



## **WANDSWORTH BOROUGH COUNCIL**

### **Administration Department**

Environmental Services, Public Health

# **STATEMENT OF LICENSING POLICY UNDER SECTION 5 LICENSING ACT 2003**

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## **PART 1**

### **OVERVIEW**

#### **1 Background and status of the statement of licensing policy**

- 1.1 The London Borough of Wandsworth is the Licensing Authority under the Licensing Act 2003 ("the Act") responsible for the processing of premises licences, club premises certificates, temporary events notices and personal licences in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment in premises within the Borough.
- 1.2 The Licensing Authority is required 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.**
- 1.3 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 appropriate to achieve them.
- 1.4 Where no representations have been 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. The licensing authority itself is not able to make representations in respect of an application.
- 1.5 Licensing Authorities are required to publish a Licensing Policy and to review it at least every five years. This is the ~~fourth-fifth~~ policy published by Wandsworth and ~~took will take~~ effect from the 12th May 201~~9~~<sup>4</sup>. It has been prepared in accordance with Section 5 of the Licensing Act 2003 and having regard to the amended Government Guidance issued under Section 182 of the Licensing Act 2003 by the Home Secretary in ~~June 2013~~April 2018.
- 1.6 The main activities which require a licence under the provisions of the Licensing Act 2003 and which are covered by this policy statement include:
  - The retail sale of alcohol;
  - The supply of alcohol to members of a club;
  - The provision of entertainment to the public or to members of a club and their guests; and
  - The supply of any hot food or drink between 23.00 hours and 05.00 hours.
- 1.7 'Entertainment' includes:

- Plays;
- The showing of films;
- All indoor sporting events;
- Outdoor boxing and wrestling matches;
- The performance of live music;
- The playing of recorded music; and
- A 'dance' performance.

- 1.8 The definitions of licensable activities are laid out in the Annex which accompanies this policy (but which does not form part of the policy). The exemptions to these licensable activities can be found in Part 2 Schedule 1 of the Licensing Act 2003 and associated Regulations.
- 1.9 This statement does not cover other licensing/registration functions vested with the Local Authority.
- 1.10 The licensing policy is an integral element of the Council's objectives as set out in the Council's Corporate Business Plan. The five strategic objectives of the Council's Corporate Business Plan are shown in Appendix 2.
- 1.11 In formulating the licensing policy the Licensing Authority has had regard to local crime prevention, planning, cultural and alcohol strategies and seeks to complement the aims of those strategies (see Appendix 2).
- 1.12 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.
- 1.13 This statement of policy sets out the general approach to the making of licensing decisions. However, every application will be considered on its individual merits, taking into account all relevant matters. In relation to any particular application, therefore, where its discretion is engaged it will always be appropriate for the Licensing Authority to consider whether the circumstances of the application justify allowing an exception to the policy and whether granting the application would damage the objects of the general policy. The facts of a particular application may outweigh the presumptions within this policy thus allowing an exception.
- 1.14 This statement of policy will not override the right of any person to make representation on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act

## 2 Consultation

- 2.1 Before publishing the policy, the Council ~~will~~ consulted widely with stakeholders and interested parties. The consultation ~~was~~ will be carried out over a period of ~~10-7~~ weeks commencing on the ~~7<sup>th</sup> 44~~ December 2018 ~~November 2013~~ and ending on the ~~41<sup>st</sup> 7<sup>th</sup> January 2014~~ February 2019. A list of consultees, including the following, ~~is laid out in Appendix~~ will be published on the Council's website-3:

- i The Chief Officer of Police for the area;
- ii The London Fire and Emergency Planning Authority;

~~iii~~ iii Director of Public Health

~~iv~~ iv Persons/bodies representative of local holders of premises licences;

~~v~~ v Persons/bodies representative of local holders of club premises certificates;

~~vi~~ vi Persons/bodies representative of local holders of personal licences;

~~vii~~ vii Persons/bodies representing performers, businesses and residents of Wandsworth;

~~viii~~ viii Wandsworth alcohol advisory group;

~~ix~~ ix Other Council departments; ~~and~~

~~ix~~ ix NHS Wandsworth Clinical Commissioning Group.

### 3 Profile of the Borough

- 3.1 The Borough of Wandsworth occupies an area of 34 square kilometres (3,426 hectares) stretching from Vauxhall in the east to the edge of Richmond Park in the west. It is bordered by the boroughs of Westminster, Kensington and Chelsea, Lambeth, Merton, Hammersmith and Fulham and Richmond upon Thames. The Borough is largely residential with a population at the 2011 census of 306,995. (estimated to have risen to 316,096 by mid 2016). It had a residential density of 90 persons per hectare in 2011 making it the 10<sup>th</sup> most densely populated Borough in England and Wales and the 10<sup>th</sup> in London. The age structure of residents differs significantly from both the national and the Greater London average. The 20 - 44 year old age group represents 54% of the population compared to 34% nationally and 43% in Greater London. 16% of the population are under the age of 18 and 89% over the age of 65. It is a multi-racial Borough with 53% of the population White British and just over one third of the population (35.5%) being born abroad.
- 3.2 There is a significant concentration of logistical, service and commercial activity in Nine Elms and East Battersea, in the Wandle Valley and in the town centres. There are ~~five-six~~ five town centres (Clapham Junction and Battersea, Putney, Wandsworth, Tooting, ~~and~~ Balham and Nine Elms-Battersea Power Station) which are, themselves, residential in character. These currently provide a focus for employment, shopping and leisure activities. In addition, there are nine local centres and twenty three important local parades. Although there are approximately 106,200 people working in the borough a substantial proportion of the working population travel to jobs outside the Borough (71% of employed residents), particularly to Central London (46%). This employment pattern results in the essentially residential character of large parts of the Borough.
- 3.3 Demand and development pressure for new housing is a major issue in the borough, exacerbated by the increased popularity of Wandsworth as a place to live. The resident population has increased by some 13% since 2001 and is projected to rise to 337,410 by 2020. Residential development is leading the regeneration of brownfield sites and opening up the riverside. Mixed use development will continue to be a feature of the Borough, in particular the large-scale developments along Nine Elms Lane.
- 3.4 The Borough is served by rail links to London Victoria and London Waterloo, through Clapham Junction, by the Northern and District Underground lines and by a range of bus and over ground train services. There are a number

of arterial roads running through the Borough including the A205 (South Circular), A3/A3205 and A24 and eight Thames bridges link the borough to the north side of the river.

- 3.5 The Borough also has extensive areas of commons, heathlands and other open spaces, with public open spaces accounting for one sixth of the Borough's area, as well as some 8km of Thames riverside. Many buildings and spaces are of particularly distinctive character and there are 45 conservation areas.

- 3.6 There are some ~~1224~~ ~~1064~~ premises in the Borough holding premises licences and club premises certificates (compared to ~~1064~~ ~~53~~ in ~~2014~~ ~~9~~). The tables below compare the position in ~~2018~~ ~~4~~ to that in ~~2014~~ ~~9~~, setting out the total number of premises holding a licence under the Licensing Act 2003 and the number with late licences, broken down by licence type.

(a) Premises selling alcohol for consumption off the premises only

Year	Total Number of premises	Terminal hour 23.00-00.00 hours on 1 or more nights	Hours beyond midnight 00.00 hours on 1 or more nights	Of which hours beyond policy on 1 or more nights	Of which 24 hour trading on 1 or more nights
2018	361	20 (6%)	84 (23%)	34 (9%)	17 (5%)
<del>2014</del> <del>9</del>	<del>355</del> <del>338</del>	20 (6%)	<del>34</del> <del>44</del> (130%)	<del>13</del> <del>9</del> (34%)	<del>7</del> <del>8</del> (2%)

In 2018 - 34 premises (9%) hold a licence allowing the sale of alcohol to commence at 06.00 (compared to 31 in 2014 (9%).

