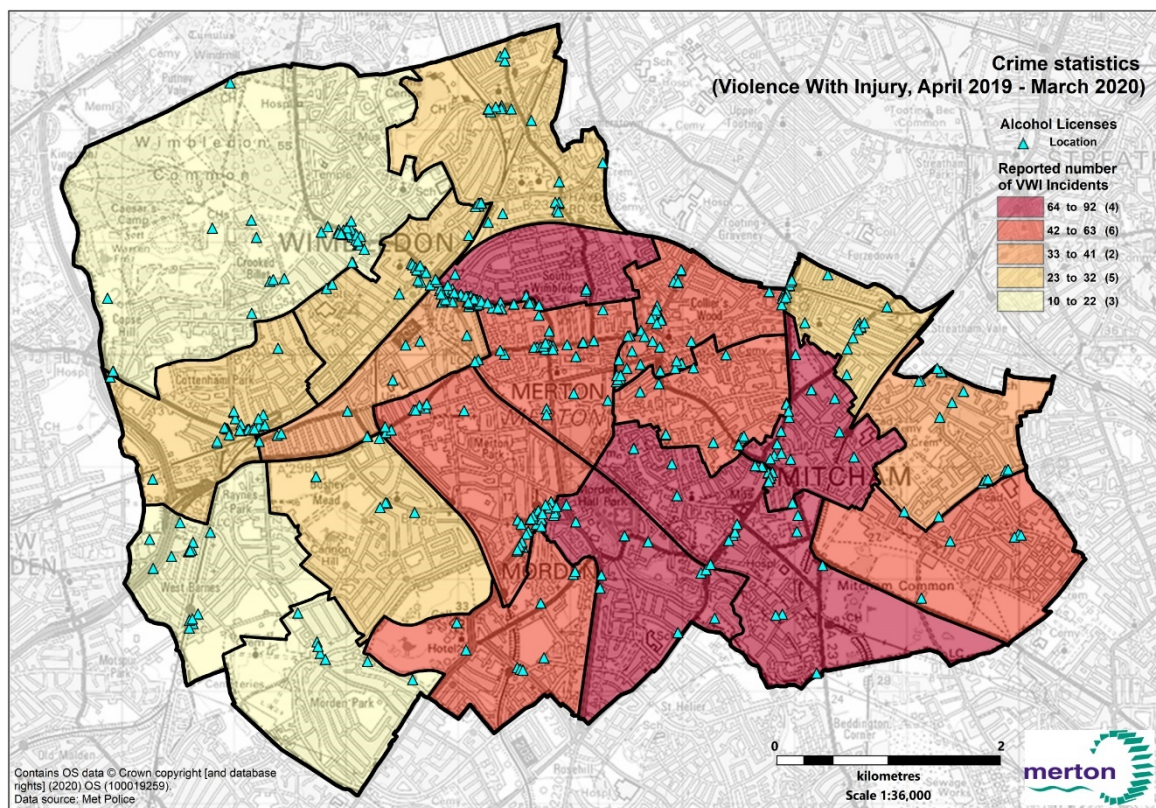
8. Violence with injury – non domestic

Trinity, Cricket Green and Figges Marsh Wards have the highest levels of violence with injury (non-domestic) reports. The areas of the existing Wimbledon Town Centre CIZ and the Mitcham Town Centre CIZ were seen to have high levels of violence with injury – non domestic offences. The area of the existing Wimbledon Village CIZ has the second lowest level of violence with injury in the Borough.

Violence with Injury - Non Domestic

Time Period: April 19 - March 20

Data Source: Metropolitan Police Service



Ward	Count
Abbey	49
Cannon Hill	24
Colliers Wood	52
Cricket Green	87
Dundonald	35
Figge's Marsh	92
Graveney	28

Hillside	25
Lavender Fields	42
Longthornton	33
Lower Morden	10
Merton Park	47
Pollards Hill	50
Ravensbury	64
Raynes Park	27
St Helier	47
Trinity	72
Village	18
West Barnes	20
Wimbledon Park	23

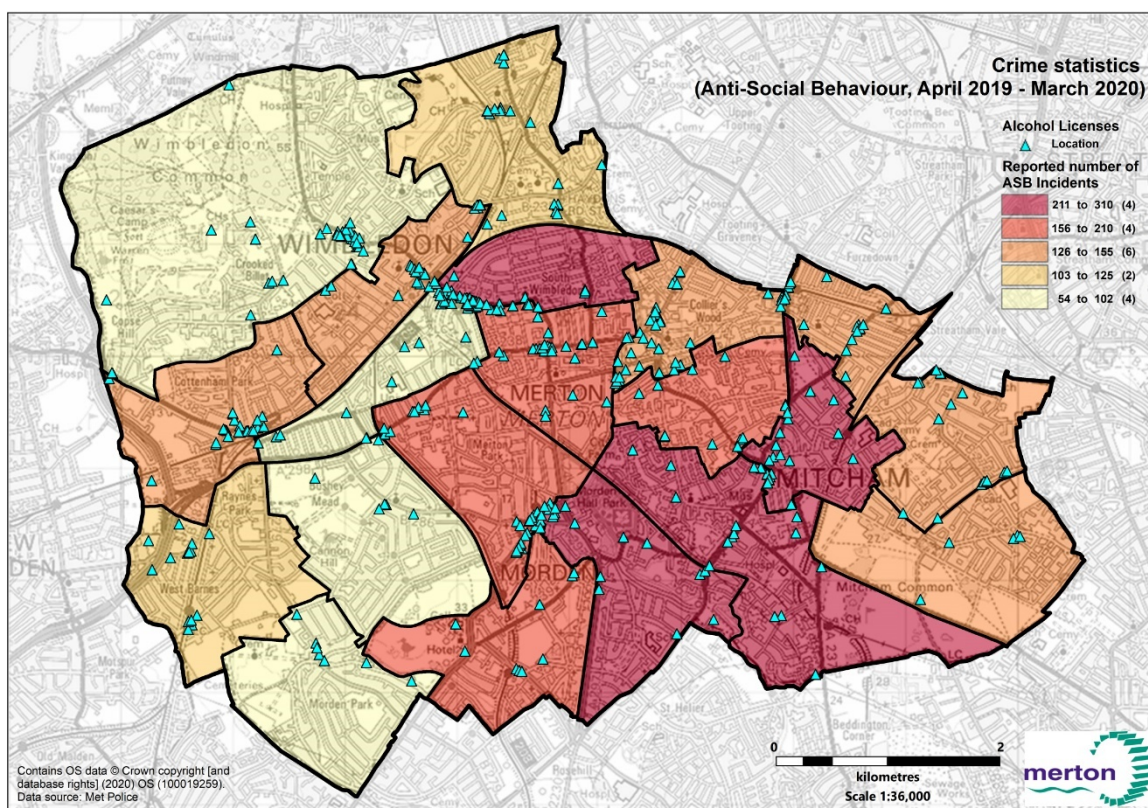
9. Anti-social behaviour

Trinity, Cricket Green and Figges Marsh and Ravensbury Wards have the highest levels of ASB complaints

ASB nuisance, rowdy and inconsiderate behaviour

Time Period: April 19 - March 20

Source: Metropolitan Police Service



Ward	Count
Abbey	183
Cannon Hill	54

Colliers Wood	135
Cricket Green	278
Dundonald	71
Figge's Marsh	310
Graveney	151
Hillside	126
Lavender Fields	156
Longthornton	142
Lower Morden	65
Merton Park	173
Pollards Hill	149
Ravensbury	211
Raynes Park	134
St Helier	157
Trinity	217
Village	80
West Barnes	103
Wimbledon Park	105

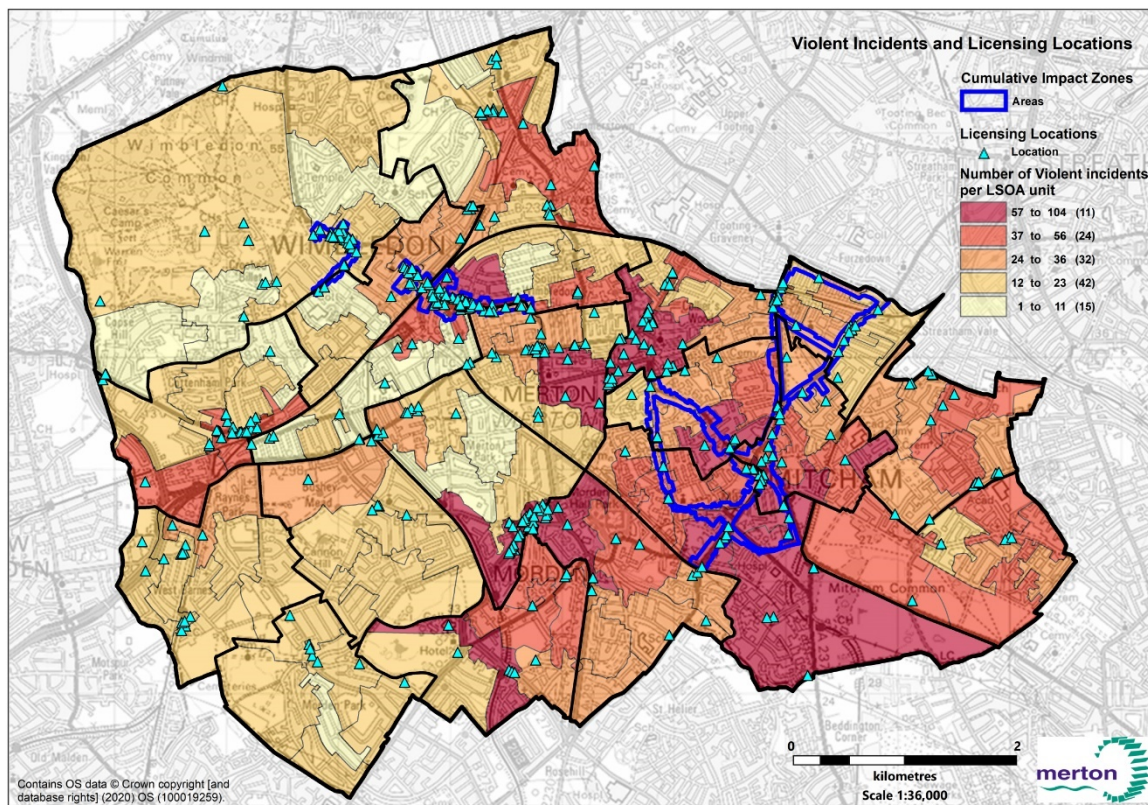
10 Violence against the person

Below is a map of violence against the person (with and without injury) recorded by the Metropolitan Police between April 2019 and February 2020 (11 months) by Lower Layer Super Output Area (LSOA) boundaries. This includes domestic and non-domestic calls. The map provides a more localised picture of police reports on violence than shown in the Ward analysis above but confirms that the two existing Cumulative Impact Areas of Wimbledon Town Centre and Mitcham Town Centre lie within areas of the highest police callouts for violent incidents, whilst the Wimbledon Village CIZ is in an area where there are relatively low police callouts for violence against the person.

