



# **London Borough of Brent**

Statement of Licensing Policy (as amended)

2020 - 2025

# APPENDIX A

## Brent Statement of Licensing Policy

### Part 1: Introduction, principles and context

#### 1. Purpose of the Statement of Licensing Policy

The London Borough of Brent (“the Council”) is the licensing authority under the Licensing Act 2003 (“the Act”) and is responsible for granting premises licences, club premises certificates, temporary event notices and personal licences in the London Borough of Brent.

The purpose of this licensing policy is to outline the approach that the Council will take to implementing the Licensing Act 2003. The policy will act as a guide for applicants, residents and Responsible Authorities under the Act.

This policy, along with current national guidance issued by the Home Secretary and primary legislation, forms the basis on which all licensing decisions are made.

The Council is required by primary legislation to promote through its actions the four licensing objectives. The four licensing objectives outlined in the Licensing Act 2003 are:

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

Each of these objectives is of equal importance in terms of licensing actions and decision making.

The Licensing Act 2003 also outlines five other key aims that are important for all those involved in licensing to support and promote through good practice. These are:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities, and minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and,
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.

This policy:

- Outlines the legal framework and responsibilities under the Licensing Act 2003 and the associated Section 182 Guidance issued by the Home Secretary.
- Makes clear the expectations the Licensing Authority has for those engaging with the licensing system in Brent: including; licence holders, licence applicants, residents and Responsible Authorities.
- Makes clear the expectations to those engaging in the licensing system in Brent, may have of the Licensing Authority and other licensing partners.

The aim is to make the Licensing system in Brent clear, simple and as effective as possible. The policy is set out as follows:

- A clear statement of the legal framework and linkages to other legal frameworks and strategies;
- The Brent context and the aspirations and intent of the policy within that context;
- The Licensing Objectives and the measures expected to promote them as required by the Licensing Act 2003;
- 26 specific policies that will provide more detailed guidance on the approach the Licensing Authority will take to specific issues and circumstances; and,
- Appendices that will provide further information.

If a new licence application or application for the variation of an existing licence receives no representations, the licence will be granted subject to the conditions in the operating schedule and the mandatory conditions.

Where representations are received, it will be considered on its own merits – this is further explained in Policy 1. This will include the proposed venue and its operation, or proposed change to an existing venue and/or its operation, as well as the context in which it operates. Section 5 of the Licensing Act 2003 requires each licensing authority to prepare and publish a statement of its licensing policy every five years. The previous Brent Statement of Licensing Policy was published on 7 January 2016.

In drafting this Policy, the Council has had regard for the Home Office Guidance issued under S.182 of the Licensing Act and has given appropriate weight to the views of consultees. When revisions of the guidance are published the Council will determine if revisions of this policy are appropriate.

### ***Review of the Statement of Licensing Policy***

Under the Act, the Licensing Authority must carry out a review of its Licensing Policy every five years. Prior to publishing the revised version, the Licensing Authority must consult fully with those individuals and organisations outlined under section 5 of the Act.

In addition, within the five-year period of the Licensing Policy the Licensing Authority will review the Licensing Policy whenever it feels that relevant issues have arisen or significant changes to the s. 182 Guidance or the Act have occurred.

## **2. Scope of the policy**

A Statement of Licensing Policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of The Act.

The Act regulates the following licensable activities:

- Retail sale of alcohol;
- Supply of alcohol to club members;
- Supply of hot food and drink between 23:00 and 05:00
- Provision of regulated entertainment to the public or club members or with a view to profit;
- Film exhibitions;
- Performances of a play;
- Indoor sporting events;
- A boxing or wrestling entertainment;
- Live music performances (see Appendix 11 relating to the Live Music Act);
- Playing of recorded music;
- Dance performances; and,
- Provision of dancing facilities.

There are a number of exemptions and details of these are set out in full in Part 2 of Schedule 1 of the Act.

The Statement of Licensing Policy must be published before the authority carries out any function in respect to individual applications and notices made under the terms of 2003 Act. The scope of these licensable activities are covered by making an application to the Council for a licence to undertake these activities. These applications include applications for new premises licences, club premises certificates, variations to these, reviews of licence/certificates and temporary event notices.