(b) Premises selling alcohol for consumption on the premises only

Year	Total Number of premises	Hours beyond midnight 00.00 hours on 1 or more nights	Of which hours beyond policy on 1 or more nights	Of which 24 hour trading on 1 or more nights
2018	246	51 (21%)	5 (2%)	1 (0.4%)
<del>2014</del> <del>9</del>	<del>193</del> <del>195</del>	<del>33</del> <del>30</del> (157%)	<del>9</del> <del>3</del> (52%)	0

In ~~2018~~ ~~4~~ - ~~42~~ ~~20~~ premises (86%) hold a licence allowing the sale of alcohol to commence before 10.00 (there are no comparative figures for ~~2014~~ ~~9~~ compared to 12 in 2014 (6%).

(c) Premises selling alcohol for consumption on and off the premises

Year	Total Number of premises	Hours beyond midnight 00.00 hours on 1 or more nights	Of which hours beyond policy on 1 or more nights	24 hour trading on 1 or more nights
2018	500	184 (37%)	22 (4%)	1 (0.2%)
<del>2014</del> <del>9</del>	<del>345</del> <del>363</del>	<del>146</del> <del>147</del> (412%)	<del>14</del> <del>23</del> (6%)	<del>0</del> <del>1</del>

In ~~2018~~ ~~4~~ - ~~96~~ premises (19%) hold a licence allowing the sale of alcohol to commence before 10.00 (there are no comparative figures for ~~2014~~ ~~9~~ compared to 55 in 2014 (14%).

(d) Premises providing late night refreshment only

Year	Total Number of premises	Hours beyond <del>midnight</del> <u>00.00</u> <del>hours</del> on 1 or more nights	<del>Of which h</del> Hours beyond policy on 1 or more nights
<del>2018</del> <u>4</u>	112	96 (86%)	20 (18%)
<del>2010</del> <u>2014</u>	<del>406</del> <u>115</u>	<del>88</del> <u>91</u> ( <del>83</del> <u>79</u> %)	21 ( <del>20</del> <u>18</u> %)

- 3.7 ~~426~~4 premises hold club premises certificates (compared to ~~468~~4 in 201~~40~~) and ~~7~~5 provide regulated entertainment only (compared to ~~76~~4 in 201~~40~~)
- 3.8 Prior to the introduction of the Licensing Act 2003 a total of 50 premises held licences allowing the sale of alcohol beyond midnight (some 9% of the total). This had risen to 165 in 2007 (19% of the total), to 213 in 2010 (24% of the total), ~~and to~~ to 221 in 2014 (25% of the total) ~~and to~~ and to 319 in 2018 (29%)



## **PART 2**

### **THE POLICIES**

#### **1 Introduction**

- 1.1 Wandsworth Council recognises that the leisure sector is a major contributor to the economy. The sector is very dynamic and increasingly diverse. The Council recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics, e.g. nightclubs, private member clubs, pubs, restaurants, take-aways, off-licences, concert halls, cinemas, theatres and outdoor festivals and understands that they all have a differing impact on the local community. The sector attracts visitors, contributes to giving life to an area and is a major employer. With the introduction of the Licensing Act 2003 more premises are able to operate later into the evening and early morning.
- 1.2 Wandsworth has a substantial residential population and it is the duty of the Licensing Authority to ensure that business does not detrimentally affect the amenity of an area. In particular, local residents may be affected by increased concentration of late night venues or increasingly noisy venues, particularly where there is residential accommodation adjacent to, close to, or above such premises.
- 1.3 With residential and commercial uses existing side by side, it is important to establish clear guidelines for deciding licence applications and to ensure that the decisions of the Licensing Authority are enforced. In drawing up the policy, the Licensing Authority has had regard to matters such as noise, transport infrastructure, planning policy, littering and other anti-social matters, the health and safety of employees and members of the public and the protection of children. In addition, under Section 17 of the Crime and Disorder Act 1998, the Council has a duty to do all that it reasonably can to prevent crime and disorder in its area.
- 1.4 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a convention right. The Council will have particular regard to the following:
  - Article 6 – that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
  - Article 8 – that everyone has the right to respect for his home and private life; and
  - Article 1 of the first protocol – that everyone is entitled to the peaceful enjoyment of his or her possessions, including for example the possession of a licence.
- 1.5 In carrying out its functions, the Authority will have due regard to The Equality Act 2010.

- 1.6 Licensing is about the regulation of licensable activities. Where the responsible authorities and interested parties do not raise any representations 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 by the Act.
- 1.7 The Licensing Authority will not, therefore, impose additional conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied of the appropriateness of imposing additional conditions due to the representations raised. The terms and conditions attached to permissions will be concerned with matters that are within the control of those granted the permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the impact the activity will have on other persons. Conditions will only be imposed on licences and certificates where they are appropriate for the promotion of one of the four licensing objectives.
- 1.8 It is recognised that licensing law is not the principal mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and, therefore, beyond the direct control of those responsible for the individual premises or places. This anti-social behaviour can be addressed by mechanisms including:
- Planning controls;
  - Positive measures to create a safe and clean environment in partnership with local businesses, transport operators and other Council departments;
  - The provision of CCTV surveillance in town centres;
  - Powers of the local authority to designate parts of its area as places where alcohol may not be consumed publicly;
  - The confiscation of alcohol from adults and children in designated areas;
  - Police enforcement of the law relating to disorder and anti-social behaviour, including the issuing of fixed penalty notices, prosecution of those selling alcohol to people who are drunk, power to close down instantly, for up to 24 hours, any licensed premises or temporary event on the grounds of disorder, likelihood of disorder or excessive noise emanating from the premises;
  - Powers introduced by the Violent Crime Reduction Act 2006 including, the ability to attach interim conditions to licences pending full reviews in cases of serious crime and disorder.
- 1.9 Nevertheless, licensing law is a key aspect of such control, including the power of the police, other responsible authorities and any other persons to seek a review of a licence or club certificate and will always be part of a holistic approach to the management of the evening and night-time economy in the Borough.
- 1.10 The aim of this policy is to secure the four licensing objectives while facilitating a sustainable entertainment and leisure industry. It is intended to provide clarity to applicants, residents and other occupiers of property and investors.

## **2 Planning**

- 2.1 Planning permission is usually required for the establishment of new premises and the change of use of premises. Planning permission may also be required to extend hours of operation or to alter the structure of an existing business. The Licensing Authority believes that it is good practice to ensure that the necessary planning permissions are in place before a licence application is made. However, it is recognised that planning and licensing legislation have differing objectives and must be decided separately. The consideration by a Licensing Sub-Committee will not be a re-run of the consideration of the planning application. The Borough Planner is a responsible authority under the Licensing Act 2003 and may make representation if he has evidence to do so.
- 2.2 Where relevant representations have been received an application will be looked at on its merits and the hours of operation granted may vary from those approved under planning procedures. Where the planning hours and licensing hours are different, the applicant must observe the earlier closing time.

## **3 Other legislation**

- 3.1 Various other statutory requirements relate to premises falling within this policy, including those relating to health and safety, food safety, statutory nuisance, fire safety, building control and disability discrimination.
- 3.2 The responsibility for compliance with legislation is always that of the licensee. The Authority, in carrying out its licensing function, will avoid duplication with other regulatory regimes as far as possible. However, the Authority will take account of any non-compliance with other statutory requirements in its licensing decisions where they impact upon the licensing objectives.