Violence against the person

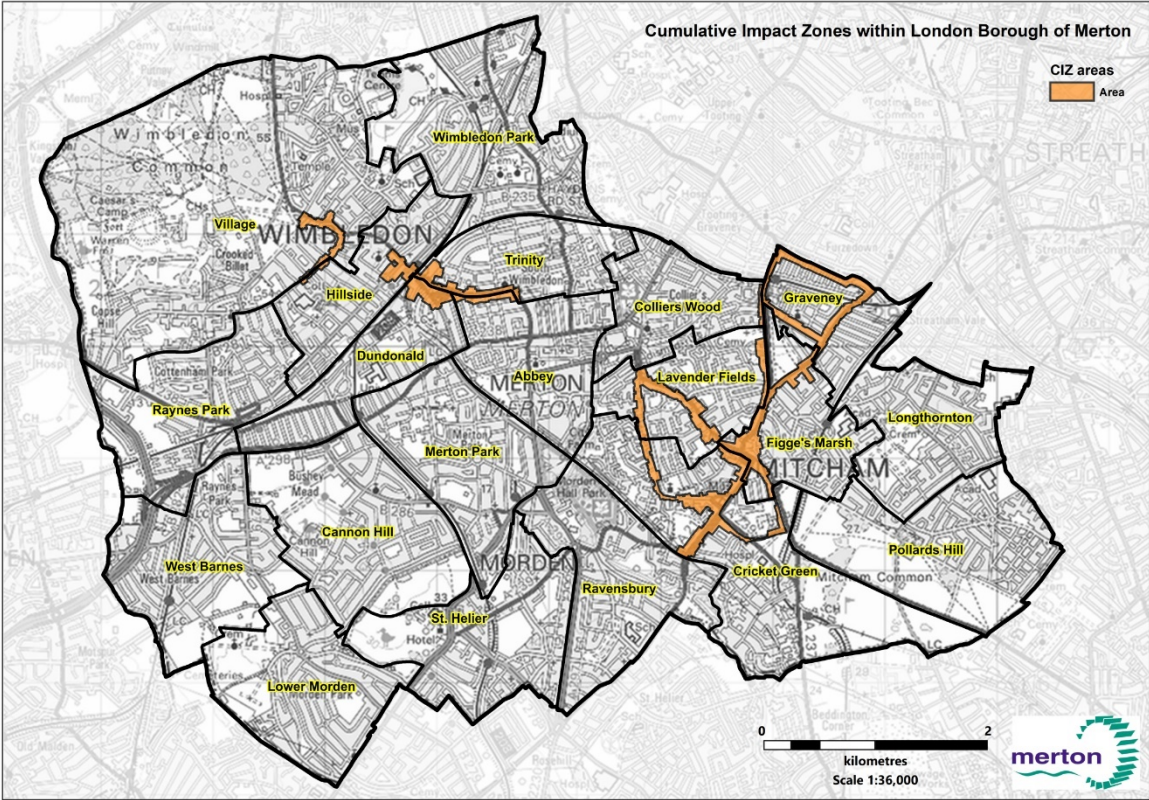
Time Period: April 19 - February 20

Source: Metropolitan Police Service via the London Data store

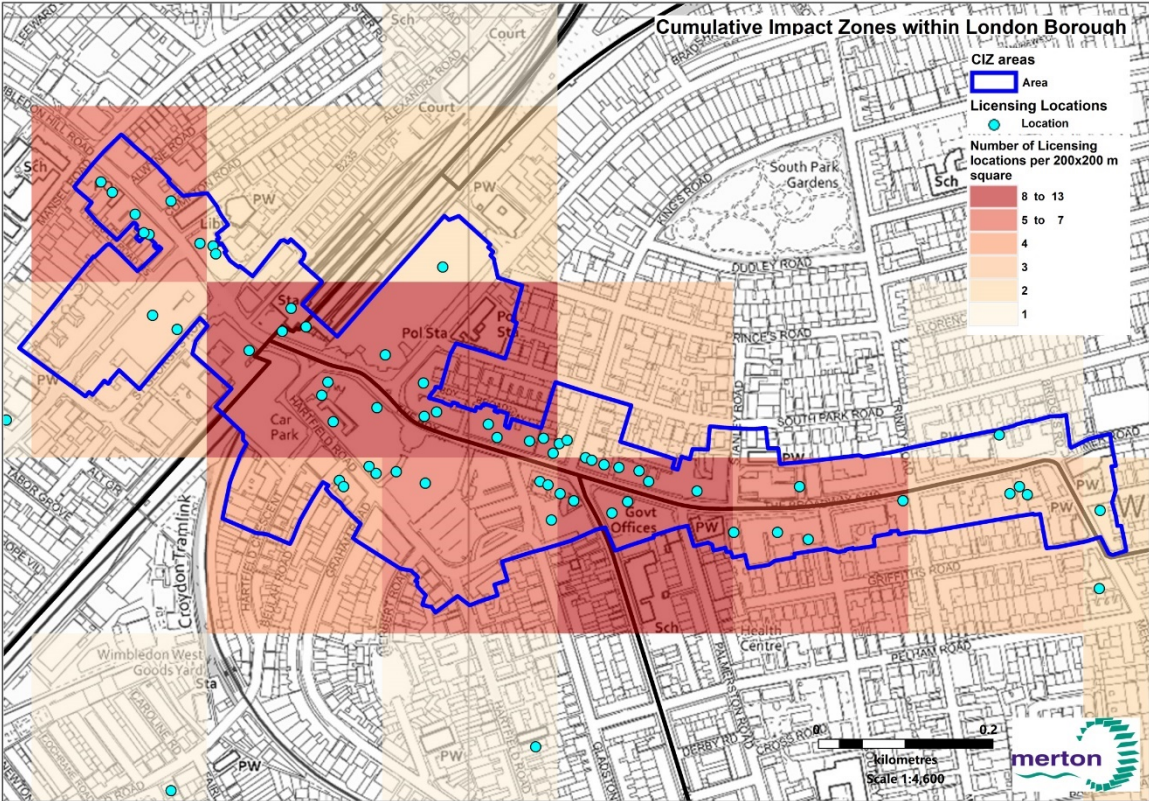


11. Current Cumulative Impact Zones

Currently there are 3 Cumulative Impact Zones in the Borough. Two, Wimbledon Village and Wimbledon Town Centre were adopted in 2006, shortly after the implementation of the Licensing Act 2003. The third zone, Mitcham Town Centre was approved in 2015. The areas covered by the current policy are shown in the map below.



12. Wimbledon Park Town Centre CIZ



Active licences within Wimbledon Town Centre CIZ

Type	Number
Cinema/Theatres	4
Bar/Club/Pub	15
Restaurants	30
Convenience stores/supermarkets/off licence	11
Hotels	2
Takeaways/premises selling late night food only (no alcohol)	7

Maximum terminal hour for the sale of alcohol in premises within the Wimbledon Town Centre CIZ

Total number of premises	Terminal hour up to 23.00	Terminal hour 23.01 – 00.00 hours	Terminal hour 00.01 – 02.00 hours	Terminal hour 02.01 hours – 03.00 hours	No restriction
62	28 (45%)	23 (37%)	7 (11%)	3 (5%)	1 (2%)

Maximum Terminal hour for the sale of hot food and drink only

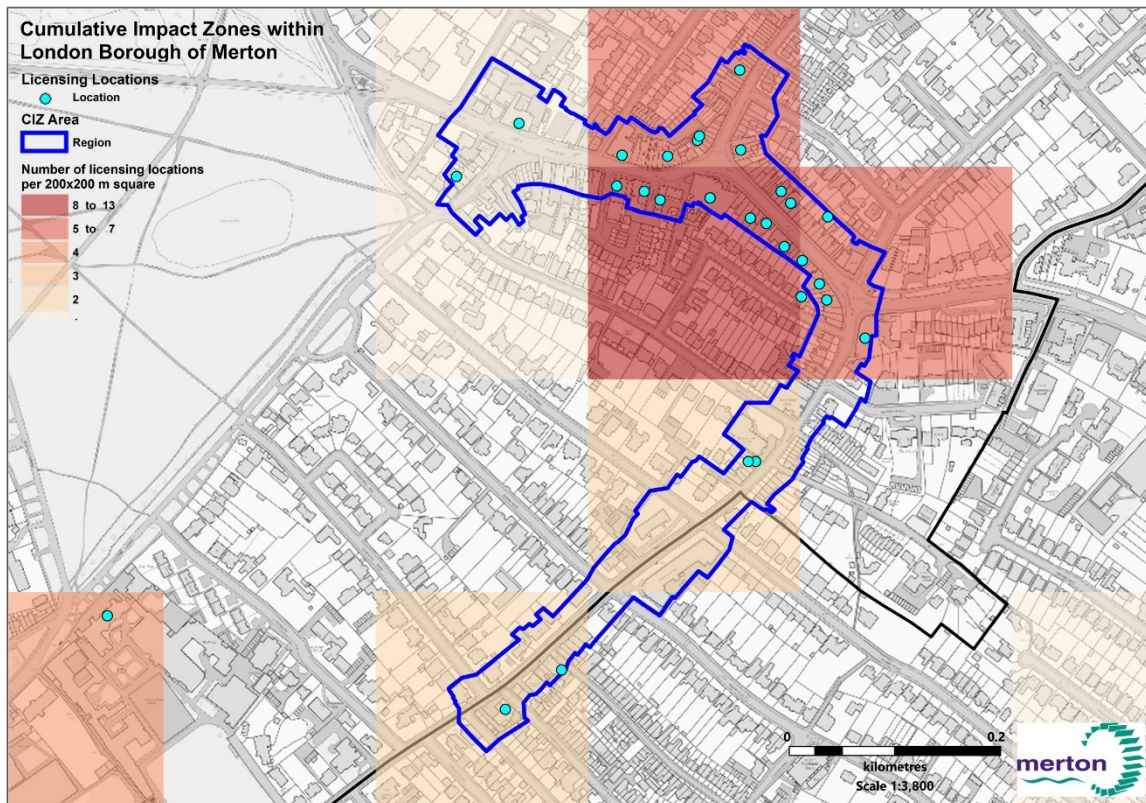
Total number of premises	Terminal hour up to 01.00	Terminal hour 01.01- 02.00 hours	Terminal hour 02.01 – 03.00 hours	Terminal hour 03.01 hours – 04.00 hours
7	1	4	1	1

Wimbledon Town Centre CIZ falls within four Wards, Hillside, Trinity, Abbey and Dundonald. It has the highest concentrations of licensed premises in the borough.

Residents of Trinity and Abbey Wards register high levels of concern regarding people being drunk and rowdy in public spaces and general anti-social behaviour. These Wards have high levels of complaints to the police about anti-social behaviour, as well as high levels of ambulance call outs for alcohol and assaults and police call outs for violence – non domestic. Although relatively low in numbers, the area also attracts a number of complaints to the Council's licensing and noise teams. It is clear, therefore, that the area has a high density of licensed premises which is adversely impacting on crime and anti-social behaviour in the area. It is proposed that Wimbledon Town Centre retains the special policy with regard to Cumulative Impact as any increase in premises numbers or hours will add to the existing relatively high levels of crime and anti-social behaviour in the area, particularly later into the evening.

In publishing this cumulative impact assessment the authority is setting down a strong statement of approach to considering applications or the grant or variation of premises licences in the Wimbledon Town Centre CIZ. The authority considers that the number of premises licences in the Wimbledon Town Centre CIZ is such that it is likely that granting further licences would be inconsistent with the authority’s duty to the licensing objectives.

