

**LONDON BOROUGH OF BRENT**

**STATEMENT OF  
LICENSING POLICY**

Issued by  
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## **Statement of support**

## Foreward

The Licensing Act 2003 is the biggest change in licensing laws for 90 years. The Act sees the change of responsibility for licensing pubs, clubs and other premises selling alcohol from the Magistrates' Courts to local authorities. Also affected are nightclubs, and other places of entertainment, cinemas, theatres, off-licences, restaurants, hotels, guest houses, shops selling alcohol and businesses selling hot food or drink between 11:00 p.m. and 5:00 a.m. the following morning.

The Act aims to lessen binge drinking by encouraging a "café culture" and a more continental style of drinking.

Councillors and officers will ensure applicants address the Act's four objectives that are:

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

Brent is a place where residents and visitors to the Borough can enjoy their leisure time, but this should not be at the expense of people's rights to a peaceful environment. To achieve this we will carefully balance the wishes of the applicants against the needs of the community. This policy gives guidance on how that balance may be achieved.

# Statement of Licensing Policy

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# DRAFT

## LONDON BOROUGH OF BRENT STATEMENT OF LICENSING POLICY

### 1. Introduction

- 1.1 Brent Council is the licensing authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, temporary event notices and personal licences in the London Borough of Brent.
- 1.2 Activities covered by legislation and this Policy include the
- retail sale of alcohol;
  - supply of alcohol to, by or on behalf of a club or to the order of a club member;
  - supply of hot food or drink between 11:00 p.m. and 05:00 a.m. the following day;
  - provision of entertainment for profit, including charity, where the entertainment involves:
    - a) Theatrical performance
    - b) Film exhibition
    - c) Indoor sporting event
    - d) Boxing or wrestling (indoor and outdoor)
    - e) Live music performance
    - f) Playing of recorded music
    - g) Dance performance
    - h) Provision of facilities for making music
    - i) Provision of dancing facilities

### 2. The Policy

- 2.1 The Licensing Act 2003 (“the Act”) requires the Council to publish a “Statement of Licensing Policy” that sets out the policies the Council will generally apply to meet the licensing objectives when determining applications. This Policy will guide the authority when considering personal licences, premises licences (including provisional statements), variations, transfers, interim authorities and reviews, club premises certificates, designated premises supervisors and temporary event notices.
- 2.2 This statement has been developed in accordance with the provisions of the Act, having regard to the Guidance issued under s182 of the Act. Before publishing this statement the Council shall consult with, and have regard to, the views of all statutory consultees such as the police, fire service, representatives of licence holders, local businesses and their representatives and local residents.

- 2.3 In addition to the statutory consultees, the following persons or bodies shall be consulted:
- Brent Ambulance Service
  - Accident and Emergency Services
  - The Council's Transport and Planning services
  - Brent's Crime and Disorder and Community Safety Partnership
  - The local Transport Authorities
  - Equity
  - Brent's Cultural Strategy Officer
  - Brent's Head of Children's Services
  - Head Teachers of Brent Schools
- 2.4 Due consideration will be given to all replies and a record of persons/organisations consulted and replies received will be kept by the Council's Licensing Unit.
- 2.5 A copy of the policy will be placed on the Council's internet site and periods of consultation will be advertised on the site.
- 2.6 This policy will come into force on 7<sup>th</sup> February 2005 once approved by Full Council and will be reviewed and published every three years. A full consultation will be undertaken every three years. The policy will also be under review in the interim period. Any revision required to the policy will be subject to full consultation and approval by Full Council.
- 2.7 In accordance with the Act, the Council will seek to promote the following objectives when determining an application:
- The prevention of crime and disorder
  - Public Safety
  - The prevention of public nuisance
  - The protection of children from harm

### **3. Main Principles**

- 3.1 This policy sets out the general approach the Council will take when considering applications for licences. When determining applications and reviewing licences, the Council will have regard to;
- the Licensing Act 2003 and related regulations;
  - government guidance issued under s182 of the Act; and
  - this Statement of Licensing Policy.
- 3.2 When determining an application under these considerations, the overriding principle adopted by the Council will be that each application will be determined on its merits.

