

16 Promoting the Four Licensing Objectives

- 16.1 The promotion of the four objectives is fundamental to the Act. Every applicant for a premises licence must provide a fully completed and detailed operating schedule. This schedule must be in the prescribed format.
- 16.2 The most effective means for an applicant to assess what measures are needed to promote the licensing objectives is by risk assessment, which can then be used to form the basis of the operating schedule.
- 16.3 Providing as much information as possible in the operating schedule demonstrates that the applicant has seriously considered the issues, is aware of their duty to promote the licensing objectives at all times and is aware of how this may be best achieved.
- 16.4 The operating schedule forms the basis of any conditions placed on a licence other than those which are mandatory. It provides valuable information to interested parties and responsible authorities assisting their assessment of the impact of the licensed activity on the licensing objectives and provides information about how the applicant will address these issues. It is likely to form the basis of any decision to submit a representation against the application.
- 16.5 The Licensing Authority considers the effective and responsible management of the premises, including instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives. For this reason, these measures should be specifically considered, detailed and addressed within an applicant's operating schedule.
- 16.6 Failure to comply with licence conditions can lead to formal enforcement action or an application for a review of the licence, or both.
- 16.7 **Prevention of Crime and Disorder**
- 16.8 Licensed premises of any description, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people can be a source of crime and disorder. The Licensing Authority expect operating schedules to satisfactorily address these and any other potential issues, from the design of the premises through to the daily operation of the business.

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- 16.9 Applicants are recommended to engage with and seek advice from the Police and other Responsible Authorities taking into account, as appropriate, local planning and transport policies in addition to tourism and crime prevention strategies when preparing their operating plans and schedules prior to submission.
- 16.10 It is recognised that late night takeaways can be the focus of anti-social behaviour, and in Staines Town Centre the use of CCTV, licensed door supervisors at peak times, and signing up to the town centre radio may be considered necessary to address this.
- 16.11 Where objections are received and the Licensing Sub Committee considers it appropriate to do so, conditions may be attached to licences to prevent crime and disorder both inside and in the vicinity of the premises.
- 16.12 The Licensing Authority considers the orderly dispersal of customers from licensed premises to be an important factor in promoting the licensing objectives. In considering applications for the grant or variation of a licence, serious consideration will be given to the dispersal arrangements, the potential effect that granting the licence might have on dispersal arrangements from other licensed premises or the cumulative impact in the area.
- 16.13 In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 16.14 Consideration will be given where appropriate to the powers available under the Violent Crimes Reduction Act 2006 and the use of Public Spaces Protection Orders.
- 16.15 **Crime and Disorder risks**
The following provides a non-exhaustive list of risks associated with the crime and disorder objective that applicants should consider (where relevant) when preparing their operating schedule. We also expect licence holders to consider the same risks and review their current procedures if necessary:
- a) **crime and disorder near the premises:** this may include the risk of crime and disorder arising from persons queuing to enter the premises, persons exiting the premises and customers smoking, eating or drinking in outdoor areas and on the highway outside the premises. This can also include crime arising from pickpockets and bag snatchers, particularly in open spaces or crowded areas where alcohol is being consumed.
 - b) **crime and disorder in the premises:** drugs, psychoactive substances, weapons and violence.

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- c) **event type:** in some cases, the type of regulated entertainment proposed could increase the possibility of violence and/or disorder occurring in, or near, the premises. For example, some externally promoted live music events carry an increased risk of violent crime and disorder. It may be appropriate to carry out a risk assessment of the activities proposed and share these with us, in some cases, to provide such risk assessment to the police licensing team before the event is agreed.
- d) **the risk associated with selling alcohol for consumption on or off the premises:**
 - 1. what measures are necessary to prevent underage or proxy sales? Proxy sales are when a person who is 18 years or older buys alcohol for a person who is underage.
 - 2. what measures are necessary to prevent alcohol from being sold outside permitted hours where the operating hours of the premises exceed those for the sale of alcohol.
 - 3. whether there are procedures in place to prevent sales of alcohol to intoxicated persons (with attention to street drinkers).
- e) **licensed premises and late-night refreshment:** applicants and licence holders should demonstrate they have assessed the risk of intoxicated persons congregating in large numbers near their premises. Where appropriate, applicants and licence holders should demonstrate suitable measures to address this problem.
- f) **premises environment:** applicants and licence holders should consider the physical environment of the premises and have regard to issues that could increase the likelihood of customers becoming agitated or aggressive. This may include procedures regarding door supervision, identification and management of drunken customers and issues of overcrowding and capacity