13. Wimbledon Village CIZ



Active licences within Wimbledon Village CIZ

Type	Number
Pubs/Bars	5
Restaurants	18
Convenience stores/supermarkets/off licence	5
Takeaways/premises selling late night food only (no alcohol)	0

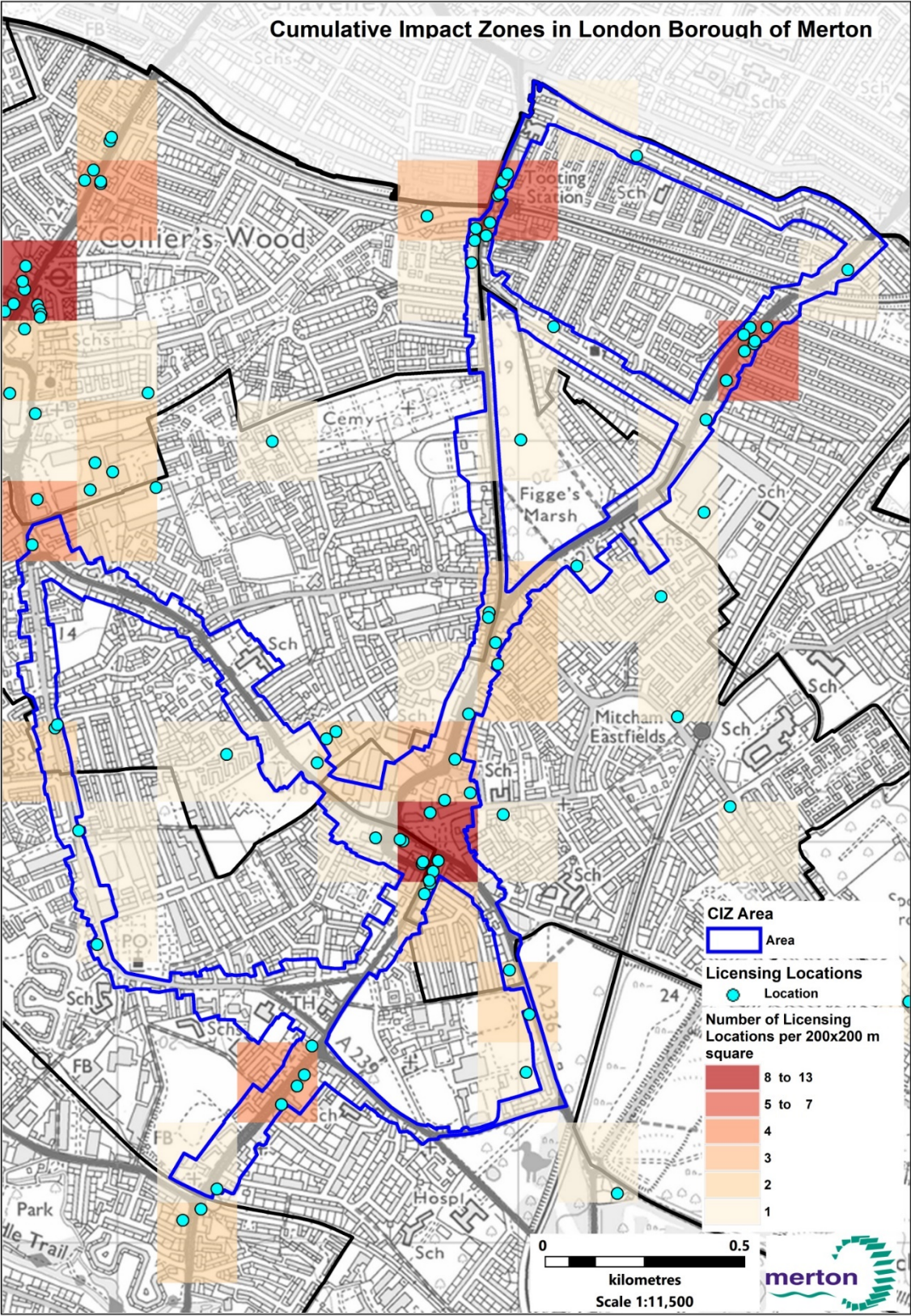
Maximum terminal hour for the sale of alcohol in premises within the Wimbledon Village CIZ

Total number of premises	Terminal hour up to 23.00	Terminal hour 23.01 – 00.00 hours	Terminal hour 00.01 – 02.00 hours	Terminal hour 02.01 hours – 03.00 hours	No restriction
28	18 (64%)	9 (32%)	1 (4%)	0	0

The majority of the Wimbledon Village CIZ lies within Village Ward. This Ward has the second lowest level of violence with injury – non domestic reports in the Borough, the 6th lowest level of ambulance callouts for alcohol and one of the lowest levels of ambulance callouts for assaults. It ranks the fourth lowest Ward for Anti-Social behaviour complaints to the police. Information from the residents' survey indicates that residents of Village Ward generally feel safe and do not see that there is a problem with drunkenness and rowdy behaviour in the borough.

Whilst there is a concentration of licensed premises along Wimbledon High Street there is little evidence to support the view that this is giving rise to high levels of crime, disorder or nuisance. Residents do not highlight a problem in the area and generally feel safe in their neighbourhood. It is therefore recommended that Wimbledon Village be removed from the Council's special policy on cumulative impact. However, it should be noted that this removal does not mean that all applications for new or varied licences will be automatically granted. Like all other areas of the borough not included in the policy, each application must be looked at on its individual merits and may be refused if there is good evidence to do so.

14. Mitcham Town Centre CIZ



Active licences within Mitcham Town Centre CIZ

Type	Number
Bar/Club/Pub	10
Restaurants	4
Convenience stores/supermarkets/off licence	38
Sports venue/open spaces	2
Takeaways/premises selling late night food only (no alcohol)	6

Maximum terminal hour for the sale of alcohol in premises within the Mitcham Town Centre CIZ

Total number of premises	Terminal hour up to 23.00	Terminal hour 23.01 – 00.00 hours	Terminal hour 00.01 – 02.00 hours	Terminal hour 02.01 hours – 03.00 hours	No restriction
52	36(69%)	7(13%)	8(15%)	0	1(2%)

Maximum Terminal hour for the sale of hot food and drink only

Total number of premises	Terminal hour up to 01.00	Terminal hour 01.01- 02.00 hours	Terminal hour 02.01 – 03.00 hours	Terminal hour 03.01 hours – 05.00 hours
6	2	1	1	2

The Cumulative Impact Zone covering Mitcham Town Centre and surroundings was approved in 2015. The Mitcham Cumulative Impact Zone is restricted to 'off – premises' sales only, as the evidence did not suggest that 'on- premises' sales needed to be included. The Mitcham Town Centre Cumulative Impact Zone mainly falls within four Wards, Graveney, Figges Marsh, Lavender Fields and Cricket Green

The decision to adopt a special policy on Cumulative Impact for Mitcham Town Centre and the area to be included was based on information provided by Public Health which included an audit of the area carried out by a team of Youth Inspectors (YIs) and the results of a consultation carried out with local residents in early September 2015.

On 19/20 August 2015, a team of Youth Inspectors (YIs) walked the area covered by the then proposed Cumulative Impact Zone (CIZ) around Mitcham. They noted whether premises they passed sold alcohol or fast food, and the appearance of stores and streets, noting any antisocial behaviour or litter. The Youth Inspectors noted 165 retail outlets in the Mitcham Cumulative Impact Zone area. Of these, 44 (27%) were places to buy food ingredients, 26 (16%) were fast food outlets, 3 (2%)

were restaurants, 6 (4%) were cafes, 6 (4%) were pubs, 6 (4%) were betting shops and 2 (1%) were payday loan shops. The rest (72, 44%) were a mix of other uses, for example estate agents, hairdressers, garages.

Of the 44 places to buy food ingredients (i.e. convenience stores, corner shops, grocers, off-licenses, supermarkets), at least 80% (35/44) appeared to sell alcohol. Alcohol is therefore available in at least a fifth (21%, 35/165) of all premises noted by the YIs. They also noted 6 pubs in the proposed CIZ area. Of the 35 convenience stores or supermarkets that sold alcohol: at least 57% (20/35) sold super strength alcohol (i.e. beer or cider of 6.5% ABV or more); a third (31%, 11/35) did not (4 unknown). The majority (83%, 29/35) sold single cans (5 did not, 1 unknown)

In early September 2015 a consultation was carried out of residents in the area. A total of 192 people participated in the consultation. One third of respondents (64) felt that Mitcham Town Centre had too many alcohol shops. Among responses relating to the alcohol environment were concerns about street drinkers. Over half of respondents also felt that the area was littered, with comments regarding broken glass and beer cans on the streets. There was significant mention of anti-social behaviour and crime and safety during the night, with 117 and 94 respondents respectively reporting these as a concern.

Unfortunately, it has not been possible as planned, to carry out another survey of the area to compare the findings with those of 2015. However, the number of licensed premises selling alcohol off the premises remain at a similar level to that found in 2015 (38 premises selling alcohol for consumption off the premises in 2020 compared to 35 noted in 2015). The difference in numbers is likely to be due to a difference in assigning premises to a particular category rather than to a real increase in numbers.

Residents of the four Wards in which the Mitcham Town Centre CIZ lies express high levels of concern about anti-social behaviour, people being drunk and rowdy in public places and people hanging around the streets. The area also records high levels of crime, anti-social behaviour and ambulance call outs.

In September 2019, a report the Head of Community Safety presented a report to the Overview and Scrutiny Panel which included information on street drinking delivery and Public Place Protection Order Enforcement. The report stated that the majority of enforcement action on street drinking was taking place in and around the wards of Figges Marsh and Cricket Green, with proactive enforcement around Mitcham Town Centre which had resulted in a reduction in visible street drinking in Mitcham Town Centre but with an element of displacement.

In view of the continuing problem with street drinking around Mitcham Town Centre and in light of the actual and perceived problems associated with alcohol in the area it is proposed to retain the Mitcham Town Centre special policy on cumulative impact with no amendments to the area or to the type of premises to be included in the policy.

In publishing this cumulative impact assessment the authority is setting down a strong statement of approach to considering applications or the grant or variation of

“off-sales” premises licences in the Mitcham Town Centre CIZ. The authority considers that the number of “off-sales” premises licences in the Mitcham Town Centre CIZ is such that is likely that granting further licences would be inconsistent with the authority’s duty to the licensing objectives.

This CIA does not, however, fundamentally change the way that licensing decisions are made. It is therefore open to the licensing authority to grant an application where it considers it appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact.

The cumulative impact assessment does not relieve responsible authorities or any other persons of the need to make relevant representations where they consider it appropriate to do so for the promotion of the licensing objectives. Anyone making a representation may base it on the evidence published in the cumulative impact, or the fact that a CIA has been published.

15. Inclusion of new areas in the Cumulative Impact Assessment.

The area around Morden Town Centre has a high concentration of licensed premises which coincides with higher levels of crime, anti-social behaviour and ambulance call out in the borough. However, this area is covered by the Council’s regeneration plans and it would, therefore, not be appropriate at this time to include this area in the Council’s Cumulative Impact Assessment.

Committee: Licensing Committee

Date: 9 June 2020

Wards: All

Subject: London Local Authorities Act 1991, Review of Special Treatment Licensing

Lead officer: Chris Lee, Director, Environment and Regeneration

Lead member: Councillor Nick Draper, Chair, Licensing Committee

Contact officer: Helen Clark, Commercial Services Manager, London Boroughs of Merton, Richmond upon Thames and Wandsworth Joint Regulatory Services Partnership and Guy Beaumont, Senior Solicitor, South London Legal Partnership.