- 3.3 Applicants will be expected to address the licensing objectives in their operating schedule with particular regard to the nature of the location, type of premises, entertainment to be provided, operational procedures and the needs of the local community.
- 3.4 Only conditions necessary to promote the licensing objectives will be attached to any licence and the Council will have regard to the individual style and characteristics of the particular premises and events concerned. Licence conditions will not be imposed where other regulations or legislation exists to provide sufficient protection.
- 3.5 Licensees will be expected to comply with the Portman Group Scheme. The stocking or supplying of products featured in the Portman Group's "Retailer Alert Bulletin" could lead to review of the premises licence and ultimately a suspension or revocation of that licence if the Council considers that such action would undermine one or more of the licensing objectives.
- 3.6 The Council recognises that, in addition to 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.
- 3.7 The Council will not take "need" (commercial demand) into account when determining an application. This is not a matter for a licensing authority in discharging its licensing functions, or its statement of licensing policy, as this is a matter for the Planning Committee and the market.
- 3.8 "Cumulative impact" means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. At Brent "cumulative impact" will not be considered by itself when determining an application under the Act, the Council does recognise that the cumulative impact of a number of premises in a location may negatively impact on one or more of the licensing objectives. In particular, it is recognised that cumulative impact may lead to serious problems of nuisance and disorder in that area. In these circumstances the Council may consider cumulative impact when granting a new licence or club premises certificate and may refuse an application where there are strong reasons for believing new premises will undermine one or more of the licensing objectives by exacerbating existing problems linked to crime and disorder or another of the licensing objectives.
- 3.9 The Council has not adopted a special policy relating to cumulative impact but may consider such a policy where an area is saturated with licensed premises and the granting of new licences would undermine one or more of the licensing objectives. The Council will consult and review any special saturation policies identified in the Statement of Licensing Policy every three years.

## 4. Licensing Objectives

The Act provides a clear focus on the four statutory objectives which the Council must seek to promote when determining an application. These objectives are the prevention of crime and disorder, public safety, prevention of public nuisance, and protection of children from harm. Because of the wide variety of premises and activities to which this policy applies, applications will be expected to address all aspects relevant to the individual style and character of their premises and events. These objectives are set out in more detail below:

### 4.1 The Prevention of Crime and Disorder

- 4.1.1 The Council recognises that licensed premises, especially those offering late night/early morning entertainment for large numbers of people, can be a source of crime and disorder problems.
- 4.1.2 The Council will expect operating Schedules to satisfactorily address the prevention of crime and disorder from the design of the premises through to the daily operation of the business.
- 4.1.3 Applicants are recommended to seek advice from Council Licensing Officers and the local Police as well as taking account of local planning policies, transport policies and crime prevention strategies when preparing their operating schedules. Applicants should note that conditions addressing the crime and disorder objective may also promote the other licensing objectives such as setting capacity limits addressed in paragraph 4.2.3.
- 4.1.4 Where the Council considers that crime and disorder has not been fully addressed in the operating schedule it will consider attaching conditions to licences and temporary event notices to deter and prevent crime and disorder inside and immediately outside the premises where relevant representations are made.

### 4.2 Public Safety

- 4.2.1 The Act covers a wide range of premises and activities and each of these present a mixture of risks. Some of these risks will be common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and managed so as to safeguard occupants against these risks. The Council will expect operating plans to satisfactorily address the objective of public safety in their operating schedule.
- 4.2.2 Applicants should note that the public safety objective is concerned with the physical safety of the people using the premises and not with public health which is covered by other legislation. Applicants are advised to seek advice from Licensing Technical Officers, Health and Safety Officers and Fire Safety Officers before preparing their operating schedules.