16.16 Measures to address crime and disorder risks

In proposing steps or conditions to be included in the operating schedule, we expect applicants to consider the following non-exhaustive list of measures and issues that we consider may be relevant to licence applications. We also expect licence holders to consider the same issues and measures, and review their current procedures if necessary:

- a) alternatives to glass: restricting the use of glass bottles and drinking vessels to customers in preference for containers made from soft and environmentally friendly materials, polycarbonates, shatterproof or toughened glass that comply with weights and measures legal requirements.
- b) CCTV: using CCTV inside and/or outside the premises together with appropriate procedures and staff training for the ongoing maintenance and operation of such systems.

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- c) dispersal procedures: establishing appropriate dispersal procedures to minimise the potential for crime and disorder when customers are leaving the premises.
- d) dealing with and reporting crime and disorder: training for staff and door security aimed at reducing crime and disorder in the premises and its vicinity and dealing with and reporting incidents if they occur.
- e) door staff: considering the use of Security Industry Authority (SIA) registered door staff and the appropriate number of door staff for the premises.
- f) drinks promotions: adopting policies to discourage excessive drinking. This might include adherence to good practice guides and industry codes on drinks promotions such as happy hours, buy one get one free and so on, in addition to adherence with the mandatory licensing condition regarding irresponsible promotions.
- g) drugs, psychoactive substances and weapons: applicants should pay attention to search procedures, procedures for the safe storage and surrender of seized drugs, psychoactive substances and weapons and consideration given to adoption of a "zero tolerance" policy in this area.
- h) incident and occurrence book: keeping an incident book on the premises so staff can record any instances of crime, disorder, refused sales, ejections and intimidating behaviour.
- i) promotion/event risks: ensuring compliance with guidance from the police relating to specific event risk assessments for externally promoted live music events well in advance of the event.
- j) excessive drinking: training for staff to recognise when customers are becoming drunk and adopting appropriate 'cut off' procedures for drunken customers, to reduce the likelihood of fights or aggressive behaviour.
- k) getting home safely: providing information to customers and staff (including contact telephone numbers) regarding safer options available for travelling home late at night - including licensed taxis and private hire vehicles (mini-cabs).
- l) local schemes: joining and attending meetings of the local Pubwatch.

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- m) overcrowding developing policies and procedures regarding capacity to prevent overcrowding and customers becoming aggressive
- n) prevention of theft: using bag hooks and signage to warn customers of pickpockets and bag snatchers
- o) queue management: establishing appropriate procedures to avoid the need for customers to queue before entering the premises or, where queuing cannot be avoided, to manage customers in the queues to minimise the potential for crime and disorder
- p) sales for consumption off the premises: applicants should consider:
 - 1. using shutters to prevent alcohol from being selected in non licensed periods
 - 2. having appropriate numbers of staff on duty to deal with possible 'intimidation' to sell alcohol
 - 3. restricting the sale of high strength beer/drink promotions
 - 4. using an incident and occurrence book to record incidents

16.17 Drugs

Recognising that drug misuse is not an issue in all licensed premises, the Licensing Authority is committed to the reduction and eradication of drugs from licensed premises as part of its role promoting the Crime and Disorder licensing objective. All licence holders are expected to actively support this objective by the way they plan, manage and operate their premises.

- 16.18 Where relevant representations are received following an application for the grant or variation of a licence, conditions may be imposed to support the prevention of the sale, supply and use of drugs. In premises where drug misuse is problematic and where the police or others apply for a 'Review' of the licence, the Licensing Sub-Committee will consider this as serious criminal activity and give appropriate consideration to the options available, including the suspension or revocation of the licence in accordance with the Secretary of State's Guidance. The Licensing Authority recognises that each case must be decided on individual facts and its specific merits.

16.19 Drink Spiking

Drink 'spiking' is when alcohol or drugs are added to someone's drink without their knowledge. Spiking a drink is illegal and subject to high maximum sentences if a person is found guilty. The UK has seen a rise in the incidences of spiking in licensed premises.

We expect applicants and licence holders to consider the risk associated with spiking on their premises and recommend that measures to deal with this risk are included within their existing drug policies.

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16.20 **Psychoactive Substances**

The UK has seen a rise in new substances and products that mimic the effects of traditional drugs such as cannabis, cocaine, amphetamine and ecstasy. The Psychoactive Substances Act 2016 came into effect in May 2016 and bans these substances.