Recommendations:

- A. The Licensing Committee to adopt the standard conditions for Special Treatment Premises Licences as set out in Appendix A to this report, subject to any amendments arising from consultation with existing licence holders;
 - B. The Licensing Committee to approve the regulations governing applications for the grant, renewal, transfer and variation of special treatment licences and their determination;
 - C. The Licensing Committee to approve the proposal to licence broad categories of treatments;
 - D. The Licensing Committee to note the proposed fee structure subject to consultation with existing licence holders;
 - E. The Licensing Committee to agree that the above changes will take effect from 1st April 2021;
 - F. The Licensing Committee to confirm the current list of approved health practitioners of special treatment establishments whose members are exempted from the need for licensing and to delegate authority to the Head of the Regulatory Services Partnership to approve or reject any application to the Council for inclusion on the list in the future.
-

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Premises where special treatments establishments are provided must be licensed under the London Local Authorities Act 1991 ('The Act')
- 1.2 The Act allows the Council to make regulations prescribing the terms, conditions and restrictions on or subject to which licences, or licences of a particular class, are to be granted, renewed or transferred. Where such regulations have been made all licences granted are subject to those standard conditions unless they have been expressly excluded or amended.
- 1.3 With the implementation of the Merton, Richmond and Wandsworth Regulatory Services Partnership a review of the Special Treatment licensing processes

across the Boroughs has been undertaken with the intention that a single system of licensing be implemented across the three Boroughs. This report sets out the proposed revisions to the existing licensing system subject to consultation with existing licence holders, including:

- the adoption of new standard conditions;
- the approval of regulations governing applications for grant, renewal, transfer and variation of special treatment licences and their determination;
- revision to the fee structure based on risk to more accurately reflect cost;
- to delegate authority to the Head of the Regulatory Services Partnership to approve or reject any applications to the Council for inclusion on the list of approved health practitioners of special treatment establishments whose members are exempted from the need for licensing
- to amend the licence to specify the category of treatment that can be carried out at the premises rather than to specify every particular treatment.

2. DETAILS.

2.1 Background

Part II of the London Local Authorities Act 1991 requires that persons providing premises where special treatments are offered must hold a licence. A Special Treatment Establishment is defined in the Act as a premises that is 'intended to be used or represented as being used for the reception or treatment of persons requiring massage, manicure, acupuncture, tattooing, cosmetic piercing, chiropody, light, electric or other special treatment of a like kind or vapour, sauna or other baths'. The Act does provide for a number of exemptions (e.g. medical practitioners, dentists and bona fide members of a body of health practitioners). Since the introduction of the Act many new types of treatments have come onto the market and a judgement must always be made as to whether they fall within the definition of a special treatment.

The Act provides a mechanism for the Council to prescribe the terms, conditions and restrictions it deems appropriate with regard to the licensing process. This includes the setting of fees at a level to fully recover its costs in administering and enforcing the licensing regime and the adoption of standard conditions to which all licensed premises must adhere unless specifically exempted. The Act lays out a number of areas that such conditions should relate (although these are not to be taken as exclusive) and includes: -

- the maintenance of public order and safety;
- the number of persons who may be allowed to be on the premises at any time;
- the qualifications of the persons giving the special treatment;
- the taking of proper precautions against fire, and the maintenance in proper order of means of escape in case of fire, means for fighting fire and means of lighting, sanitation and ventilation of the premises;
- the maintenance in safe condition of means of heating the premises;
- the hours of opening and closing the establishment for special treatment;
- the safety of any equipment used in connection with the special treatment and the way in which the treatment is given;

- the cleanliness and hygiene of the premises and equipment;
- the manner in which the establishment is operated and the way it is advertised.

2.2 Review of licensing process

With the implementation of the Merton, Richmond and Wandsworth Regulatory Services Partnership a review of the licensing processes across the boroughs has been undertaken with the intention that a single system of licensing be implemented across the three boroughs. This will benefit businesses wishing to provide special treatments in any of the three boroughs as there will be clear and standardised requirements regardless of where they wish to trade. In addition, the implementation of a single licensing system will produce the most a cost effective service for the residents and businesses in the three Boroughs.

As a result of the review it is proposed:

- (i) That the current fee structure be revised so as to provide a single structure across the service that is clear, current and reflects the cost of the service.
- (ii) That the current standard conditions be revised to provide a single set of conditions that are clear, current and enforceable
- (iii) to introduce standardised regulations governing applications for grant, renewal, transfer and variation of special treatment licences and their determination
- (iv) To introduce a standardised application form and licence template.
- (v) To amend the licence to specify the category of treatment that can be carried out at the premises rather than to specify every particular treatment
- (vi) To pass responsibility for the approval or rejection of all applications for inclusion on the list of approved health practitioners of special treatment establishments to the Head of the Regulatory Services Partnership.

2.3 Standard conditions

The current standard conditions for Special Treatment Establishments situated in Merton provide a minimum standard for licensees, preferring instead to place the responsibility for ensuring compliance with health and safety requirements onto the licence holder. As part of the work to implement a single licensing system across the three boroughs, the opportunity has been taken to review and update the standard conditions for all three boroughs. It is now felt that more detailed conditions should be adopted in Merton to assist business, by being more specific in the Council's requirements, as well as assisting licensing officers when carrying out enforcement visits.

The proposed conditions are shown in Appendix A to this report. The existing conditions relating to the competence of persons who can give treatments and client record keeping have been retained but amplified. The existing condition requiring that the tariff of charges be displayed has been retained as has the condition relating to clinical waste.

The following new conditions are proposed:-

- (i) **Premises** – conditions 18 – 27
- (ii) **Equipment** – conditions 29 – 31

(iii) **Treatment specific conditions** – conditions 39 to end

2.4. Standardised Regulation governing the determination of licence applications

Although, in general, the system for determining applications for the grant, renewal, transfer and variation of Special Treatment Licence applications is similar across all three boroughs, the opportunity has been taken to formalise the process through the adoption of Regulations, as allowed for under section 7 of the London Local Authorities Act 1991.

The proposed Regulations are shown in Appendix B to this report

2.5 Fee Structure

Currently the fees are based on the number of people who can be treated on the premises at any one time i.e. on the size of the premises, with an additional fee if skin piercing, light treatments: including UV (sunbeds), lasers, light therapy and electric treatments are provided and a higher additional fee if tattooing and/or body piercing is provided.

The basing of the fee on the size of a premises does not accurately reflect the administration and enforcement work associated with the licensing regime. It is proposed that the fee structure be revised so as to provide a single fee structure across all three boroughs that is clear, current and reflects the proposed revised regime. Premises will be split into three bands based on the risk of the treatment being offered and the time taken to inspect and carry out enforcement action.

Currently there are 50 licensed Special Treatment Establishments in Merton. Of these 18 will fall within the 'high risk' band . i.e. carry out tattooing, body piercing, and laser treatments; 32 within the 'medium risk' band. No premises are deemed low risk i.e. carry out ear lobe and nostril piercing.

It is likely that the fees for high risk Special Treatment Establishments will increase, whilst others may see their fees reducing slightly.

Responsibility for fee setting lies with the Assistant Director of Environment and Regeneration and the fees, based on the new fee structure if agreed, will be presented for approval in February 2021, coming into effect on the 1st April 2021.

2.6 Grouping of Special Treatments

Currently, when issued, the licence itemises the individual treatments that can be carried out at the premises. However, this can be limiting, requiring the licence holder to seek a variation even if they wish to carry out a treatment similar to that already approved, e.g. a different type of massage. It is proposed that in future these will be grouped into 8 categories and premises will be able to provide any treatment falling within the general category.

2.7 Approved Health Practitioners

Under the Act there are a number of exemptions from the need for licensing. These are laid out in Section 4 of the Act and includes, among others, any premises where the special treatment is carried out by or under the supervision of:

- A medical practitioner duly registered by the General Medical Council; or
- of any bona fide member of a body of health practitioners which has given notice in writing to the borough council that it:
 - (a) has a register of members;
 - (b) requires as qualification of membership qualification by way of training for, and experience of, the therapy concerned;
 - (c) requires its members to hold professional indemnity insurance;
 - (d) subjects its members to a code of conduct and ethics, including a prohibition of immoral conduct in the course of their practice;
 - (e) provides procedures for disciplinary proceedings in respect of its members; and has supported that notice with satisfactory documentary evidence, if required by that Council; or
 - (f) in the case of acupuncture, a dentist registered under the Dentists Act 1984.

This Council is a member of the London Special Treatment Licensing Working Party (through the Regulatory Services Partnership) which, amongst other matters, considers whether they acknowledge that bodies fall within the definition of body of health practitioners meeting the requirements laid out above. In making their decision whether or not to approve any such body the Council has regard to the guidance from the Working Party. Attached as Appendix C is the current list for confirmation.

It is proposed that in future responsibility to approve or reject any application to the Council for inclusion on the list of approved health practitioners of special treatment establishments whose members are exempted from the need for licensing; be delegated to the Head of the Regulatory Services Partnership to ensure consistency across all three Boroughs.

3. Consultation undertaken or proposed.

It was hoped that consultation with existing licenced Special Treatment premises could have taken place prior to this Committee, with comments included for the Licensing Committee's consideration. However, in view of the closure of premises due to the Covid 19 pandemic, this has not been possible.

It is, therefore, proposed to consult these premises as soon as feasible following this Committee, with any substantive comments being brought back to a further Committee meeting later this year, or early next year.

4. Timetable.

Changes to the standard conditions and the licensing of broad categories of treatment to come into effect immediately for new applications and from the first renewal after 1st November 2020 for existing licences

The new fee structure and fees to come into effect on the 1st April 2021

5. Financial, resource and property implications.

5.1 One of the purposes of this report is to seek approval to amend the fee structure.

5.2 It is anticipated that there will be a further report to Committee in October reporting back on consultation responses, and the recommended fees to be applied.

5.3 The method of fee setting will be on a cost recovery basis following government guidance on licensing fee setting, taking into account both the processing of the application and enforcement of the regime.

6. Legal and statutory implications.

6.1 The Council's powers and duties under Part II of the London Local Authorities Act 1991 are set out in the body of this report. There are no further legal implications arising directly from this report.

7. Human rights, equalities and community cohesion implications.

7.1 These are statutory functions and are applied globally.

8. Crime and Disorder Implications.

8.1 None for the purposes of this report

9. Risk management and health and safety implications.

9.1 All risk and health and safety implications have been considered when compiling this report. None are apparent.

10. Appendices – the following documents are to be published with this report and form part of the report.

Appendix 'A' – Proposed standard conditions

Appendix 'B' - Proposed regulations governing applications for the grant, renewal, transfer and variation of special treatment licences and their determination

Appendix 'C' – List of Bodies of Health Practitioners granted exemption by the London Borough of Merton

11. Background Papers – the following documents have been relied on in drawing up this report but do not form part of the report.