- 4.2.3 Premises or activities that present a risk to the public either because of the way they are designed, the large numbers expected to attend in comparison to the size of the venue or because there are special effects involved will be required to set an occupancy figure for those premises or activities. Examples of this are discos and other dances attracting large numbers of young people, public houses close to Wembley Stadium where large numbers of people may attend on special days and activities that involve entertainments such as novelty acts involving pyrotechnics and other special effects. The Council recommends that occupancy figures should be set at one person for every 0.3m<sup>2</sup> of available floor space for standing areas and one person for every 0.5m<sup>2</sup> for dance areas.
- 4.2.4 Where there is relevant representation and the Council feels that public safety has not been fully addressed in the operating schedule, it will consider attaching conditions to licences and permissions in order to achieve this licensing objective.

#### 4.3 **Prevention of Public Nuisance**

- 4.3.1 The Council recognises that licensed premises, especially those operating late at night or in the early hours of the morning, can cause a range of nuisances that impact on people living, working or sleeping in the vicinity of the premises.
- 4.3.2 As Public Nuisance is not given a statutory meaning in the Act, the Council will consider nuisance in its broad common law meaning and will consider concerns such as noise nuisance, light pollution, noxious smells and litter. The Council will expect operating schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Unit when preparing their operating schedules.
- 4.3.3 Where there is relevant representation and the Council feels that the prevention of nuisance has not been fully addressed in the operating schedule it will consider attaching conditions to licences and temporary event notices to prevent nuisance.

#### 4.4 **Protection of Children from Harm**

- 4.4.1 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.
- 4.4.2 Generally the Council will not seek to limit the access of children to licensed premises unless it is necessary to protect children from harm.

- 4.4.3 The council will judge the merits of each application before deciding whether to impose conditions limiting the access of children to individual premises. While the Council wishes to see the development of family friendly environments, it may consider imposing conditions in the following circumstances:
- Where adult entertainment is provided;
  - Where there have been convictions of current management for serving alcohol or with a reputation for allowing under-age drinking;
  - Where there is a known association with drug taking or dealing;
  - Where there is a strong element of gambling on the premises;
  - Where the primary purpose of the service provided is the consumption of alcohol.
- 4.4.4 The Council will consider all or any of the following options when dealing with a licence application where limiting the access of children is considered necessary:
- Limitations on the hours when children may be present;
  - Limitations on ages below 18;
  - Limitations or exclusion when certain activities are taking place;
  - Presence of sufficient adults to control the access and egress of children and to ensure their safety;
  - Full exclusion of people under 18 when any licensable activities are taking place
  - Limitations to parts of the premises to which children may have access.
- 4.4.5 Where a significant number of children are likely to be present, a licensee should ensure that an adequate number of staff are present to control their access, egress and safety. The number of staff required should be assessed by the licensee taking in to account the number of children to be present, the type of event, characteristics of the premises and any other relevant factor. The Council recommends that the sufficient number of adults that should be present should be calculated at a rate of one adult for every 50 children or part thereof. Where there is a balcony the rate shall be one adult for every 30 children or part thereof.
- 4.4.6 If the Council considers it appropriate, the Council may require that adult supervisors be checked for suitability to work with children
- 4.4.7 Brent Council supports the Portman Group's Proof of Age Scheme or similar proof of age schemes and will expect applicants to address this within their risk assessment in respect of determining access to premises or sale of alcohol to young persons.
- 4.4.8 Where an entertainment includes the showing of any film the Council will impose conditions requiring licensees to restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classifications or by the licensing authority itself.
- 4.4.9 Where there is relevant representation and the Council feels that the licensing objective regarding protection of children has not been fully addressed in the operating schedule it will consider attaching conditions to licences and temporary event notices to protect children from harm.

## **5 Licensing Hours**

- 5.1 The council recognises that longer licensing hours should discourage binge drinking and avoid large numbers of people leaving premises at the same time which should reduce the pressure on late night fast food outlets, taxi ranks, minicab offices and other sources of transport which in turn will lead to a reduction in disorder and disturbance.
- 5.2 Fixed trading hours within designated areas will not be set by the Council as the Council recognises that this could lead to significant movements of people from one area to another seeking later hours leading to peaks of disorder and disturbance. The setting of fixed trading hours in certain areas may also lead to the Council treating one group of residents less favourably than another group.
- 5.3 The Council will generally consider licensing shops, stores or supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping. However, it may consider there are very good reasons to restrict the hours alcohol may be served, for example where police representation is made in respect of isolated shops known to be the focus of disorder and disturbance.