- 16.21 We expect applicants and licence holders to consider the risk associated with psychoactive substances on their premises and recommend that measures to deal with this risk are included within their existing drug policies or a separate psychoactive substances policy.

16.22 **Outside drinking**

Some premises may wish to supply alcohol for consumption in an outside area such as a beer garden or on the pavement adjacent to the premises. In such circumstances, we expect applicants to include all outside areas within their proposed plan, and to consider the risk associated with outside drinking and include measures in their operating schedule to uphold the licensing objectives. We also expect licence holders to exercise control over their customers, particularly in instances where the outside drinking takes place on the pavement to which the public has access. If the licence holder fails to exercise such control, we may take enforcement action and apply to review the premises licence.

- 16.23 Where premises wish to place tables and chairs on the public highway adjacent to their premises, the person responsible for the premises, must obtain a pavement licence. Further information is available on our website.

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16.31 Prevention of Public Nuisance

16.32 Licensing Sub Committees are mindful that licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity. When addressing public nuisance the applicant should identify any particular issues that are likely to affect adversely the promotion of the licensing objective to prevent public nuisance before including in the operating schedule how they propose to mitigate and manage those issues.

16.33 Where an application includes provision of a smoking area or shelter the Licensing Authority expects them to be situated as far as possible from neighbouring residential premises. It is expected that suitable receptacles be provided and maintained to dispose of cigarette litter in any area used for smoking outside licensed premises. Licensees must take all reasonable steps to discourage smoking on the public highway close to residential premises, considering measures such as a ban on customers taking drinks outside on to the public highway, the use of door supervisors or imposing a time after which readmission to the premises will not be permitted. Licence holders and applicants are reminded to consider compliance with noise nuisance legislation under the Environmental Protection Act 1990 when considering smoking locations.

16.34 Potential causes of public nuisance

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

- a) amplified music: noise from music played on the premises.
- b) customer noise: this takes many forms, but the following are of concern:
 - 1) customers queuing to enter or leave the premises
 - 2) customers loitering outside the premises waiting for transport
 - 3) alcohol-related drunken behaviour and shouting
 - 4) customers eating, drinking, or smoking in external areas such as beer gardens, forecourts, and other open areas adjacent to the premises
 - 5) car horns/car radios/slamming of car doors late at night in the vicinity of licensed premises

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- c) litter: where licensable activities give rise to the risk of customers dropping litter in the vicinity of the premises, whether adequate arrangements are in place to prevent littering and/or clearing it up
- d) noise or vibration escaping the premises: we will be particularly concerned with premises located close to noise sensitive properties who propose to provide music and entertainment. We encourage applicants to supply an acoustic report confirming there will be no noise breakout from the premises that is likely to cause public nuisance to persons living or working in the vicinity of the licensed premises
- e) plant and equipment: applicants should demonstrate that plant and equipment (air handling units, ventilation/extraction ducting and other equipment) is suitable and enough for the purpose intended without causing nuisance to residents by way of noise, odours or vibration
- f) people entering and leaving the premises: whether consideration has been given to possible public nuisance issues caused by customers and staff entering and leaving the premises. We will pay regard to queuing arrangements and arrangements for the orderly dispersal of customers
- g) customers smoking, eating and drinking in outdoor areas and on the highway outside the premises: possible measures that may address this issue include:
 - 1. providing prominent signage asking customers to keep noise to a minimum when using outdoor areas
 - 2. restricting the number of customers permitted in certain outside areas and/or at certain times
 - 3. using door supervisors and employees to monitor public nuisance issues
 - 4. not allowing customers who are smoking to take drinks outside with them
 - 5. restricting the use of external areas at a certain time
 - 6. removing furniture from smoking areas or preventing it's use after a certain time to discourage smokers from loitering outside the premises
 - 7. locating smoking areas away from residential premises
 - 8. using portable ashtrays to prevent cigarette litter
 - 9. only allowing seated customers to use external areas that are authorised to be used by a tables and chairs licence
- h) queuing: an effective door and queuing policy to encourage good behaviour outside the premises. This might include training for door staff to deal with conflict and drunkenness

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- 6) use of external play equipment and noise from children using the provided facilities.
- c) deliveries: deliveries outside daytime hours, especially early morning and late evening or night
- d) collections: early morning and late night clearing up and collection of waste. We are particularly concerned about the noise associated with the movement and collection of glass waste as this may cause significant noise nuisance and can be heard over a wide area
- e) lighting: excessive artificial lighting near licensed premises
- f) litter/waste: litter and waste generated by the carrying out of licensable activities, for example, food wrappers and cigarette butts
- g) obstruction: customers blocking footpaths when eating, drinking and smoking near to the premises
- h) plant and machinery: noise from plant and machinery, including air conditioning units, refrigeration units and kitchen extractors. This may include smell nuisance from ventilation ducting and kitchen extractors.