11.1 Existing licence conditions, Merton, Richmond and Wandsworth

11.2 Existing fee structure, Merton, Richmond and Wandsworth

WANDSWORTH/MERTON/RICHMOND BOROUGH COUNCIL

***Special Treatment Establishments
Regulations made under section 10(1) of the London Local Authorities Act 1991
(as amended) prescribing standard conditions and treatment specific conditions
for Special Treatment Licences***

1. Introduction

These Standard conditions are applicable to all premises offering special treatments. They are made under section 10(1) of the London Local Authorities Act (as amended), effective from xxxx. Their application does not replace or reduce the underlying statutory duty of employers and self employed persons to comply with the requirements of the Health and Safety at Work etc Act 1974 and any associated regulations and codes of practice.

In these conditions, unless the context otherwise requires:

- a) 'Approval of the Council' or 'Consent of the Council' means the approval or consent of the Council as licensing authority in writing.
- b) 'Council' means the Borough Council in which the premises are situated.
- c) 'Establishment for special treatment' has the meaning set out in section 4 of the London Local Authorities Act 1991 (as amended).
- d) 'Licence' means a special treatment licence granted under section 6 of the London Local Authorities Act 1991 (as amended).
- e) 'Licence Holder/Authorised person' means the person who is responsible for compliance with the standard conditions at all times the premises are open for business
- f) 'Council Officer' means any person properly authorised in writing by the Council.
- g) 'Premises' means any premises within the Council's area licensed for special treatment and includes all installations, fittings and things in connection therein.
- h) 'Special treatment practitioner' means a person who provides a special treatment to a client, often known as a therapist.
- i) 'The Act' means the London Local Authorities Act 1991 (as amended).

2. Dispensation or variation of the standard conditions

The Regulations allow for the removal or variation of any standard conditions adopted by the Council. These rules may be dispensed with or modified by the Council in any case as may be appropriate.

Where in these rules there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.

If the licence holder wishes any of the terms of the licence to be varied, an application must be made to the Council, and if the Council so require the application must be advertised.

Please keep this document safely. When you renew or vary your special treatment licence you will not be sent further copies of these conditions. If you should lose or mislay your copy of these standard conditions a further copy can be downloaded from the council's website

It is your responsibility to read and comply with these conditions. If you do not believe that you can comply with any of the conditions, or that you need time to comply with the conditions, you should apply in writing for this to be formalised in your licence. An officer will then consider your representation and will advise you of the decision. If you are dissatisfied with the officer's decision you should, in the first instance, contact the Commercial Services Manager, Regulatory Services Partnership, Environment & Regeneration, Merton Civic Centre, 100 London Road, Surrey SM4 5DX

Standard Conditions for Special Treatment establishments
These conditions apply to all premises granted a licence by the Council.

Please be aware that non-compliance with any of these conditions is an offence liable on summary conviction to a fine not exceeding level 4 on the standard scale

GENERAL

- 3. Trading Name and Address** The establishment shall trade at the address specified on the licence, and in the name specified on the licence.
- 4. Display of Licence** The licence (or a true copy of it) shall be displayed in a prominent position within the premises where it is clearly visible to clients. The conditions forming part of the licence need not be displayed.
- 5. Individual and Partnerships** The licence holder shall notify, in writing, to the Head of the Regulatory Services Partnership any change in the name or private address of the licence holder, or any other particulars of the business.
- 6. Companies (within the meaning of the Companies Act)** The Council shall be notified in writing of any change in the registered companies address or acquisition.
- 7. Permitted Treatments** No licensable treatment shall be given at the premises, unless it is of a type approved by the Council under the licence.
- 8. Scale of Fees** The licence holder shall at all time exhibit in a conspicuous position a complete scale of fees for special treatments given at the premises.
- 9. Powers of Council Officers:** Council Officers who are furnished with written authorisation, which they will produce on request, shall be admitted immediately at all reasonable times to all parts of the premises.
- 10. Insurance** The licensee shall hold public liability insurance for the treatments they administer to the sum of at least £2 million which must include and name all the treatments that are provided at the premises. A copy of the certificate shall be retained at the premises for inspection by Council Officers.
- 11. Alterations** No alterations (including temporary alterations) shall be made to the premises without the prior consent of the Council (not including repair and maintenance work).

PRACTITIONERS

12. Competence

- Licensed treatments shall only be provided by a special treatment practitioner, or by a person undertaking training who is under the direct supervision of a special treatment practitioner.
 - The licence holder shall ensure that all special treatment practitioners are suitably qualified and trained, having regard to the Council's Guidance on the Qualifications and Training of Special Treatment Practitioners, and are competent to administer the treatment(s) they are to give.
 - Newly qualified special treatment practitioners must be supervised until the licence holder is satisfied that they are competent to practice. Trainees can only carry out licensed treatments under the supervision of a practitioner who has attained the relevant qualification and/or experience for that licensed treatment.
 - Records shall be kept on the premises of every special treatment practitioner or trainee practitioner who provides licensed treatments on the premises (whether or not directly employed, self-employed or otherwise engaged) and shall include the following information:
 - (a) Full name
 - (b) Home address
 - (c) Date of birth
 - (d) A photograph of the practitioner
 - (e) Full list of treatments offered by that practitioner at the premises
 - (f) Details of the qualification and/or training attained/completed and the awarding body, including copies of such qualifications.
 - (g) For a trainee practitioner the records must also indicate the name(s) of the training supervisor and a list of treatments that person is supervising
 - The records described above shall be kept on the premises whilst the special treatment practitioner or trainee practitioner is employed and/or carrying out special treatments at the premises and for a period of 2 years from the date when the special treatment practitioner or trainee practitioner ceases employment and/or providing treatment at the premises.
- 13. Personal Hygiene** Every special treatment practitioner and trainee practitioner shall maintain a high degree of personal cleanliness and shall wear suitable, clean and where appropriate protective, clothing. Any open boil, sore, cut or other open wound must be covered by an impermeable dressing, Hands must be washed immediately prior to carrying out any treatment and practitioners must refrain from consuming food during the course of a treatment
- 14. Clothing** The licence holder shall ensure that all persons present in any part of the establishment are decently and properly clothed at all times, except for those persons receiving treatment.
- 15. Infectious Diseases** No person known or suspected to be suffering from, or to be a carrier of a disease likely to be transmitted through the administration of a treatment shall be permitted to undertake such treatments
- 16. Unsuitable Person** The licence holder shall not employ at the premises any person who he has been notified in writing that the Council considers unsuitable to be employed in such premises or to provide specified treatments.
- 17. Understanding of English** At least one person present on the premises on any day shall have an understanding of spoken or written English in order to satisfactorily discuss client records and aftercare advice.

PREMISES

- 18. Electrical installation** A copy of the current Electrical Installation Condition Report must be available at the premises and provided to Council Officers on request
- 19. Cleanliness and Condition of Premises** The premises must be kept clean and maintained in good repair and condition.
- 20. Cleaning and Maintenance** All articles, fittings and equipment used or within the treatment area shall be readily cleansable, kept clean and maintained in an effective working order.
- 21. Documented Cleaning Schedule** A cleaning schedule specifying the object/area to be cleaned and the method of cleaning shall be produced by the licence holder and a copy retained at the premises. This cleaning schedule must include frequency of cleaning and type of detergent/disinfectant to be used. Daily cleaning procedure must include surfaces that are touched regularly such as light switches, door-knobs, cupboard handles etc. The procedure shall include the procedure that must be followed in the event of any blood spillage. A copy of the cleaning schedule must be made available to Council Officers on request
- 22. Changing Facilities** Adequate changing facilities for clients must be provided where necessary.
- 23. Wash Hand Basins** Wash hand basins for the cleaning of hands must be provided with hot and cold (or appropriately mixed) running water, materials for cleaning hands and for hygienic drying. The number and location of wash hand basins available in the treatment area and designated for cleaning hands must not be altered without the written consent of the Council. Where necessary the provisions for decontamination of equipment must be separate from the hand-washing facility. Water supplies to wash hand basins shall be fed from a mains supply and the waste shall be discharged to a suitable drainage facility.
- 24. Ventilation** There shall be suitable and sufficient means of natural or mechanical ventilation.
- 25. Privacy** Where it is intended that more than one person shall be treated in a room, suitable screening shall be provided to maintain privacy where necessary.
- 26. Door Locks** All treatment rooms that are provided with locks and are used for self-administered treatments shall be provided with door locks, capable of being opened from the outside by the licence holder (or his representative) in the case of an emergency. Additional fixed locks or dead-locks are not permitted.
- 27. Animals** Animals are prohibited and must not be allowed in the treatment rooms/area.

WASTE

- 28. Waste material** Waste material shall be placed in a suitably covered leak-proof receptacle which shall be emptied at least once a day and kept clean. Used needles, hypodermic syringes and other sharps must be placed into a suitable sharps container approved to BS 7320:1990, immediately after use. The licence holder shall ensure that all waste is disposed of safely and correctly by means of a commercial waste collection contract.

EQUIPMENT

- 29. Autoclaves, Pressure Systems and Other Equipment** Where necessary a suitable autoclave shall be provided. Suitable and effective arrangements shall be made to ensure that the autoclave and any other pressure systems and other equipment are properly maintained. Where the manufacturer or supplier has provided maintenance instructions for all or part of the system, these will form

the basis of the maintenance programme. If they are not comprehensive enough to cover the on-site operating conditions, they should be supplemented as appropriate.

Any equipment operating under pressure shall be inspected for safety by a competent person. Copies of the inspection records shall be provided to Council officers on request

- 30. Decontamination** Documented procedures for the decontamination, disinfecting and sterilisation of equipment shall be provided at the premises and must be made available to Council Officers on request
- 31. Needle Stick Injuries** Where equipment likely to cause needle stick or other puncture/cut injuries is in use, the licence holder shall provide all therapists with a written needle stick injury procedure. The procedure shall state what action to take in the event of a needle-stick injury occurring. All needle stick injuries shall be recorded and details of the incidents kept at the premises for at least 2 years.

CLIENTS

- 32. Clients' Records** Before any treatment is administered to another person, the person giving the treatment or another competent person, shall interview the person to be treated and record the following details. The interview shall be conducted in a language that is understood by the person to be treated. Where this is not possible, no treatment shall be given. If records are written in a language other than English, then the licence holder shall provide a written translation into English, of each record within 2 days of the record being taken:
- the full name and address of the person to be treated
 - the treatment to be given
 - the dates on which the treatment is given
 - the name of the person giving the treatment
 - the client's relevant medical history, including any contra-indications to the treatments to be given
 - the client's consent to receive the treatment (see "informed consent" below).
 - every treatment (and repeat treatments, or continuation treatments) shall be recorded.
- 33. Proof of Age/Identity** The licence holder must ensure that an age verification policy is adopted in respect of the premises such that anyone who appears to be under the age of 25 is asked to provide proof of their age. The steps that have been taken to verify the age and identity of these clients must be recorded, either by inserting the relevant information on the treatment record form, or by photocopying the relevant documentary evidence provided by the client. Acceptable identification must bear a photograph, date of birth and either a holographic mark or an ultraviolet feature and includes:-
- a photo-card driving licence which includes the name and address,
 - a passport
 - an age verification card with hologram or ultra-violet strip.
- 34. Informed Consent** Before any treatments are given to another person, the person giving the treatment or another competent person, shall inform the person receiving the treatment of any possible complications and/or side effects of the treatment, and ensure that they fully understand these. The items discussed shall be recorded along with the client's details. The person receiving the treatment shall sign the record to show that they understand what they have been told and consent to the treatment.
- 35. Aftercare Advice** Aftercare advice shall be given in respect of all treatments. This shall be in written form in the case of nail extensions, tattooing, microblading, micropigmentation, cosmetic piercing and ear and nose piercing

and shall include information on what to look out for regarding possible complications. Confirmation that aftercare advice has been given shall be recorded on the client record, to include whether written aftercare advice was provided.