## **4 Licensing hours**

- 4.1 The Council recognises that hours of trading are a critical factor in assessing adverse and beneficial impacts in its area.
- 4.2 The Council introduced policy guidelines for places of public entertainment and night cafés in 1998 arising out of issues associated with the growth of the night-time economy. These guidelines included terminal hours and, together with the statutory terminal hours for premises selling alcohol, provided a balance between the rights of residents to reasonable peace and quiet and enjoyment of their premises and the commercial needs of business over a number of years. In formulating its first Licensing Policy Statement, the Licensing Authority decided to build on those policy guidelines and to retain a policy on licensing hours. In setting this policy, the Council acknowledged that it acted contrary to Government's guidance which stated that councils should not impose set terminal hours.
- 4.3 In the revisions to the Guidance, ~~issued in 2007, 2010, 2012 and 2013~~ Government moved away from the position that a terminal hour policy

should not be set by acknowledging that the four licensing objectives should be paramount considerations at all times. The ~~2012-current~~ Guidance makes it clear that the Licensing Act 2003 gives the licensing authority the power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and that licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, each application must be considered and pre-determined licensed opening hours must not be imposed without consideration being given to the merits of each individual application. Government continues to believe that, shops, stores and supermarkets should be free to provide sales of alcohol off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, in particular cases for restricting those hours.

- 4.4 As indicated in Part 1, paragraph 3.1 of this policy, Wandsworth has a high residential population density with residential property situated in close proximity to licensed premises. Some 64% of residents in the Borough live in flats of which approximately 20% are conversions (2011 census). Many residential properties are above commercial units or form part of new mixed commercial/residential development. The high density of residents and the lack of areas which can be considered primarily commercial mean that noise is a particular problem within the Borough. Noise surveys carried out across the borough consistently indicate that ambient noise levels fall around midnight during the week and around 2am at the weekend. Residents can tolerate an element of noise disturbance in the earlier part of the night when ambient noise levels are high but find it increasingly intolerable as ambient levels fall. Noise can come from within premises, a potentially controllable source, or from revellers in the street. Shops, stores and supermarkets selling alcohol can act as a magnet for people leaving other licensed premises to 'top up' their consumption. The particular client group seeking to buy alcohol for consumption off the premises in the early hours of the morning, therefore, differs from those seeking to buy other goods. Noise from revellers in the street and from people smoking outside premises on the public highway cannot be controlled by the applicant nor by any other effective means other than by limiting the general hours in which premises can operate.
- 4.5 The Council believes that, to date, its licensing hour policy has acted in the interest of both businesses and residents of the borough. Therefore, where the Licensing Authority's discretion is applied by the receipt of relevant representations it will not generally grant new or variation applications outside the following guideline hours:
- **For premises selling alcohol by retail for consumption off the premises only:  
07.00 hours to 00.00 hours (12 midnight) Sunday to Thursday,  
07.00 hours to 02.00 hours Friday and Saturday;**
  - **For premises selling or supplying alcohol by retail for consumption on, or on and off, the premises, (whether or not they also provide food or regulated entertainment), for premises providing regulated entertainment only and for qualifying clubs:**

10.00 hours to 00.00 hours (12 midnight) Sunday to Thursday,  
10.00 hours to 02.00 hours Friday and Saturday;

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- Save that premises operating as a combined shop/deli and café providing both on and off sales of alcohol the guideline hours shall be:  
Off sales: 07.00 hours to 00.00 hours (12 midnight) Sunday to Thursday, 07.00 hours to 02.00 hours Friday and Saturday;  
On sales: 10.00 hours to 00.00 hours (12 midnight) Sunday to Thursday, 10.00 hours to 02.00 hours Friday and Saturday
- External drinking areas to close:  
23.00 hours with the area to be cleared of customers by 23.30 hours Monday to Saturday,  
22.30 hours with the area to be cleared of customers by 23.00 hours Sunday;
- Premises that co-join residential property live and recorded music to cease:  
23.00 hours – ~~live and recorded music to cease~~ Sunday to Thursday  
00.00 hours (12 midnight) – ~~live and recorded music to cease~~ Friday and Saturday;
- For premises offering late night refreshment (i.e. hot food and hot drink) for consumption off the premises only (take-aways):  
23.00 hours to 02.00 hours Sunday to Saturday;
- Save that:  
no restrictions in hours will be applied in respect of New Year's Eve/New Year's Day if applied for;  
no restriction in hours will be applied in respect of the sale of alcohol to hotel residents for consumption in their rooms or within the confines of the hotel building itself;  
no restriction in hours shall apply to premises operating solely for internet sales where delivery of alcohol is from an industrial estate or direct from the producer/importer.

4.6 In cases where relevant representations have been received, in considering whether to grant an application as a departure from the guideline terminal hours, whether earlier or later, the authority will consider the following matters (although these are not exclusive):

- i whether the licensed activity would result in an increase in noise nuisance to residents in the area;
- ii whether measures have been put in place to prevent noise breakout from within the premises;
- iii any measures put in to place to prevent noise nuisance from refuse disposal, disposal of empty bottles, refuse collection or from deliveries;

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

4.7 In attaching conditions on hours, the Authority will generally require that customers should not be allowed to remain on the premises later than half an hour after the sale or supply of alcohol or the provision of regulated entertainment has ceased, except where alcohol is served as an accompaniment to a table meal or where a suitable dispersal policy has been put in place.

4.8 Shorter hours may be appropriate where for example premises are above, below or immediately adjacent to residential accommodation and adequate sound reduction methods cannot be provided. Shorter hours may also be appropriate in respect of the use of outside areas for licensable activities where these are close to residential accommodation. It should not be expected that the specified guideline terminal hour will be acceptable in all circumstances.

4.9 The Authority has no general policy of shortening hours of operation at the time of a variation application. However, if the nature of the business is likely to change to a significant degree such that it could adversely impact upon crime and disorder or give rise to public nuisance, the Authority will consider, on receipt of relevant representations, whether to adjust the hours of operation.

## 5 Cumulative impact

5.1 The Secretary of State's Guidance advises that the cumulative impact of a significant number of licensed premises concentrated in one area is a proper matter for the Authority to take into account when developing its policy statement. The Authority may ~~adopt a produce a cumulative impact assessment specific cumulative impact policy~~ for a particular area if there is a clear evidential basis to do so it considers it appropriate. ~~The effect of this policy would be that there would be a presumption to refuse new applications or applications to materially vary a licence where relevant representations are received about the cumulative impact on the licensing objectives. It would then be the responsibility of the applicant to evidence that the premises would not add to the problems generated by the concentration of licensed premises in that area. Before adopting a publishing a cumulative impact assessment policy, the Licensing Authority will must consult residents and businesses in the proposed area. The licensing~~

authority, as a responsible authority, would have regard to any published cumulative impact assessment when deciding whether to make representations to the Licensing Committee.

5.45.2 The Authority does not intend to introduce a cumulative impact policy in any area of the borough at this time.

5.25.3 The Authority has noted the statement in the Guidance that in the absence of a ~~special 'cumulative impact' or 'saturation'~~ cumulative impact policy, ~~interested parties and~~ responsible authorities or other persons may still make representations on new or variation of premises licence applications on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

## **6 Early Morning Restriction Orders (EMRO)**

6.1 Licensing Authorities may make Early Morning Alcohol Restriction Orders (EMRO's) to prohibit the supply of alcohol from premises for a specified period between the hours of midnight and 6am in the whole or part of its area, if there is evidence that the order is appropriate for the promotion of the licensing objectives. EMRO's are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times or serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises. The procedure for the introduction of an EMRO is set by statute and includes the requirement to advertise the proposal to make an Order and the right of all those likely to be affected to make representations.