6.35 It is recommended that operating schedules contain sufficient information for officers to form a view as to whether noise from licensable activities is likely to cause a problem to people living nearby. Applicants should provide details of proposed noise control measures, particularly if premises are in residential areas where regulated entertainment is being applied for late at night, or where there is a history of noise complaints. The licensing authority will normally apply stricter conditions in these circumstances where relevant representations have been received. Whilst each application will be considered on its individual merits it should be noted that restricting the hours of regulated entertainment may be necessary to prevent public nuisance.

6.36 Measures to address Public Nuisance:

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

- a) deliveries: ensuring arrangements are in place to prevent unreasonable disturbances caused by delivery of goods and services to the premises
- b) collections: ensuring arrangements are in place to prevent unreasonable disturbances caused by collections, especially of glass waste. For example, these collections could be restricted so that they only take place at certain times, such as Monday to Saturday 08:00 to 20:00 and Sunday 10:00 until 20:00

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- i) signs: signs encouraging customers to leave the area quietly, to minimise rowdy behaviour whilst waiting for transport and to minimise nuisance and/or disturbance to residents
 - j) vehicles: whether there are measures to reduce the impact of customers and staff parking vehicles in the vicinity of the premises and measures taken to minimise noise generated by other vehicles attending the premises, for example taxis and minicabs
 - k) A simple requirement to keep doors and windows at the premises closed when music is being played
 - l) Limiting amplified music to a particular area of the building
 - m) Moving speakers away from external walls or walls that abut private premises, or adjusting the direction of the speakers
 - n) Installation of acoustic curtains, seals to doorways, rubber speaker mounts
 - o) Fitting self-closing devices on doors so that they do not stay open.
 - p) Monitoring noise levels at the perimeter of premises and taking action to reduce the volume if it is likely to disturb nearby neighbours, e.g. it could be too loud if the words of the song are clearly audible
 - q) Noise limiters on amplification equipment (if proportionate to the premises – noise limiters are expensive and are likely to be a burden for smaller premises)
- 16.37 There is a distinct separation between a public nuisance under the Licensing Objectives and statutory nuisance relating to noise, light and odour under Section 79 Environmental Protection Act 1990 which is dealt with by Environmental Health Officers.
- 16.38 Applicants are encouraged to contact the Council's Environmental Health Services with draft proposals and where applicable their plans and operating schedules as to how they intend to control noise emanating from the premises from openings to the building (doors, fans, windows, ventilation). Consideration should be given to the provision of attenuating material and if suitable building attenuation cannot be achieved or no other appropriate measures can be taken to attenuate noise then consideration to the installation, calibration and operation of a noise limiting device may have to be given.
- 16.39 Conditions may be necessary to ensure that licensed premises are properly vented to prevent odours causing a nuisance to people who live or work nearby.
- 16.40 Where representations are received and the Licensing Sub-Committee considers it appropriate to do so, they may attach conditions to licences and certificates to prevent public nuisance.

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16.41 Protection of Children from Harm

16.42 The Council is committed to the safeguarding of children and vulnerable persons. The Licensing Act 2003 places legal responsibilities on holders of Premises Licences and Club Premises Certificates, and those who work in licensed premises to ensure that children are protected from harm at all times when on licensed premises.

16.43 In exercising the Council's powers under Section 182 of the Act to designate a body which is competent to advise the Council about the protection of children from harm, the following principles have been applied:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

16.44 Having regard to the above principles and the guidance issued by the Home Office, the Council designates the Surrey County Council Children's Service for this purpose.

16.45 The wide range of different premises that require licensing under the Act means that children may be expected to visit many of these, often on their own, for food and / or entertainment. Where no representations are received and an applicant's operating schedule details restrictions in relation to the admission of children, these may become conditions attached to the licence. Apart from the specific restrictions set out in the Licensing Act 2003, there is no presumption of either permitting or refusing access to licensed premises. Each application and its unique circumstances must be considered on its own merits.

16.46 The Authority is committed to protecting children from harm. Local authorities have an overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. While local authorities play a lead role, safeguarding children and protecting them from harm is everyone's responsibility. Everyone who comes into contact with children and families has a role to play.