36. Complaints Procedure The licensee shall provide a written procedure to deal with complaints from customers. All complaints shall be recorded along with details of the following:

- i. what action was taken to resolve the complaint; and.
- ii. any changes made in response to the complaint

37. Records All records concerning special treatments, age verification and complaints shall be kept at the premises for at least two years.

38. Alcohol and Drugs No person shall give or receive a treatment whilst under the influence of alcohol or non-prescribed drugs.

Treatment Specific Conditions

These conditions shall only apply where consent for such a treatment has been granted by the Council.

Please be aware that non-compliance with any of these conditions is an offence liable on summary conviction to a fine not exceeding level 4 on the standard scale

(a) Cosmetic Piercing & Tattooing

39. Definitions

- (i) 'Tattooing' means microblading/micro-pigmentation (semi-permanent make up) and any treatment that involves breaking the skin and placing pigments, dyes or other coloured substances under the outer layer of the skin to provide a cosmetic enhancement of the skin. It does not include "henna tattoos" or other dyes, pigments or coloured substances where these are placed directly on the skin and no skin is broken, whether they are permanent or not.
- (ii) 'Cosmetic Piercing' means any form of treatment where the client's skin is broken and any article is inserted into the skin with the intention of leaving the article in the skin after the treatment. This does not include:
- Injection of substances by hypodermic needle carried out by a medical practitioner or other persons.
 - Piercing of the ear lobe only, by means of a proprietary "ear piercing gun"
 - Nose piercing as defined below
 - Any minor surgical procedures such as scarring, beading, or any other treatment involving cutting or breaking the skin for the purposes of cosmetic modification, apart from piercing as defined above. These types of treatments will not be licensed.
 - Branding or any other form of burning the skin:- these types of treatments will not be licensed.
- (iii) 'Nose Piercing' means piercing of the nasal cavity walls only, and no other part of the nose.
- (iv) 'Ear piercing gun' means any device or instrument designed specifically for piercing ears, whether disposable or not.
- (v) 'Nose piercing gun' means any device or instrument designed specifically for piercing the nasal cavity wall with the nose stud without the need for a clasp/butterfly clip..

40. Additional Competencies In addition to condition 12 above, cosmetic piercers and tattooists must be able to demonstrate a thorough knowledge of sterile procedures and an understanding of the routes of disease transmission and how to prevent cross contamination. They must also be conversant with all contra-indications of illness that will effect tattooing/piercing or may have been caused by tattooing/piercing and procedures to deal with emergency bleeding.

41. Additional conditions In addition to the conditions 13 and 14 above, cosmetic piercers and tattooists are required to wear disposable gloves throughout the

procedure. These should be disposed off as clinical waste after every procedure

- 42. Ear Piercing Gun** An ear piercing gun shall only be used for carrying out a piercing to the lobe of the ear. For piercing any other area of the ear, only pre-sterilised, hollow needles shall be used.
- 43. Informed consent** In addition to condition 32 above, a sign stating that tattooing is permanent and stating the potential side effects and disadvantages of tattooing shall be clearly displayed in a position where clients can see it as soon as they enter the premises. These issues shall also be fully explained to the client before any tattooing takes place and shall form part of the 'informed consent' form.
- 44. Cosmetic Piercing** Cosmetic piercing shall **not** be administered to any person under the age of 16 years, with the exception of:
- a) Piercing of the ear-lobe only
 - b) Nose piercing (as defined above).
- In both these cases, piercing shall only be allowed by parental consent. A parent must be present at the time of piercing and must sign the "informed consent" form
- 45. Cosmetic piercing** Cosmetic piercing of nipples and genitals shall not be administered to any person under 18 years.

(b) Sauna, Steam Rooms, Spa Pools and Ultra Violet (UV) light facilities

46. Definitions

- (i) 'Remotely operated facilities' means a facility which is remotely operated when the special treatment practitioner is out of audible range of the treatment rooms and would therefore be unable to hear a call for help from a person using the equipment (for example: sports centres or other larger premises that offer a range of different services, where the treatment areas are not directly supervised by a special treatment practitioner).
- (ii) 'Tanning accelerants and or amplifiers' means any cream, lotion or other substance which increases (or purports to increase) the amount of UV light reaching or absorbed by the skin. This does not include substances which increase (or purport to increase) the production of melanin in the skin, but which do not increase UV exposure.

- 47. Additional Competencies – UV light facilities** In addition to condition 12 above all special treatment practitioners shall have knowledge of how to calculate skin types, what skin types mean in relation to tanning, recommendations regarding who should and should not use UV tanning facilities (and the reasons why), maximum recommended exposure times (as set by manufacturers and government), the risks involved in using UV light treatments and the reasons for using eye protection
- 48. Remotely Operated Facilities** Where any treatments are operated remotely (see definitions), the facilities shall include a means for the person receiving the treatment to summon assistance from a member of staff. The alert mechanism must be clearly marked and visible from the treatment position, and it must enable the person receiving the treatment to summon assistance from the treatment position. The person receiving the treatment shall be made aware of

the alert mechanism and how to use it. The warning generated by the alert mechanism shall be positioned in such a position as to always be visible and/or audible to a member of staff. The licensee shall produce a written policy detailing the action to be taken in the event of an alert mechanism being used. This policy shall be communicated clearly to all members of staff.

49. Management Procedure Where treatments are operated remotely, the licensee shall provide a procedure whereby all treatment rooms are checked every 20 minutes. Where treatments are timed (such as UV light treatments), the licensee shall provide a procedure to ensure that the person receiving the treatment has finished it safely.

50 Control of usage – UV light facilities. A special treatment practitioner or other person competent in the use of the equipment shall control the exposure time in all UV light facilities. The method of controlling the exposure time shall be such that it cannot be over-ridden by the person using the equipment. Where a token system is used measures must be taken to prevent someone from collecting several tokens and using them together to increase session length.

51. Information for persons using UV light facilities The first time a person uses the facilities they shall be given clear written information regarding the matters listed below. This information must be given by a practitioner, and they must also explain the information verbally and make reasonable efforts to ensure that the person receiving the treatment understands the information:

- How to calculate their skin type and what the skin types mean in relation to tanning. Persons who are skin type 1 must be advised that they are unlikely to tan and are recommended not to use UV light treatments.
- The risks involved with exposure to UV radiation (skin cancer, premature ageing etc.).
- Health and Safety Executive (HSE) recommendations on the maximum number of sessions per year.
- The reasons for wearing eye protection against UV light.

52. Record Keeping – UV light facilities

(i) The licensee shall implement a system to record that the above information has been given to people using the facilities for the first time. It is recommended that this is done by way of a pro-forma that contains all the information with a space for the person to sign to say that the information has been explained to them and that they understand it.

(ii) There shall be a system for keeping a record of how many sessions a person has had. When a person reaches the maximum recommended amount (currently 20) they shall be informed of this and advised that they have reached the recommended limit for exposure. This information shall be recorded on the person's record card, and signed by the person receiving the treatments.

(iii) The above mentioned records shall be kept at the premises for at least 2 years.

53. Eye Protection All persons who use UV light equipment shall be provided with eye protection against UV light free of charge.. Any eye protection equipment provided shall comply with the British Standard that is issued on the subject of UV light eye protection.

- 54. Tanning Accelerants and/or Amplifiers** The special treatment practitioner must not recommend any form of tanning accelerant or amplifying creams or lotions.
- 55. Emergency Cut Off** All UV light facilities shall include an emergency cut off switch that turns off the power to the equipment. The switch shall be clearly marked and must be in a position where it can be operated by the persons receiving the treatment. The customer shall be advised of the position and use of the cut off.
- 56.A Copy of the Poster** “UV tanning equipment” (INDG209 rev2) or latest revised version shall be displayed in a position where the customer can easily read it. The customer shall be advised of the poster and asked to read it before treatments are commenced for the first time. This poster can be obtained at <http://www.hse.gov.uk/pubns/misc869.pdf>
- 57.Additional conditions – sauna**
- (i) A thermometer shall be provided indicating the temperature inside the sauna
 - (ii) A clock or timer shall be provided in a position that is visible to users from inside the sauna
 - (iii) An emergency assistance device shall be provided in the vicinity, which is linked to a suitable staffed area. The alarm shall continue to sound until it is manually switched to the ‘off; position in order to silence it.
 - (iii) The temperature control device shall not be accessible to users of the sauna
 - (iv) Where provided, hot coals in a sauna shall be protected by a guard rail or barrier
 - (v) A supply of fresh drinking water shall be available close to the sauna
 - (vi) Safety guidelines on the use of the sauna shall be displayed near to the sauna.
 - (vii) A rest area shall be provided close by where users of the sauna can rest after their treatment.
- 58.Additional conditions – spa pool/Jacuzzi/baths**
- (i) All operators must refer to and comply with the Health & Safety Executive’s Guidance HSG282 ‘The control of legionella and other infectious agents in spa-pool systems’. This should include recording test results.
 - (ii). An emergency assistance device shall be provided in the vicinity, which is linked to a suitable staffed area. The alarm shall continue to sound until it is manually switched to the ‘off; position in order to silence it.
 - (iii). Shower facilities shall be provided close to the sauna/steam room
 - (iv). A notice providing information on the use of the spa pool must be clearly displayed near each unit.

(c) Nail treatments

59. Definitions

‘Nail Treatments’ means any of the following: Manicure, Pedicure, Nail Extensions or artificial nails of any kind, or any other treatments involving cutting, or abrading of the nails, nail cuticle, or the skin around the nails of either the hand or the feet. Nail extension treatments shall include any treatment that involves extending the length of the natural nail with any materials, and repair and/or upkeep of nail extensions.

60. Nail Drills The uses of nail drills on a person's own natural nail is prohibited. Nail drills shall only be used to file away an artificial nail surface. Nail drills shall not be used to file the area where a natural nail is joined to an artificial nail. Where nail drills are used, only persons who have received specific training in their use and who are competent in their use shall use them.

61. Cleaning

(i) Equipment Between each treatment, all equipment that is used in treatments shall be scrub-cleaned with detergent and water, dried using clean disposable paper towels and disinfected. Any equipment that cannot be cleaned in this way shall be single use disposable. Any equipment that has been contaminated with body fluids (e.g. blood/serum) shall either be sterilised or disposed of safely after use

(ii) Surfaces All surfaces used during treatments shall be cleaned with a suitable disinfectant between each client.

62. Nail extensions

(i) Ventilation Where nail extension treatments are carried out, suitable air filtering and extraction must be provided at desk-top level to remove dust and chemicals from the air. Air extraction must be by way of an extractor hood or a downdraught table. The air inlet speed into an extractor hood should be around 0.5 metre per second. For a downdraught table a downdraught of around 1 metre per second is required into the table. Suitable dust and chemical filters must be in place within the filter system. Alternatively chemical fumes may be discharged directly outside the premises but this must be to a point that does not give rise to nuisance to surrounding properties. Dust, and where applicable, chemical filters must be changed at suitable intervals as recommended by the manufacturer. All air filtering/extraction equipment shall be maintained in good working order in accordance with manufacturer's instructions. In addition to any desk-top ventilation, the treatment room must be provided with good general ventilation with a minimum of 8 air changes per hour

(ii) Training Staff must have formal training in acrylic nail application e.g. NVQ level 3

(iii) Chemical usage The use of products containing Methyl methacrylate (MMA) is prohibited.