## **7 Policies supporting each of the licensing objectives**

- 7.1 This policy covers a wide range of premises including cinemas, theatres, concert halls, nightclubs, public houses, cafés/restaurants, shops and fast food outlets/take-aways. Each of these premises present a mixture of hazards and controls must be introduced to ensure that risks to public safety are minimised.
- 7.2 Not all the criteria or 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 any other person are likely to consider when deciding whether to make representations on an application or whether to call for a review. In the case of variation applications, applicants need only address any additional steps required in relation to that variation.
- 7.3 Where relevant representations have been made and the Licensing Sub-Committee deem it appropriate to attach conditions beyond those contained in the applicant's operating schedule they will be tailored to reflect the individual circumstances of the application and will only be imposed where they are appropriate for the promotion of one or more of the licensing objectives.

7.4 The statutory licensing functions are primarily concerned with the regulation of persons, premises and temporary events having regard to the licensing objectives. Where appropriate, any 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.

7.5 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can fully operate. Whether licence conditions are drawn from the applicant's operating schedule or imposed by the Licensing Sub-Committee they:

- must be appropriate for the promotion of 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 or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises as they enter and leave; and
- should be written in a prescriptive format.

7.6 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.

## **8 Mandatory conditions**

8.1 The Licensing Act 2003 provides for mandatory conditions to be included on licences and club premises certificates. These conditions are set out in ~~the~~ [an](#) Annex that accompanies this Policy.

## **9 Community Premises**

9.1 A community premises that wishes to sell alcohol and which is run by properly constituted management committee may apply to dispense with the requirement to have a designated premises supervisor named on the licence. If such an application is successful, the effect will be that the management committee will be responsible for the supervision and authorisation of alcohol sales made pursuant to the licence. The Licensing Authority generally welcomes such an approach by community premises and would encourage applicants to discuss their proposals with licensing



officers prior to submitting their application.

## 10 Crime and disorder

10.1 The Authority wishes to ensure that the risk of crime and disorder has been reduced to the maximum degree possible. **In deciding all 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 measures to be put in place to prevent underage drinking e.g. challenge 25;
- iii Whether CCTV is installed;
- iv The measures proposed to prevent the consumption or supply of illegal drugs, including search procedures, provision of CCTV, design of premises, monitoring of toilets, surrender and seizure procedures;
- v The measures proposed to discourage binge drinking and drunkenness and to promote sensible drinking;
- vi The measures proposed to prevent violence on the premises, including the threat of violence to staff;
- vii Whether door supervisors are to be provided and, if so, how many and the hours of employment;
- viii Measures to be put in place to react to any situations of disorder should they occur, including radio links or other instant alert communication systems;
- ix In the case of premises selling alcohol on the premises, any measures to be put in place to prevent glass or bottles (intended for immediate consumption on the premises) from being taken into the street;
- x Whether there are any proposals to use plastic or toughened glass drinking vessels;
- xi Any steps that are to be taken to reduce thefts from patrons using the premises;
- xii For new applications, the extent to which the layout has been designed to minimise crime and disorder;
- xiii Whether a last entry time is proposed;

~~xi~~xiv In the case of premises selling alcohol on the premises, whether opening hours have been specified and, if not, what measures are to be put in place to ensure that patrons do not pre-purchase drinks for consumption after the terminal hour for sales.

~~xix~~xv In the case of premises selling alcohol for consumption off the premises, where the hours for the sale of alcohol do not match the trading hours of the business, what measures are to be put in place to ensure that alcohol is not displayed for sale e.g. provision of lockable shutters.

~~xvixvi~~ Where significant music events are to be held in nightclubs or large public houses, whether ~~it is intended that~~ a comprehensive risk assessment will be carried out to ensure that crime and disorder and public safety matters are identified and addressed, ~~using Metropolitan Police promotion risk assessment form (form 696) and after event debrief risk assessment form (696A) or similar; and~~

~~xix~~xvii Whether customers can easily access safe transport, including steps to minimise the scope for minicabs to tout for business outside the premises or for patrons to be approached by unlicensed taxis/minicabs.

10.2 The Authority will expect the operating schedules to address these issues but the Licensing Sub-Committee will consider attaching additional conditions to licences and permissions to address crime and disorder matters where it is appropriate to do so. The conditions will, so far as possible, reflect local crime prevention strategies.

## 11 Public safety

11.1 In deciding all 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;
- ii The steps that are to be taken to maintain and check fire doors and escape routes before admission of the public and during performance and the recording of such checks;
- iii Whether procedures are proposed to ensure that hangings, curtains and temporary decorations are flame retardant and are maintained in this condition and that upholstered seating pass the appropriate testing criteria;

- iv Whether measures are in place to ensure that temporary electrical installations are safely installed and checked;
- v Whether specific measures have been identified to ensure the safety of indoor sports events and boxing/wrestling events;
- vi Where different events are to take place on a 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 organisation, control, monitoring and review mechanisms be produced and submitted to the appropriate responsible authorities in advance of the event;
- vii What measures are to be implemented to ensure that special effects are safe;
- viii Proposals relating specifically to theatres, cinemas and concert halls regarding number of attendants required, standing and sitting in gangways, consumption of drinks, safety of scenery and ceilings, provision of safety curtains, fixing of seating, minimum lighting levels and safety of flammable film;
- ix 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
- x The steps the applicant has taken or proposes to take to comply with the matters laid down in the following publications as they relate to the particular licensable activity:
  - Model National Standard Conditions for Places of Public Entertainment and Associated Guidance (ABTT publication) ISBN 1 904031 11 0;
  - The London District Surveyors Association's 'Technical Standards for Places of Public Entertainment' ISBN 9781904031536;
  - The Purple Guide to Health, Safety and Welfare at Music and other events~~Event Safety Guide – A guide to health and safety and welfare at music and similar events (HSE 1999) ISBN 0 7176 2453 6 – or its successor publication; published by the Events Industry Forum, accessible (for a fee) via the website <https://www.thepurpleguide.co.uk/index.php>~~
  - Managing Crowds Safely, second edition (HSE 201400) ISBN 0148821326978 0 7176 1834 7;
  - The Guide to the Safety at Sports Grounds 6<sup>th</sup> Edition 2008~~ISBN 978 1 9164583 0 70117020740~~; and
  - Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by ~~the Independent Street Arts Network~~Outdoor Arts UK

11.2 The Authority will expect the operating schedules to address these issues but the Licensing Sub Committee will consider attaching additional

conditions to licences and permissions to address public safety matters where it is appropriate to do so.

## **12 Public nuisance**

- 12.1 In deciding all 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 nuisance affecting people living, working or sleeping in the vicinity having regard to all the circumstances of the case. In particular the Authority may consider the following:**
- i The proposed operating hours of the premises, including those of the external areas;**
  - ii The steps the applicant has taken or proposes to take to prevent noise and vibration escaping from the premises, including from music, human voices, ventilation equipment, disposal/collection of empty bottles, loading and unloading of equipment, e.g. sound systems, scenery, lighting, etc., as applicable. This could include proposals to keep doors and windows closed, provision of noise limiter on amplification equipment used at the premises or the provision of acoustic lobbies;**
  - iii Whether the operation is subject to a statutory notice served under Section 80 of the Environmental Protection Act 1990;**
  - iv The steps the applicant has taken or proposes to take to prevent disturbance by patrons arriving at or leaving the premises;**
  - v 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 purposes such as smoking or consuming alcohol;**
  - vi The steps the applicant has taken or proposes to take to prevent queuing, or if some queuing is inevitable, to divert queues away from neighbouring premises, or otherwise to manage the queue to prevent disturbance or obstruction;**
  - vii The steps the applicant has taken or proposes to take to prevent light pollution and noxious smells, including smell from cigarette smoke;**
  - viii Whether suitable and sufficient toilet provision has been made for customer use;**
  - ix Whether there is sufficient provision for public transport for patrons;**
  - x Whether there is provision to provide private transport such as taxis and/or licensed minicabs and that such transport is not likely to disturb local residents;**

- xi **Whether other measures to prevent nuisance have been taken, such as the use of CCTV or the employment of registered door supervisors;**
- xii **The measures proposed to prevent littering/glass dispersal in the immediate vicinity or to clear up any litter that does occur;**
- xiii **Whether there is likely to be congestion of the pavement or roadway;**
- xiv **The measures proposed to prevent noise from the disposal of bottles and other refuse, glass and refuse collection or from deliveries, particularly between 23.00 hours and 07.00 hours;**
- xv **Whether there is facility for refuse to be stored within the curtilage of the premises or within a properly constructed refuse store to ensure that it is not left on the pavement pending collection; and**
- xvi **Whether there is a contact telephone number prominently displayed so that complaints can be received and dealt with immediately and a log book kept of all such complaints.**

12.2 The Authority will expect the operating schedules to address these issues but the Licensing Sub Committee will consider attaching additional conditions to licences and permissions to address public nuisance matters should the Authority receive a relevant representation and it is appropriate to do so. In general, it is likely that stricter controls will be applied in areas of denser residential accommodation.