16.47 The Licensing Authority will only seek to limit the access of children to licensed premises where it is necessary for the prevention of physical, moral or psychological harm. The Licensing Authority will consult the Surrey Safeguarding Children Board for advice on any application that indicates there may be concerns over access for children. In the event of representations, the Licensing Sub-Committee will consider the merits of each application before deciding whether to impose conditions limiting the access of children.

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16.48 The following are examples of premises that are likely to raise concern;

- Where entertainment or services of an adult or sexual nature are commonly provided.
- Where there have been convictions of the current staff at the premises for serving alcohol to minors or premises with a reputation for underage drinking.
- Where a remote delivery service for alcohol is offered, with the potential for minors to order/be delivered alcohol
- Where age restricted films are shown
- A known association with drug taking or drug dealing
- Where there is a strong element of gambling on the premises
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

16.49 Examples of entertainment or services of an adult or sexual nature might include;

- Topless bar staff, striptease, lap, table or pole dancing
- Performances involving feigned violence or horrific incidents
- Feigned or actual sexual acts or fetishism
- Entertainment involving strong or offensive language.

16.50 The Licensing Sub-Committee may consider any of the following options when dealing with a licence application where limiting the access of children is considered appropriate to prevent harm to children;

- Limitations on the hours when children may be present
- Limitations on the presence of children under certain ages when particular specified activities are taking place
- Limitations on the parts of premises to which children might be given access
- Limitations on ages below 18
- Requirements for an accompanying adult
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

16.51 No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee. The 2003 Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the Police to ensure the appropriate compliance with the law, especially relating to the sale and supply of alcohol to children.

16.52 Consideration will be given to promoting initiatives which may assist in preventing the sale of alcohol to children such as Home Office campaigns. The Licensing Authority is supportive of and actively encourages recognised proof of age schemes and 'Challenge 25'

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polices in all licensed premises as a fundamental means of preventing under age sales. The Licensing Authority has an expectation that all licence holders will maintain accurate record keeping of refusals and ensure that all staff are suitably trained.

16.53 Applicants seeking a licence that would enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to operate to ensure that:

- the person they are selling alcohol to is over 18;
- that alcohol is only delivered to a person over 18;
- that a clear document trail of the order process from order to delivery is maintained (with times and signatures) and available for inspection by an authorised officer;
- the time that alcohol is sold on the website / over the phone and the time; and
- that the alcohol is delivered is within the hours stated on the licence for the sale of alcohols.

16.54 Many children go to see and/or take part in entertainment arranged especially for them, for example children's film shows, discos, dance or drama school productions and additional arrangements are required to safeguard them while at the premises.

16.55 Where an application for a Premises Licence or Club Premises Certificate includes the provision of entertainment for children or by children, the Licensing Authority will expect the operating schedule to include arrangements for protecting children.

16.56 Where representations are made and the Licensing Sub-Committee consider it appropriate to do so, they may make full use of Licensing Conditions to secure the protection of children from harm.

16.57 The Licensing Authority is committed to protecting children from harm and supports the programme of underage test purchases arranged by the Surrey Trading Standards Service, the Licensing Team and Police. Where underage sales are found, the Licensing Authority supports the appropriate and proportionate use of warnings, fixed penalty notices, reviews and prosecution as a means of promoting the licensing objectives and enforcing the Licensing Act proportionately.

16.58 In keeping with the s.182 Guidance the Licensing Sub-Committee will treat underage sales as serious criminal activity and will give consideration to the suspension or revocation of a licence if a review is brought in respect of underage sales.

16.59 Measures to protect children from harm

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

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a) prevention of underage sales: this may include:

1. operating a 'challenge 25' policy
2. requirements for adults to accompany a person under 18 at all times
3. having a recognised proof of age scheme in place and training all staff in its implementation, displaying posters advertising the scheme and giving details of acceptable identification
4. providing regular staff training on the sale of alcohol. Maintaining a written staff training record. Not allowing staff to sell alcohol until they have completed the training.
5. keeping a refusals log on the premises and ensuring it is completed whenever sales are refused to a person who appears to be under the age of eighteen
6. displaying posters stating that it is an offence to purchase alcohol on behalf of an underage person (proxy sales)
7. ensuring alcohol is displayed in an area where access to it can be monitored and controlled by members of staff, for example behind the counter
8. use of till prompts

b) access to premises: restricting access for children to licensed premises:

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

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

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

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