(d) Intense Pulsed Light & Laser Treatments

63. Definition

'Laser' means a laser classified as 3b and/or 4, intense pulsed Light (IPL) and other Intense Light (ILS) used for non-surgical treatments such as hair removal, skin rejuvenation, tattoo removal, cellulite treatment.

64. Local Rules and Treatment Protocol A Local Rules and Treatment Protocol must be provided for each premises and these will, in addition to the standard conditions and treatment specific conditions, become the licence conditions for that particular premises.. The Local Rules and Treatment Protocol must be drawn up by a competent person.

65. Treatment protocols A separate Treatment Protocol must be in place for each laser or IPL in use at the premises. The Treatment Protocol must include the following:-

- Name and technical specifications of the equipment;

- Any potential contraindication;
- Treatment technique
- Client consent prior to treatment
- Cleanliness and infection control within the treatment area
- Pre-treatment tests (including patch testing)
- Post-treatment care
- Recognition of treatment related problems
- Procedure for dealing with treatment related problems and other adverse incidents
- Permitted variation on machines variables
- Procedure in the event of equipment failure

A copy of the Treatment Protocol shall be kept on site and shall be produced on request by an authorised officer of the council

66. Local rules document The laser/IPL must only be used in accordance with the Local Rules and shall include the following:-

- Potential hazards; Including fire, skin and eye injuries, electrical etc.
- Location and control of equipment; The room the machine is used in and how the machine is controlled.
- Training needed by the people using or helping to use the laser/IPL
- Device description; Description of all devices including output, serial numbers etc.
- Personal protective equipment, especially eyewear
- Methods of safe working including layout of equipment
- Normal operating procedures.
- Explanations and instructions on pre-use safety checks
- Adverse incident procedure; Details of actions to be taken in cases of emergency. Name address and contact details of local accident and emergency department.
- Emergency shutdown procedure; Instructions as set down in user manual and treatment protocol.
- Register of authorised users; Details of trained personnel with signed declarations.
- Contact point for laser protection supervisor

The Local Rules should be reviewed following any significant changes to the premises i.e. change of room or/and any change to the Laser/IPL equipment
A copy of the Local Rules document shall be kept on site and shall be produced on request by a Council Officer.

67. Equipment

(i). All laser/IPL equipment shall comply with current standards BS EN 60601-2-22 for medical lasers and BS 60601-2-57 and shall display labels identifying them, their wavelength or range of wavelengths and the maximum output power of the radiation emitted. The labels shall be clearly visible on the front or side of the machine.

(ii) The key to the laser/IPL equipment shall be kept in a secure and separate area when the machine is not in use and only authorised users shall have access to the key.

(iii). The Laser/IPL equipment shall be serviced annually and a record kept with the local rules document of all servicing and repairs.

68. Record keeping

In addition to the general rules that apply to all premises for all special treatment premises a treatment register shall be completed every time the laser/IPL is operated, including the following information:-

- (i) The name of the person treated;
- (ii) The date and time of treatment;
- (iii) The name of the laser/IPL operator;
- (iv) The nature of the laser/IPL treatment given;
- (v) Checking of skin type and pigmentation;
- (vi) The treatment parameters and details; and
- (vii) Any potential adverse effects.

Advice and Guidance.

Further advice and guidance which does not form part of these conditions is available as signposted below:-

- Health & Safety at Work Act and associated regulations including: risk assessments, control of substances hazardous to health the Health and Safety Executive www.hse.gov.uk
- Infection control, management of waste (including needles and contaminated waste) , decontamination, exposure to blood and body fluids, before and aftercare, disinfection, autoclaves, steam sterilization, product quality and training from the Chartered Institute of Environmental Health including the “Tattooing and Body Piercing Guidance Toolkit” www.cieh.org
- Beauty treatments including advice and information on training, skills, business development and industry codes of practice www.habia.org
- Medicines and medical devices from the Medicines and Healthcare Products Regulatory Agency www.mhra.gov.uk
- Massage and special treatment licences; how to make an application and laser application guidance on local rules and treatment protocols www.wandsworth.gov.uk
- Advice on health protection, all health related matters and emergency contact procedures from Public Health England and the National Health Service at www.england.nhs.uk and www.gov.uk/government/organisations/public-health-england
- Tattooing of Minors Act 1969 <http://www.legislation.gov.uk/ukpga/1969/24/contents>
- Sunbed Regulations Act 2010 <http://www.legislation.gov.uk/ukpga/2010/20/contents>
- Lasers, intense light source systems and LEDs – guidance for safe use in medical, surgical, dental and aesthetic practices https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/474136/Laser_guidance_Oct_2015.pdf
- Laser and Light Therapy Machine Guidance and Local Rules Guidance https://www.babtac.com/userfiles/files/gpg-laser-and-ipl-27_06_11.pdf <https://www.babtac.com/userfiles/files/babtac-laser-and-light-therapy-local-rules.pdf>
- Health and Safety Advice on complying with the Control of Substances Hazardous to Health Regulations 2002 (COSHH),as amended,to control exposure and protect workers’ health in nail bars. <http://coshh-tool.hse.gov.uk/assets/live/SR13.pdf>
- HSE Guidance for Employers on the Control of Artificial Optical Radiation at Work Regulations (AOR) <https://www.hse.gov.uk/radiation/nonionising/employers-aor.pdf>

REGULATORY SERVICES PARTNERSHIP

REGULATIONS GOVERNING APPLICATIONS FOR GRANT, RENEWAL, TRANSFER AND VARIATION OF SPECIAL TREATMENT LICENCES AND THEIR DETERMINATION

APPLICATION FORMS

1. Applications for the grant, renewal, transfer or variation of licence shall be made on the current forms provided by the Council. The application form must be completed in full and must be submitted with the appropriate fee.
2. The applicant for the licence must be the person, company or organisation who is in lawful control of the establishment/area where the treatments are to be given. This must be by way of holding the freehold, a lease or agreement to lease, a tenancy or written agreement giving right of occupancy.
3. The application form shall be signed by the applicant(s). In the case of a partnership, all parties must sign. In the case of a limited company, a director or company secretary must sign. In all cases the application may be signed by a Solicitor acting for the applicant.
4. The applicant will supply such other information as may be reasonably required by the Council for the purpose of determining the application.
5. The information required in the application forms and the format of the forms shall be determined by the Head of the Regulatory Services Partnership/

PLANNING

6. The premises must have the necessary planning permission to operate as a Special Treatment Establishment. Information on all new applications will be provided to planning.

FEES

7. At the time of application, the applicant shall submit the prescribed fee covering the cost of the licensing procedure. The application shall not be processed if the fee has not been paid
8. If the application is successful, a further fee covering the costs of the running and enforcement of the licensing regime shall be paid

PLANS AND DOCUMENTATION TO ACCOMPANY AN APPLICATION

9. In the case of all new applications or where alterations have been made to the premises prior to or during renewal or where a variation to the layout of the premises is sought submit a plan of the premises. The information contained in the plan must be clear and legible in all material respects and must show the extent of the boundary of the building, including any external

and internal walls; all entry and exit points; the location of the areas where special treatments are to be provided; the location of all toilets; the location of all washing facilities. The Council recommends that all plans be drawn to a scale of 1:50 on a single sheet of A4 or A3 paper. Circumstances where an alternative scale may be acceptable could include where the size of the premises makes it impracticable for the premises to be adequately shown on a single sheet of A4 or A3 paper.

10. Where the applicant is seeking a licence to provide laser/intense light (IPL) treatments they must submit a copy of Local Rules and Treatment Protocol as provided by section 4 of the prescribed standard conditions and treatment specific condition for Special Treatment Licences.

ADDITIONAL DOCUMENTATION

11. Before a licence is issued the applicant must ensure that they have the following in place:
 - (i) Public liability insurance for all proposed treatments to the sum of at least £2 million. The insurance must include, and name, all treatments to be provided.
 - (ii) An electrical certificate for the installation at the premises (fuse-box, wiring, lighting etc) provided by a properly registered electrical engineer.
 - (iii) An electrical safety certificate for all portable/moveable appliances (e.g. electrolysis/faradic machines, wax pots, kettles)
 - (iv) A current gas safety certificate for the installation and appliances in use at the premises. The certificate must be provided by a Gas Safe registered engineer capable of working in business premises.

Copies of the certificates must be provided to an authorised officer of the local authority on request.

These certificates must be kept up to date and must be held on site and available for inspection whilst a licence is in operation.

ADVERTISEMENT OF APPLICATION

12. On the date on which the application for the grant of licence is made, the applicant shall arrange for the display of a notice of application on the form provided by the Council on part of the premises that is the subject of the application. The notice shall be displayed to the satisfaction of the Council, conspicuous to persons in the street and maintained in that position for 14 days. This will not normally apply to the renewal of a licence except where the Council considers it necessary and advises the applicant in writing of the requirement to display such notice.

At the discretion of the Council, notice shall also be required for variations of licence, e.g., extension of premises.

NOTIFICATION OF APPLICATION TO THE POLICE AND THE LONDON FIRE COMMISSIONER

13. In accordance with the London Local Authorities Act 1991 a copy of any new, renewal or transfer application shall be forwarded to the police and Fire Authority.

CONDITIONS

14. The Standard Conditions adopted by the Council shall be applied to all Licences that are issued, unless the Council specifically excludes them or substitutes them with different conditions
15. Upon determination of an application for a grant, renewal, variation or transfer of a Licence the Council may remove or vary one or more of the Standard Conditions, and/or may specify any other additional conditions
16. Where an application includes a request for any Standard Condition to be removed or varied, the applicant shall be required to give sufficient and satisfactory reasons for that request and provide alternative conditions for the Council's consideration if appropriate. The Council may refuse any request to remove or vary any Standard Condition if a sufficient and satisfactory reason has not been demonstrated

OBJECTIONS

17. Any person may make an objection to an application within 28 days of the application being submitted, clearly stating the grounds for objection. The Council will not accept any objection that does not state the grounds for objection, or where those grounds are not a matter that the Council can consider when determining an application. Persons making an objection must include their full name and address, including post code. A copy of the objection will be forwarded to the applicant.
18. Objections received after the 28 day period will not normally be considered. In exceptional circumstances the Council has discretion to consider late objections if the application has not yet been determined. Such circumstances may be where the advertising of the application has been delayed or where there has been a material change to the application during the application process.
19. The applicant shall receive a copy of each objection received and be invited to address those objections in writing to the Council. If agreement cannot be reached between parties, the application will be decided by the relevant Council Committee.
20. A Licensing Officer of the Council may object to an application at any point in the application process if the application has not been determined, regardless of the 28 day period for objection. Such objections may be made because of new information coming to the Licensing Officers attention before the application is determined or where the applicant has failed to provide information requested during the application process.
21. A licensing officer may:
 - refuse an application if all the relevant information has not been provided;

- refuse to include a treatment on a licence;
- refuse a request to remove or vary a standard condition;
- remove or vary a standard condition; and/or
- add conditions to a licence

without referral to the relevant Council Committee. If an applicant objects to the actions of the officer they may raise a complaint through the Council's complaints procedure. However, where a bona fide application has been received then a licensing officer may not refuse an application in its entirety. In all such cases the application will be decided by the relevant Council Committee.