### **13 Prevention of harm to children**

13.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.

#### Limiting access to children

13.2 The Licensing Act 2003 makes it an offence to permit children under the age of 16, who are not accompanied by an adult, to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises. It is also an offence to permit children under 16, who are not accompanied by an adult, to be present at premises supplying alcohol (where the consumption of alcohol is not the exclusive or primary activity at the venue) between the hours of 12 midnight and 5.00am. Thus the Act does not prohibit children from having free access to any licensed premises, including those selling alcohol for consumption on those premises. However, the Authority recognises that limitations may have to be considered where it appears appropriate to protect children from physical, moral or psychological harm.

13.3 The Authority will recognise the Wandsworth Safeguarding Children Board as the 'responsible authority' for advising on matters relating to the protection of children from harm and consult him on applications.

13.4 **In deciding an application where relevant representations have been made the Authority will consider the adequacy of the 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:**

- i **Whether it is intended to provide entertainment of an adult nature, the type of such entertainment, 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;**
- ii **Whether the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises;**
- iii **Whether there have been convictions of the current management for serving alcohol to minors or where there is a reputation of allowing underage drinking;**
- iv **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;**
- v **Whether there is a requirement for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult);**
- vi **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;**
- vii **Where children are taking part in the entertainment, the arrangements that will be put in place to assure their safety;**
- viii **The arrangements that are to be put in place to prevent the sale, supply or delivery of alcohol to those underage including a requirement for the production of proof of age identification such as passports, driving licences, or Government approved PASS cards;**
- ix **Measures to be put in place to prevent access to children where restrictions are to be applied due to the adult nature of entertainment or due to the hours of operation of the premises;**
- x **In the case of film exhibitions, the arrangements that are to be put in place to ensure that persons are aware of the film classification**

and the arrangements to be put in place to ensure that the age restrictions are applied; and

- xi **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.**

13.5 It will be for the individual licensee or club to decide whether they wish to admit children to their premises and the Authority will not require them to do so if they chose not to.

#### Children and films

13.6 Films cover a wide range of subjects, some of which deal with adult themes and/or contain scenes of horror or violence that may be considered unsuitable for children within certain groups or which require parental approval.

13.7 The Authority has, therefore, approved the following policy – **No film will be shown unless it has obtained a film classification from the British Board of Film Classification (BBFC) and access of children will be in accordance with the classification of the film to be shown.**

13.8 **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 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 of the age restriction that will apply in that instance.**

13.9 The Licensing Sub Committee will consider attaching conditions to licences to prevent harm to children where representations have been received and it is appropriate to do so.

## **14 Events**

14.1 One off events, ranging from local fairs lasting a few days to major music festivals or large scale sporting events, present particular challenges. **To this end, the Council will expect to receive notification of such events at least 3 months in advance of the event taking place** to ensure that operating schedules cover all relevant matters.

14.2 In considering any application where relevant representations have been made, the Authority will have particular regard to **the steps the applicant has taken or proposes to take to comply with the matters laid down in the following publications as they relate to the particular licensable activity, as well as to the matters outlined in Paragraphs 10 - 13 above:**

- 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/index.php>
- Managing Crowds Safely, second edition (HSE 2014) ISBN 978 0 7176 1834 7;
- The Guide to the Safety at Sports Grounds 6<sup>th</sup> Edition ISBN 978 1 9164583 0 7 and
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by Outdoor Arts UK
- ~~The Event Safety Guide—A guide to health and safety and welfare at music and similar events (HSE 1999) ISBN 0 7176 2453 6—to be updated in 2011;~~
- ~~Managing Crowds Safely (HSE 2000) ISBN 018821326;~~
- ~~The Guide to the Safety at Sports Grounds 2008 ISBN 9780117020740; and~~
- ~~Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network.~~

## 15 Minor Variations

- 15.1 Small variations to premises licences or club premises certificates that do not impact adversely on the licensing objectives are subject to a simplified procedure, (known as a minor variation procedure). Under this process the applicant is not required to advertise the variation in a newspaper or copy it to responsible authorities, although, there is still a requirement to advertise the application on the premises for a 10 day period.
- 15.2 Minor variations will generally fall into four categories:
- Minor changes to the structure or layout of a premises e.g. alteration of size/shape or position of the bar or toilet configuration, re-positioning of till points in supermarkets or raising or lowering of floor areas;
  - Small adjustment to licensing hours or to opening hours;
  - The removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions e.g. following discussions with responsible authorities; and
  - The addition of certain licensable activities.-
- 15.3 The legislation specifically exempts from the definition of minor variation any application to:
- Extend the period for which a licence/certificate has effect (where an existing licence is time limited);
  - Specify, in a premises licence, any individual as a premises supervisor;
  - Vary substantially the premises to which it relates;
  - Add the sale by retail of alcohol or supply of alcohol to a licence or club premises certificate;
  - Extend the licensing hours for the sale or supply of alcohol for consumption on or off the premises between ~~the hours of 11pm-23.00 hours~~ and 07.00-7am hours;
  - Increase the total amount of time on any day during which alcohol may be sold or supplied; and



- vii Include the alternative licence condition in respect of the supply of alcohol from community premises.

15.4 The Licensing Authority must grant only where the proposed application could not have an adverse effect on the promotion of any of the licensing objectives. The Licensing Authority must otherwise reject a minor variation. In making this decision the Authority will consult with the responsible authorities, where appropriate, and will take into account relevant representations. The Licensing Authority will reject a minor variation application where proposed changes to the premises layout could potentially have an adverse impact on the promotion of the licensing objectives, for example by increasing the capacity for drinking on the premises; by impeding or removing emergency exit routes; by impacting adversely on existing noise reduction measures such as acoustic lobbies; by seeking to remove or amend conditions that are appropriate to uphold the licensing objectives such as the provision of door supervisors or adequate staffing levels.

## **16 Temporary Event Notices**

16.1 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). A number of limitations apply to temporary event notices and these are laid out in more detail in the Annex that accompanies this Policy.

16.2 Although the statutory procedure requires only ten working days notice of a temporary event (or 5-9 working days for a late Temporary Event Notice), the Council considers that a longer period is generally necessary to enable any risk of harm to the licensing objectives to be considered and reduced. Organisers of temporary events are therefore urged to give at least 2 calendar months notice of an event. This will allow time for the Council to check that the request is within the legislative provisions and for the Metropolitan Police and the Council to investigate whether there are any issues relating to any of the licensing objectives in plenty of time for the organisers to advertise the event with confidence. In addition, advance notification will allow officers the time to assist organisers to plan their event safely and without an unreasonable impact on the environment.

## **17 Live music, dance and theatre**

17.1 The Authority recognises the need to encourage and promote all types of entertainment including live music, dance and theatre for the wider cultural benefit of communities, particularly for children.