## **6 Al Fresco**

- 6.1 The provision of tables and chairs outside the premises can enhance the attractiveness of a venue or area and encourage a continental style café culture. Where applicants wish to place tables and chairs on a public highway they will require to be licensed for such an activity by Brent Council's Health Safety & Licensing Unit.
- 6.2 Where applicants intend to use private land for al fresco meals or refreshments they will be required to explain how possible nuisance from late night use of table and chairs will be controlled.

## **7 Integrating Strategies and Avoiding Duplication**

- 7.1 The Council recognises the need to avoid as far as possible duplication with other regulatory regimes and will not seek to impose conditions where it can be demonstrated by applicants that the licensing objectives can be met by existing legislation.
- 7.2 The Council recognises that there should be a clear separation of the planning and licensing regimes and licensing applications should not be a re-run of the planning application. In order to ensure this, the Council recommends applicants should have the appropriate planning permission in respect of their application. In addition the Licensing Committee will keep the Planning Committee informed of the situation regarding licensed premises within the London Borough of Brent.
- 7.3 Applicants will be expected to have taken local crime prevention strategies, transport and planning policies and tourism and cultural strategies into account when submitting their operational Schedules.

## **8 Licence Conditions**

- 8.1 Conditions attached to licences or certificates should be tailored to the individual needs, style and characteristics of the particular premises and events concerned.
- 8.2 Where considered necessary for the promotion of the licensing objectives, the Council will consider attaching conditions drawn from the relevant “Model Pool of Conditions” that are appropriate and proportionate to the particular premises and events.
- 8.3 Any conditions attached by the Council or submitted by the applicant must focus on the direct impact of the activities taking place at licensed premises, on those attending the premises and residents and persons working in the area.

## **9 Live Music, Dancing and Theatre**

- 9.1 The Council recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community, particularly for children.
- 9.2 When considering applications for such events and the imposition of conditions on licences or certificates, the Council will carefully consider the cultural benefit to the community when seeking to promote the licensing objectives.
- 9.3 Consideration will be given to the particular characteristics of any event including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.

## 10 Diversity and Equality

- 10.1 Brent is a diverse borough and this is recognised by Members and Officers. The Council is aware that some applications may have a greater impact on groups, organisations or associations in respect of their race, gender, age, disability, sexuality or religious beliefs. Where this is the case, applicants will be expected to address these concerns in their application.
- 10.2 Brent Council is keen to see comprehensive facilities for people with disabilities wherever practicable and therefore applicants will be expected to address the needs of disabled persons in their operating schedules.
- 10.3 Where applications made by these groups or organisations representing them highlight special needs or customs that may affect their application, the Council, in recognising its duty to promote good relations between persons of different racial groups<sup>1</sup>, will give consideration to supporting those needs or customs whilst seeking to promote the licensing objectives.
- 10.4 As part of our policy review we will consider the impact of this policy on these groups

## 11 Human Rights

- 11.1 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 that is incompatible with a Convention right. Brent Council will have particular regard to its rights and responsibilities under the Human Rights Act 1998 when determining applications and reviewing this policy. The Council will have particular regard to:

Article 6 that in the determination of civil rights 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 every person is entitled to peaceful enjoyment of his or her possessions.

<sup>1</sup> The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 places a duty on public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different race groups. A copy of the Council's Race Equality Scheme Summary can be found under Diversity on the Council's Website: [www.brent.gov.uk/HumanRes.nsf](http://www.brent.gov.uk/HumanRes.nsf)

## **12 Enforcement**

- 12.1 It is essential that premises are managed so as to ensure the promotion of the licensing objectives and compliance with the specific requirements of the Licensing Act 2003. The Council will make arrangements to monitor premises and take appropriate action to ensure that licensing objectives are adhered to.
- 12.2 The Council's Licensing Officers will work closely with local Police Officers to ensure a more efficient deployment of Officers and to avoid any duplication of duties.
- 12.3 Brent Council has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. It is based on the principles that businesses should:
- receive clear explanations from enforcers of what they need to do and by when;
  - have opportunities to resolve differences before enforcement action is taken - unless immediate action is needed;
  - receive an explanation of their rights of appeal.
- 12.4 Where necessary, enforcement action will be taken in accordance with the principals of the Enforcement Concordat and any protocol between the Police, Fire Authority and other statutory bodies.
- 12.5 Inspections and enforcement will be undertaken on a risk basis if and when judged necessary.