LICENCE

22. Unless otherwise stated a licence shall be granted for periods of one year (unless the licence application is for a temporary period only e.g. for a 'one off event').
23. The Council may grant a provisional licence where an application has been made in respect of premises which are to be, or which are in the process of being, constructed, extended or altered. The Council must be satisfied that the premises would comply with their requirements on completion of the work. The licence, if granted, will be subject to a condition that it shall have no effect until confirmed by the Council following an application to vary the licence to remove that condition.
24. An application must be made annually to renew the licence before the date of expiry of the existing licence, otherwise a new licence application will need to be submitted.
25. A licence can be varied to add or remove treatments or to alter the structure or layout of the premises (including changes to treatment areas, position and numbers of toilets and siting of hand and equipment washing facilities)
26. A licence can be transferred to a new licence holder but not to a new premises.

WAIVER TO REGULATIONS

- 27 Any of these rules may be waived altered or modified by the Head of the Regulatory Services Partnership in exceptional circumstances.

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LIST OF BODIES OF HEALTH PRACTITIONERS GRANTED EXEMPTION BY THE LONDON BOROUGH OF MERTON
(EXEMPT UNDER SECTION 4 OF THE LONDON LOCAL AUTHORITIES ACT 1991)

Under Section 4c of the 1991 Act anyone who is registered with the Health and Care Professionals Council does not require a licence. This includes Physiotherapists and Chiropodists. In addition Chiropractors and Osteopaths are specifically exempted under the Act.

	Name and Address	Exempt Treatments
Page 16 91	1. Anglo Chinese Medicine Doctor Society (ACMDS) 143 Streatham High Road London SW16 6EG	Acupuncture * Massage
	Association of Naturopathic Practitioners (ANP) Coombe Hurst Coombe Hill Road East Grinstead RH19 4LZ	FULL MEMBERS EXEMPT ONLY Acupuncture * Holistic Massage (Naturopathy)
	3. Association of Reflexologists <i>(includes the International Institute of Reflexology)</i> Victoria House Victoria Street Taunton Somerset TA1 3FA	STUDENT & FRIEND MEMBERS NOT EXEMPT Acupressure * Acupuncture * Aromatherapy * Ayurveda * Body Massage * Bowen Technique * Champissage * Chiropody * EFT * Holistic Massage * Hopi Ear Candles * Indian Head Massage * Manual Lymphatic Drainage * Metamorphic Technique * No Hands Massage * Polarity Therapy * Qi Gong * Reflexology * Remedial Massage * Rolfing * Shiatsu * Sports Massage * Stone Therapy * Therapeutic Massage * Tui Na

	Name and Address	Exempt Treatments
4.	Association of Traditional Chinese Medicine & Acupuncture UK Suite 12 Brentano House Unit 5, The Exchange Brent Cross Gardens London NW4 3RJ	Full Members: Acupuncture * Tui-Na * Moxibustion Cat 1 & 3 members: Acupuncture * Tui-Na. Cat 2 members: Acupuncture only Associate members: Tui-Na only
5.	Ayurvedic Practitioners Association (APA) 23 Green Ridge Brighton East Sussex BN1 5LT	Ayurvedic Massage * Ayurvedic Medicine
6.	BASRaT – British Association of Sport Rehabilitator’s and Trainers Angela Cumine c/o St Marys University College Strawberry Hill Twickenham YW1 4SX	Sports Massage
7.	Bowen Association UK PO Box 210 1DD Boston Lincs PE21 1DD	ONLY FULL MEMBERS EXEMPT Bowen Therapy * Bowen Technique
8.	British Acupuncture & Holistic Medicine Association 1 Bedford Mews, East Finchley, London, N2 9DF	ONLY FULL MEMBERS EXEMPT *Acupuncture* Acupressure* Moxibustion* Auricular Acupuncture* Electro acupuncture* Reflexology*
9.	British Complementary Medicine Association PO Box 5122 Bournemouth Dorset BH8 OWG	Acupuncture * Polarity Therapy * Indian Head Massage * Manual Lymphatic Drainage * Aromatherapy
10.	British Medical Acupuncture Society 60 Great Ormond St	Acupuncture

	Name and Address	Exempt Treatments
	London WC1N 3HR	
11.	British Reflexology Association Monks Orchard Whitbourne Worcester WR6 5RB	ORDINARY MEMBERS ONLY Reflexology
12.	British Register of Complementary Practitioners. Formally Institute for Complementary & Natural Medicine, incorporating the PO Box 122 Wellington Somerset TA21 1BX	Acupuncture * Acupressure * Ayurvedic medicine* Aromatherapy * Bowen Technique * M L Drainage * Remedial, Sports, Holistic and Indian Head Massage * Reflexology * Shiatsu * Tui Na * Qi Gong
13.	Chinese Medical Institute & Register 101-105 Camden High Street London NW1 7JN	ASSOCIATE & STUDENT MEMBERS NOT EXEMPT Acupuncture * Tui- Na * Moxibustion *
14.	Complementary & Natural Healthcare Council 46-48 East Smithfield London E1W 1AW	Aromatherapy * Bowen Technique * Reflexology * Shiatsu * Massage therapy (including sports massage)* Microsystems Acupuncture
15.	Complementary Health Professionals Kemp House City Road London Borough of Enfield EC1V 2NX	FULL MEMBERS EXEMPT ONLY Aromatherapy * Sports Massage* Therapeutic Massage * Indian Head Massage * Remedial Massage * Tui-Na * Neuroskelital Realignment Therapy * Manual Lymphatic Drainage * Bowen Therapy * Shiatsu * Reflexology * Reiki * Hopi Ear Candle * Metamorphic Technique

	Name and Address	Exempt Treatments
16.	Complementary Medical Association Three Corners 49 Albany Road St Leonards on Sea East Sussex TN38 0LJ	Acupressure * Aromatherapy * Ayurvedia * Colour Therapy * Qi Gong * Reflexology * Shiatsu * Indian Head Massage
17.	Complementary Therapists Association (CTHA) 2 nd Floor Chiswick Gate 598-608 Chiswick High Road London W4 5RT	Aromatherapy * Acupuncture * Bowen Therapy * Reflexology * Shiatsu * Alexander Technique * Reiki and other healing techniques * Sports therapeutic & holistic massage
18.	Federation of Holistic Therapists 18 Shakespeare Business Centre Hathaway Close Eastleigh Hampshire S050 9XG	Acupressure * Aromatherapy * Bowen Therapy * ML Drainage * Advanced MLD * Reflexology * Shiatsu * Sports & Remedial massage * Indian head massage * Moxibustion * Foot massage * Qi Gong * Tui Na * Auricular Acupuncture * Colour Therapy * EFT * Metamorphic Technique * Polarity Therapy * Stone Therapy
19.	Federation of Traditional Chinese Medicine Practitioners (FTCMP) PO Box 51189 London SE13 9DE	Exemption applies only to Members registered as Doctors Acupuncture * Acupressure * Tui Na
20.	Guild of Holistic Therapists 320 Burton Rd Derby DE23 6AF	Acupressure * Aromatherapy * Bowen Technique * Champissage (Indian Head Massage) * Colour Therapy * Infrared * Manual Lymphatic Drainage * Metamorphic Technique * Reflexology * Reiki * Shaitso * Sports Massage * Stone Therapy * Thermo –Auricular Therapy * Tui Na
21.	Independent Professional Therapists International (IPTI) PO Box 106 Retford DN22 7WN	Aromatherapy * Bowen Technique * Holistic, Therapeutic & Remedial Massage * Lymphatic Drainage * Shiatsu Sports Massage * Acupressure * Thermo Auricular Therapy * Metamorphic Technique * Polarity Therapy * Reflexology * Moxibustion * Rolfing

	Name and Address	Exempt Treatments
22.	Institute of Osteopathy Acupuncture Group Institute of Osteopathy 3 Park Terrace, Manor Road Luton LU1 3HN	Acupuncture and Dry Needling in conjunction with Osteopathy
23.	Institute of Sports & Remedial Massage (ISRM) 28 Station Parade London Borough of Enfield	Sports & Remedial Massage * Soft Tissue Therapy
24.	Institute of Trichologists 24 Longroyd Road London SW17 7PL	Trichology * Head Massage
25.	International Federation of Aromatherapists 146 South Ealing Road London W5 4QJ	EXEMPTION APPLIES ONLY TO FULL & ASSOCIATE MEMBERS Aromatherapy * Massage in association with Aromatherapy only.
26.	International Federation of Reflexologists 8-9 Talbot Court London EC3V 0BP	FULL MEMBERS EXEMPT ONLY Reflexology
27.	Manual Lymphatic Drainage UK Ltd The Annexe at Pound Farm Church Lane Rudford Gloucester GL2 8DT	ASSOCIATE & FULL MEMBERS ONLY Manual Lymphatic Drainage
28.	Massage Training Institute Exams Administrator PO Box 368 Hitchin Hertfordshire SG5 9DT	Holistic Massage * Sports & Remedial Massage * Indian Head Massage
29.	Shiatsu Society UK	Shiatsu, includes those that have completed approved 1 year course

	Name and Address	Exempt Treatments
	PO Box 4580 Rugby Warwickshire CV21 9EL	
30.	Sports Massage Association 86 Nelson Road London SW19 IHX	Sports Massage
31.	The Acupuncture Association of Chartered Physiotherapists Sefton House Adam Court, Newark Road Peterborough PE1 5PP	Acupuncture * Physiotherapy * Acupressure * Moxibustion * Auricular Acupuncture
32.	The Acupuncture Society 131a East End Road N2 0SZ	Acupuncture * Acupressure * Chinese massage * Tui na * Korean Hand massage * Qi Gong * Moxibustion * Auricular Acupuncture * Electro Acupuncture
33.	The Bowen Therapists Professional Association PO Box 2920 Stratford Upon Avon CV37 9ZL	Bowen Therapy
34.	The British Acupuncture Council 63 Jeddo Road London W12 9HQ	FULL & PROVISIONAL MEMBERS ONLY Acupuncture * Moxibustion * Acupressure * Tui Na * Auricular Acupuncture * Electro Acupuncture * Thermal (infa-red)
35.	The British Association of Accredited Ayurvedic Practitioners (BAAAP) 5 Blenheim Road North Harrow Middlesex HA2 7AQ	STUDENT MEMBERS NOT EXEMPT Ayurvedic Medicine * Ayurvedic Therapies * Indian head * Remedial massage

	Name and Address	Exempt Treatments
36.	The Register of Chinese Herbal Medicine Office 3 47 St Giles Street Norwich NR2 1JR	Acupuncture * Electro acupuncture * Auricular acupuncture * Acupressure * Moxibustion * Tui-Na * Shiatsu * Sports & Remedial Massage * Swedish Massage (Swedish massage not to be carried out alone but part of larger treatment plan)
37.	ThinkTree Hub Ltd 27 Old Gloucester Street London WC1N 3AX	Full members only Acupressure* Acupuncture*Aromatherapy *Ayurveda*Bowen therapy*Holistic massage*Massage*Swedish massage*(Swedish massage not to be carried out alone but part of larger treatment plan)*Sports massage*Manual lymphatic Drainage*Moxibustion* Reflexology*Shiatsu*

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