17.2 When considering applications for such events and the imposition of conditions on licences or certificates, where relevant representations have been made, the Council will carefully balance the community benefit while promoting the licensing objectives and will, as far as possible, avoid

measures that deter live music, dancing and theatre for example by imposing indirect costs of a disproportionate nature.

17.3 In the case of limited duration events such as fairs, community events and festivals the views of vocal minorities will not be allowed to predominate over the general interests of the community.

17.4 Many venues in the Borough have the ability to provide live music as part of their offering. This Authority continues to promote live music venues within its area and monitors the impact of the licensing policy on regulated entertainment in the Borough, particularly on live music. If there is any evidence that licensing requirements deter such activities then consideration will be given on how to prevent this from happening, including, if necessary, changes to this policy. However, this Authority will consider removing the live music exemption introduced under the Live Music Act 2012 where there is evidence introduced through the review procedure that the music is impacting adversely on any of the licensing objectives.

## **18 Personal Licences**

18.1 Under the Licensing Act 2003 applications for personal licences will be granted so long as the applicant is 18 years or over, has is entitled to work in the UK, has possession of the qualification determined by the Secretary of State, has not had a personal licence forfeited within 5 years of the date of application and has not been convicted of a relevant offence or foreign offence.

18.2 The Metropolitan Police or Home Office may make representations where the applicant has been convicted of a relevant offence or foreign offence. In such cases the Licensing Sub-Committee will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The application will be refused if the Committee decides that refusal is in the interest of the promotion of the prevention of crime objective. In all other cases the application will be granted.

## **19 Enforcement**

19.1 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 and will establish protocols to ensure an efficient deployment of resources.

19.2 Enforcement visits will be targeted as follows:

- To agreed 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 observed; and
- To premises where complaints have been received.

19.3 In addition, ad hoc compliance visits will be carried out to ensure that licence conditions are being met and 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 for Regulatory Delivery published by the Department for Business Innovation and Skills.

19.4 Enforcement action will be taken having regard to the Council's Environmental Services Enforcement Policy and the Code for Crown Prosecutors.

## 20 Community engagement

20.1 It is the policy of the Council that all those affected by a new or major variation application should be made aware of it and of the opportunity to make representations.

20.2 The Council will ensure that the applicant complies with the consultation and advertising requirements of the Act and Regulations made under it. The applicant is required to advertise an application by means of a notice, clearly visible from outside the premises, for a specified period and by advertising in a local newspaper or other suitable borough wide publication. In addition a copy of the application must be provided to each of the responsible authorities, including the police and the fire authority. A copy of the application is posted on the Council's web-site for the duration of the consultation period and Ward Councillors and other interested parties receive a weekly e-mail notification of new and variation applications. Residents and resident groups are encouraged to sign up to receive this weekly e-mail notification.

20.3 The Council provides A3 notices for public display and applicants are encouraged to use these to advertise applications. In the case of applications for larger premises, such as open air venues applicants are encouraged to ensure that an adequate number of notices are displayed around the area, especially adjacent to entrances. Licensing Officers carry out checks to ensure notices are displayed.

## 21 Representations

21.1 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 the premises in question;
- It relates to commercial considerations alone;

- It relates to matters already considered by the Council's Planning Applications Committee (or during a subsequent Appeal) or, should more properly have been considered by that Committee.

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.

21.2 Where relevant representations are received to an application, a copy of the representation must be forwarded to the applicant. However, it is recognised 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 it to the applicant. Such action will only be taken rarely and only where the interested party can satisfy the Authority that their concerns are well founded.

## **22 Reviews**

22.1 A Responsible Authority, the Licensing Authority itself or any other person may, at any stage, following the grant of a premises licence, ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. In every case the representation must relate to a particular premises and must be relevant to the promotion of the four licensing objectives. A request for a review will be disregarded if it is considered irrelevant, vexatious, frivolous or repetitious. Relevance, vexation and frivolousness are defined in paragraph 21.1 above. A representation will be considered repetitious if it is identical or substantially the same as a ground for review specified in an earlier application for review made in relation to the same premises licence which has already been determined; a representation considered by the Licensing Authority when the premises licence was first granted; a representation which would have been made when the application for the premises licence was first made and which was excluded then by reason of the prior issue of a provisional statement; and, in addition to these grounds, a reasonable time has not elapsed since that earlier review or the grant of the licence. A reasonable time will be considered to be 12 months save in compelling circumstances.

## **23 Late Night Levy**

23.1 A licensing authority can introduce a Late Night Levy in its area if it considers it desirable to raise revenue in relation to the costs of policing crime and disorder connected to the supply of alcohol in that area between midnight and 6.00am. If such a Levy is introduced, it can apply at any time between midnight and 6.00am, and is payable by holders of Licences which authorise the supply of alcohol at times beginning at or after midnight and ending at or before 6am (the licensing authority may determine the time but these must be the same each night). The Levy must apply to the whole of

the Authority's Area. It does not apply to Temporary Event Notices and it does not apply to entertainment or late night refreshment providers. The administration of the levy is carried out by the Licensing Authority, who may deduct administration, collection and enforcement costs. At least 70% of the net levy revenue must be provided to the Metropolitan Police. The Licensing Authority can retain 30% of the net levy to fund other activities arising out of the late night economy including the cleaning of public highways or public land, measures to reduce or prevent crime and disorder, measures to promote public safety and measures to reduce or prevent public nuisance. Before introducing a levy the Licensing Authority must consult with all existing holders of late night authorisations in their area.

## **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 applications they receive and, where they feel 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 officers, or any of the Responsible Authorities, have concerns about the application it will be refused and a recommendation made to the applicant to submit a major variation application under section 34 of the Licensing Act 2003.
- 24.5 Appendix 1 sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and officers.

## Appendix I

### 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		All cases	
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 for a minor variation			All cases
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
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	
To raise representations on behalf of the Licensing Authority as a Responsible Authority.			All cases

## Wandsworth Strategies

### 1. The Corporate Business Plan

The Council has ~~five~~six strategic objectives that reflect the Council's priorities and its on going corporate ambition to deliver high quality, value for money services, including keeping the council tax amongst the lowest in the Country. They are:

- i ~~Delivering high quality, value for money services; providing the best start in life~~
- ii ~~Improving opportunities for children and young people with an emphasis on early intervention and preventative work; Cleaner, safer better neighbourhoods~~
- iii ~~Making Wandsworth an attractive, safe, sustainable and healthy place; More homes and greater housing choice~~
- iv ~~Providing personalised and preventative care and support for adults in need – including those in housing need; and Helping people get on in life~~
- v ~~Building a prosperous, vibrant and cohesive community; Encouraging people to live healthy, fulfilled and independent lives~~
- vi Value for money

For more information visit our website:

~~[http://www.wandsworth.gov.uk/info/200321/key\\_plans\\_strategies\\_and\\_policies/71/corporate\\_business\\_plan\\_cbp/2](http://www.wandsworth.gov.uk/info/200321/key_plans_strategies_and_policies/71/corporate_business_plan_cbp/2)~~  
[http://www.wandsworth.gov.uk/info/10020/policies\\_strategies\\_and\\_plans/71/corporate\\_business\\_plan\\_cbp](http://www.wandsworth.gov.uk/info/10020/policies_strategies_and_plans/71/corporate_business_plan_cbp)

### 2 The Partnership Plan

This sets out how the Police and the Council work together alongside other key partners to reduce crime and disorder in the Borough. The Partnership Plan for Wandsworth lays out 6 key priorities together with the key actions. The priorities identified are as follows:

- i Serious Violent Crime
- ii Serious Acquisitive Crime
- iii Drugs
- iv Young People and Crime
- v Community Reassurance
- vi Reducing Re-offending

For more information visit our website:

[http://www.wandsworth.gov.uk/info/870/community\\_safety/323/wandsworth\\_community\\_safety\\_partnership](http://www.wandsworth.gov.uk/info/870/community_safety/323/wandsworth_community_safety_partnership)

### 3 Planning Policies

Wandsworth's planning policies aim to protect and enhance the quality of life and improve economic and social opportunities. They are the basis for promoting and controlling development in the Borough. The development

plan for the borough comprises the Council's Local Plan, together with the London Plan. The Local Plan is made up of a set of three development plan documents (DPDs). The most important of these is the Core Strategy, which sets out the vision and guiding principles for planning in Wandsworth. It is supported by the Development Management Policies and Site Specific Allocations Document - ~~which support the strategic objectives set out in the Core Strategy~~ which identifies individual site allocations together with Area Spatial Strategies for the areas of greatest change in the borough and the Development Management Policies Document. The Council also publishes Supplementary Planning Documents and Guidance ~~covering matters such as access, facilities for people with disabilities, personal safety and security, and design guidance~~ on policies set out in the adopted Development Plan Documents. For more information visit our website:  
[http://www.wandsworth.gov.uk/info/1004/planning\\_policy](http://www.wandsworth.gov.uk/info/1004/planning_policy)

#### 4 The Local Cultural Strategy

The Local Cultural Strategy for Wandsworth lays out a vision that 'everyone should have the opportunity to participate and celebrate culture through a variety of activities. ~~The Strategy is backed up by specific plans such as the events plan, heritage plan and active Wandsworth plan~~. For more information visit our website:  
[http://www.wandsworth.gov.uk/info/200321/key\\_plans\\_strategies\\_and\\_policies/137/cultural\\_strategy](http://www.wandsworth.gov.uk/info/200321/key_plans_strategies_and_policies/137/cultural_strategy)[http://www.wandsworth.gov.uk/downloads/file/2063/cultural\\_strategy](http://www.wandsworth.gov.uk/downloads/file/2063/cultural_strategy)

#### 5 Drug and Alcohol Action Team

The Wandsworth Drug and Alcohol Action Team is a ~~policy~~ team that brings together the Council, ~~the Health Service and criminal justice agencies~~ HM Prison Wandsworth and London Probation. It coordinates services for Wandsworth residents who need treatment and support for drug and/or alcohol misuse and agrees initiatives and developments designed to meet the needs of Wandsworth residents. ~~is responsible for the local plans for drug education and prevention, drug treatment services, tackling drug-related crime and addressing alcohol misuse~~. For more information visit our website:  
[http://www.wandsworth.gov.uk/info/200354/drug\\_and\\_alcohol\\_action\\_team/410/drug\\_and\\_alcohol\\_action\\_team](http://www.wandsworth.gov.uk/info/200354/drug_and_alcohol_action_team/410/drug_and_alcohol_action_team)[http://www.wandsworth.gov.uk/info/200090/substance\\_misuse/410/drug\\_and\\_alcohol\\_action\\_team](http://www.wandsworth.gov.uk/info/200090/substance_misuse/410/drug_and_alcohol_action_team)



## Consultees

**~~PERSONS, PREMISES & ORGANISATIONS WHO WILL RECEIVE A COPY OF THE  
REVISED STATEMENT OF LICENSING POLICY~~**

METROPOLITAN POLICE BOROUGH COMMANDER	THOMAS & THOMAS PARTNERS LLP
LONDON FIRE & EMERGENCY PLANNING AUTHORITY	CO-OPERATIVE GROUP FOOD LTD
OTHER COUNCIL DIVISIONS	PUNCH TAVERNS
MEMBERS OF THE ALCOHOL ALLIANCE	
ASSOCIATION OF CONVENIENCE STORES LIMITED	
THE ASSOCIATION OF LICENSED MULTIPLE RETAILERS	
BERWIN LEIGHTON PAISNER LIMITED	
BRITISH BEER & PUB ASSOCIATION	
BUSINESS IN SPORT AND LEISURE LIMITED	
CAMPAIGN FOR REAL ALE LIMITED	
THE CAPITAL PUB COMPANY PLC	
THE CINEMA EXHIBITORS' ASSOCIATION LIMITED	
ENTERPRISE INNS PLC	
FULLER SMITH & TURNER PLC	
GLENDOLA LEISURE LIMITED	
MITCHELLS & BUTLERS PLC	
PUBMASTERS LTD	
PUNCH TAVERNS PLC	
RANK GROUP GAMING DIVISION LIMITED	
YOUNG & CO'S BREWERY PLC	
GREENE KING RETAILING LIMITED	
TOWN CENTRE MANAGERS	
THAMES ROWING CLUB	
JOELSON WILSON & CO.	
HERITAGE PUB CO	
FEDERATION OF SMALL BUSINESSES	
BALHAM PUB WATCH COORDINATOR	
PUTNEY PUB WATCH COORDINATOR	
WANDSWORTH PUB WATCH COORDINATOR	
CLAPHAM JUNCTION PUB WATCH COORDINATOR	
WARD COUNCILLORS	
NHS WANDSWORTH CLINICAL COMMISSIONING GROUP	
STAR PUBS & BARS	
MCDONALD'S RESTAURANTS LTD	
WINCKWORTH SHERWOOD LLP	

**LICENSING ACT 2003 – PERSONS, PREMISES & ORGANISATIONS ADVISED OF REVIEW OF STATEMENT OF LICENSING POLICY**

ABBOTSLEIGH ROAD RESIDENTS' ASSOCIATION	CHATHAM ROAD RESIDENT'S ASSOCIATION
ACKROYDON RESIDENTS' ASSOCIATION	CHESTERTON PRIMARY SCHOOL
AHMADIYYA MUSLIM ASSOCIATION	CHILDRENS SOCIETY
ALL SAINTS C of E CHURCH (TOOTING)	CHRIST CHURCH C OF E CHURCH
ALL SAINTS C of E CHURCH (BATTERSEA)	CHURCH OF OUR LADY AND ST PETER
AL MUZZAMMIL MOSQUE & COMMUNITY CENTRE	CHURCH OF THE SACRED HEART
ANCHOR CONGREGATIONAL CHURCH	CITIZENS ADVICE BUREAU
ARNDALE ESTATE RESIDENTS ASSOCIATION	CITY OF WESTMINSTER
ASCENSION C of E CHURCH AND LAW CENTRE	CLAPHAM ANTIQUARIAN SOCIETY
ASHCROFT TECHNOLOGY ACADEMY	CLAPHAM JUNCTION ACTION GROUP
BALHAM BAPTIST CHURCH	CLAPHAM JUNCTION T-C MANAGEMENT OFFICE
BALHAM MOSQUE	CLAPHAM SOCIETY
BALHAM SEVENTH DAY ADVENTIST CHURCH	CONFEDERATION OF INDIAN ORGANISATIONS UK
BALHAM SOCIETY	CONGREGATIONAL UNION OF ETHNIC CHURCHES
BALHAM TOWN CENTRE MANAGEMENT OFFICE	COVENT CO-OPERATIVE LTD
BATTERSEA AND WANDSWORTH TUG	COVENT GARDEN TENANTS ASSOCIATION
BATTERSEA CENTRAL METHODIST MISSION	CROATIAN CENTRE
BATTERSEA FIELDS RESIDENTS ORGANISATION	CYRIL MANSIONS RESIDENTS' ASSOCIATION
BATTERSEA METHODIST MISSION	DANEMERE ST/ASHLONE RD RESIDENTS' ASSOCIATION
BATTERSEA POWER STATION COMMUNITY GROUP	DANUL AMAAN ISLAMIC CENTRE
BATTERSEA SOCIETY	DEODAR, MERIVALE & FLORIAN ROADS RA
BATTERSEA SPRITUALIST CHURCH	DIAMOND CONSERVATION AREA AND HEATHBROOK PARK RESIDENTS
BATTERSEA VILLAGE RESIDENTS' ASSOCIATION	DODDINGTON & ROLLO COMMUNITY ASSOCIATION
BELLEVUE ROAD RESIDENTS' ASSOCIATION	DOVER HOUSE RESIDENTS ASSOCIATION
BINLEY & WINCHFIELD HOUSES TENANTS' ASSOCIATION	DU CANE COURT RESIDENTS' ASSOCIATION
BOROUGH RESIDENTS' FORUM	EARLSFIELD BAPTIST CHURCH
BROOMWOOD METHODIST CHURCH	EAST HILL BAPTIST CHURCH
BUDDAPADIPA TEMPLE	ELTHELBURGA TOWER RESIDENTS ASSOCIATION
CAMPAIGN FOR REAL ALE SW LONDON BRANCH	ERNSHAW PLACE RESIDENTS' ASSOCIATION
CAREY GARDENS CO-OPERATIVE LTD	ESHER GARDENS & BISLEY HOUSE RESIDENTS' ASSOC.
CARMALT GARDENS RESIDENTS' ASSOCIATION	EVANGELICAL CHURCH OF YAHWEH
	EVERYDAY CHURCH
	FAYLANDS AREA RESIDENTS' ASSOCIATION