### **13 Administration, Exercise and Delegation of Functions**

- 13.1 Brent Council has established a Licensing Committee to administer its licensing functions under the Licensing Act 2003.
- 13.2 To provide a speedy, efficient and cost-effective service the Committee has established a number of Sub-Committees and delegated certain functions and decisions to those Sub-Committees.
- 13.3 Many of the decisions are largely administrative in nature such as, the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made. These will be delegated to Council Officers by the Licensing Committee.
- 13.4 All decisions taken by the Sub-Committees and officers will be reported for information to the next full Committee meeting.
- 13.5 Applications where there are relevant representations will be dealt with by the Licensing Committee/sub-committees unless such representations are considered irrelevant, frivolous or vexatious or unless the Council, the applicant and all those persons who have made representations agree that a hearing is not necessary.
- 13.6 The table on the following page sets out the delegation of functions under the Licensing Act 2003 to the Licensing Committee, Sub-Committees and Officers and where appropriate Officers may refer any matter to a Sub-Committee or a Sub-Committee to Full Committee.

## **TABLE OF DELEGATION OF LICENSING FUNCTIONS**

Matter to be Dealt With	Decision Maker		
	Full Committee	Sub-Committee	Officers
Application for Personal Licence		If representation made	If no representation made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a representation made	If no representation made
Application for a provisional statement		If a representation made	If no representation made
Application to vary premises licence/club registration certificate		If a representation made	If no representation made
Application to vary designated personal licence holder		If a police representation	All other cases
Request to be removed as a designated personal licence holder			All cases
Application for transfer of premises licence		If a police representation	All other cases
Application for Interim Authorities		If a police representation	All other cases
Application to review premises licence/club premises registration		All cases	
Decision on whether a complaint is irrelevant, frivolous or vexatious			All cases
Decision to object when local authority is a consultee and not the lead authority			All cases
Determination of a police representation to a temporary event notice		All cases	



## CONTACT DETAILS

The Council's Licensing Officers can be contacted in any of the following ways:

### **In Person**

Visit us at Health Safety & Licensing, Brent House, 349-357 High Road, Wembley, Middlesex.

### **By Post**

Write to The Licensing Officer, Health Safety & Licensing, P.O. Box 411, Brent House, 349-357 High Road, Wembley, Middlesex HA9 6EP

### **By Fax**

To the Licensing Officer on 020 8937 5357

### **By E-mail**

To the Licensing Officer at [hsl@brent.gov.uk](mailto:hsl@brent.gov.uk)

### **By Telephone**

Call 020 8937 5359

## OTHER USEFUL CONTACTS

<b>Police</b>	Wembley Police Station, 603 Harrow Road, Wembley, Middlesex HA0 2HH
<b>Fire Authority</b>	Brent Borough Team, London Fire Brigade, 591a Harrow Road, Wembley, Middlesex HA0 2EG tel: 020 7587 2778
<b>Planning</b>	Planning Service, Brent House, 349-357 High Road, Wembley, Middlesex HA9 6BZ tel; 020 8937 5210
<b>Environmental Health</b>	Environmental Health, Brent House, 349-357 High Road, Wembley, Middlesex HA9 6BZ tel: 020 8937 5252
<b>Trading Standards</b>	Quality House, 249 Willesden Lane, London, NW10 tel: 020 8937 5050
<b>Brent Magistrates</b>	448 High Road, London, NW10 2DZ tel: 020 8955 0555
<b>Portman Group</b>	<a href="http://www.portmangroup.org.uk">www.portmangroup.org.uk</a> e-mail <a href="mailto:info@portmangroup.org.uk">info@portmangroup.org.uk</a> tel: 020 7907 3700