FELSHAM ROAD CO-OP LTD  
 FRIENDS OF BATTERSEA PARK  
 FRIENDS OF THE TOOTING  
 COMMONS  
 GARGOYLE WHARF COMMUNITY  
 ACTION GROUP  
 GREATER LONDON AUTHORITY  
 GREEK CHURCH OF ST NECTARIOS  
 GREEN PARTY  
 GWENDOLEN AVENUE RESIDENTS'  
 ASSOCIATION  
 HANOVER HOUSING ASSOCIATION  
 HAYWARD & PULLMAN GARDENS  
 RESIDENTS' ASSOC.  
 HAZELHURST RESIDENTS'  
 ASSOCIATION  
 HILSEA RESIDENTS' ASSOCIATION  
 HINDU SOCIETY  
 HOLY TRINITY C OF E CHURCH  
 ISLAMIC COMMUNITY  
 JEHOVAH'S WITNESSES  
 KEILDON ROAD RESIDENTS' ACTION  
 GROUP  
 KHALSA CENTRE  
 LAVENDER HILL TRADERS  
 ASSOCIATION  
 LENNOX ESTATE RESIDENTS  
 ASSOCIATION  
 LIFE TABERNACLE CHURCH  
 LOCAL GOVERNMENT ASSOCIATION  
 LOCAL SPIRITUAL ASSEMBLY OF  
 THE BAHAI'S OF WANDSWORTH  
 LONDON AMBULANCE SERVICE  
 LONDON BOROUGH OF  
 HAMMERSMITH & FULHAM  
 LONDON BOROUGH OF LAMBETH  
 LONDON BOROUGH OF MERTON  
 LONDON BOROUGH OF RICHMOND  
 LONDON CHAMBER OF COMMERCE  
 LONDON COUNCILS  
 LONDON FIRST  
 LOUVAINNE AREA RESIDENTS'  
 ASSOCIATION  
 MILLAND HOUSE RESIDENTS'  
 ASSOCIATION  
 MP FOR BATTERSEA  
 MP FOR PUTNEY  
 MP FOR TOOTING  
 MUSHKIL AASAAN PROJECT  
 NORTHCOTE BUSINESS NETWORK  
 NORTHCOTE ROAD RESIDENTS'  
 ACTION GROUP  
 OLDER PERSONS FORUM  
 WANDSWORTH

ORMELEY ROAD RESIDENTS'  
 ASSOCIATION  
 PLANTATION WHARF ASSOCIATION  
 PORT OF LONDON AUTHORITY  
 PRIMROSE MANSIONS LTD  
 PRINCE OF WALES DRIVE  
 ENVIRONMENTAL COMMITTEE  
 PUTNEY EVANGELICAL CHURCH  
 PUTNEY SOCIETY  
 PUTNEY TOWN CENTRE  
 PARTNERSHIP BOARD  
 PUTNEY VALE RESIDENTS'  
 ASSOCIATION  
 RAGLAN HOUSING ASSOCIATION  
 RIVERSIDE PLAZA RESIDENTS'  
 ASSOCIATION  
 RIVERSIDE QUARTERS RESIDENTS  
 ASSOCIATION  
 ROEHAMPTON PARTNERSHIP  
 ROEHAMPTON QUADRANT  
 RESIDENTS' ASSOCIATION  
 ROEHAMPTON UNIVERSITY  
 ROTARY CLUB TOOTING  
 ROYAL BOROUGH OF KENSINGTON  
 & CHELSEA  
 SEYMOUR ROAD SW18 RESIDENTS'  
 ASSOCIATION  
 SIKH GURDWARA SOUTH LONDON  
 SIR JAMES BARRIE SCHOOL  
 SOMERSET RESIDENTS  
 ASSOCIATION  
 SOUTH THAMES COLLEGE  
 SOUTH WEST LONDON HEALTH  
 AUTHORITY  
 SOUTHFIELDS GRID RESIDENTS'  
 ASSOCIATION  
 SOUTHFIELDS TRIANGLE  
 RESIDENTS ASSOCIATION  
 ST ALBAN'S C OF E CHURCH  
 ST BARNABAS C OF E CHURCH  
 ST BONIFACE R-C CHURCH  
 ST GEORGE'S HEALTHCARE NHS  
 TRUST  
 ST JOSEPH'S R-C CHURCH  
 ST LUKE'S C OF E CHURCH  
 ST MARGARET'S CHURCH OFFICE  
 ST MARK'S C OF E CHURCH  
 ST MARY MAGDALENE C OF E  
 CHURCH  
 ST MARY'S C OF E CHURCH  
 ST NICHOLAS C OF E CHURCH  
 ST PAUL'S CHURCH OF ENGLAND  
 ST STEPHEN'S C OF E CHURCH  
 ST THOMAS A BECKET R-C CHURCH  
 ST VINCENT DE PAUL PRESBYTERY

ST MARY'S PRIMARY SCHOOL  
SUMMERSTOWN MISSION  
EVANGELICAL CHURCH  
SUTHERLAND GROVE AREA  
RESIDENTS ASSOCIATION  
TONSLEY RESIDENTS ASSOCIATION  
TOOTING PARTNERSHIP BOARD  
TOOTING UNITED REFORMED  
CHURCH  
TOTTERIDGE HOUSE CO-  
OPERATIVE LTD  
TUNWORTH CRESCENT RESIDENTS'  
ASSOCIATION  
UPPER TOOTING METHODIST  
CHURCH  
VANI ASSOCIATION UK  
VICTORIA DRIVE CONSERVATION  
AREA RESIDENTS ASSOCIATION  
VIRIDIAN HOMES  
WANDSWORTH ACCESS  
ASSOCIATION

WANDSWORTH CHAMBER OF  
COMMERCE  
WANDSWORTH COMMUNITY  
EMPOWERMENT NETWORK  
WANDSWORTH SOCIETY  
WANDSWORTH TOWN CENTRE-  
PARTNERSHIP  
WEST SIDE CHURCH  
WESTMARK POINT RESIDENTS'  
ASSOCIATION  
WESTMINSTER CITY COUNCIL  
WESTROW RESIDENTS'  
ASSOCIATION  
WESTSIDE RESIDENTS'  
ASSOCIATION  
WIMBLEDON PARK CO-OPERATIVE  
LTD  
ALL PREMISES WITHIN  
WANDSWORTH CURRENTLY  
HOLDING A LICENCE GRANTED  
UNDER THE LICENSING ACT 2003