The scope of the policy will be subject to revisions to the guidance issued by the Secretary of State. When revisions are issued, the licensing authority will determine whether revisions to the Licensing Policy are appropriate. Therefore, there may be periods of time where the Brent policy is inconsistent with the guidance. During such periods this Council will have regard, and give appropriate weight, to the revised guidance.

In the drafting of this policy the Council has had regard to Home Office Guidance issued under S.182 of the Licensing Act and has given appropriate weight to the views of consultees.

### ***Planning***

It goes without saying that the Planning regime has an impact on the Licensing regime. It is also noted that each of these regimes is covered by a separate legislative framework and administered through separate parts of the Council, with separate Committees overseeing the processes. However, the Council commits to working in alignment with the Planning regime as closely as is possible.

The use of premises for the sale or provision of alcohol, provision of entertainment or late-night refreshment or indoor sports is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.

In general, all premises which are the subject of an application, should have the benefit of planning permission, or be deemed permitted development. Although, Licensing and Planning are separate regimes, consents from both must be in place to operate legally. If there is variance between the hours given under a licence and those permitted by the planning permission, the earlier hours granted will apply.

Commercial premises need to have provision for collection of waste etc. Care should be taken to ensure that collection of rubbish and glass does not occur at unsocial hours.

### ***The Mayor's Vision for London as a 24-hour City***

Since the publication of the last Statement of Licensing Policy the Mayor of London has outlined his vision for London as a 24-hour City and has also appointed a Night Czar and a Night Time Commission to encourage the development of London as a vibrant, diverse, cultural city with a Night Time Economy that is of global significance.

The Council is focussing support for a 24 hour night time economy in two main areas. Wembley is designated by the Mayor as a night time economy area of international or national significance, and Kilburn as an area of more than local significance. The Council supports the Mayor's vision for these areas and will support applications which facilitate an enhancement of leisure and entertainment functions and the night time economy, with appropriate safeguards.

Brent has eight (8) priority town centres and wants to support businesses with a commercial food, drink, and entertainment offer, but with appropriate safeguards to maintain primary retail frontages and residential amenity.

### ***Responsibilities under the Immigration Act 2016 and the Modern Slavery Act 2015***

The Council has responsibilities that relate to the prevention of immigration crime, specifically the prevention of illegal working in licensed premises. These responsibilities are outlined in Section 5: Licensing Objectives, and the subsection on the Prevention of Crime and Disorder. The London Borough of Brent has a duty under the Modern Slavery Act 2015 to co-operate with the Independent Anti-Slavery Commissioner, the Council is also under this duty as part of the London Borough of Brent.

### ***Health Act 2006***

It is expected that all licence holders will be compliant with the Health Act 2006 and all sundry Smoke- free Regulations that govern smoking in licensed premises.

### ***Public Sector Equality Duty***

Brent Council has a duty under the Equality Act 2010 to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between different groups
- Foster good relations between different groups

To support delivering this duty the Licensing Authority will at all times have regard to the Equality Act 2010 and Brent's Equality policy and guidance.

Brent Council will implement the Statement of Licensing Policy in line with Brent Council's Public Sector Equalities Duty.

The Licensing Act 2003 restricts the sale of alcohol to those 18 years of age and above, as such this effects a differential impact of the legislation underlying the Licensing Policy on those under the age of 18 years old. Research outlines specific additional health and social harms and levels of harm that those under the age of 18 years old are exposed to as a result of the purchase and consumption

of alcohol. As such the Licensing Policy is likely to support a positive outcome for those under the age of 18.

When applications are received the Licensing Authority will consider these on their individual merits and will also ensure that the Public Sector Equalities Duty is applied where appropriate.

Furthermore, the Licensing Authority will apply the Public Sector Equalities Duty in the implementation of the 28 specific policies outlined in the Licensing Policy.

### **3. Principles of the policy**

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 Act and related regulations; and
- Government guidance issued under section 182 of the Act and this Policy.

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.

Similarly, this Policy shall not override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act.

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/licensable activities to be provided, and operational procedures. It is important that all operating schedules should be precise and clear on the measures proposed to promote each of the licensing objectives.

Only conditions appropriate and proportionate to the promotion of 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.

Licensees will be expected to comply with the Code of Practice of the Portman Group or equivalent. If a valid complaint is received, 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.

Where there is a notification to hold a temporary event the Council will expect, where applicable, the holder of the event to comply with the relevant conditions attached to the premises licence where the event is to be held.

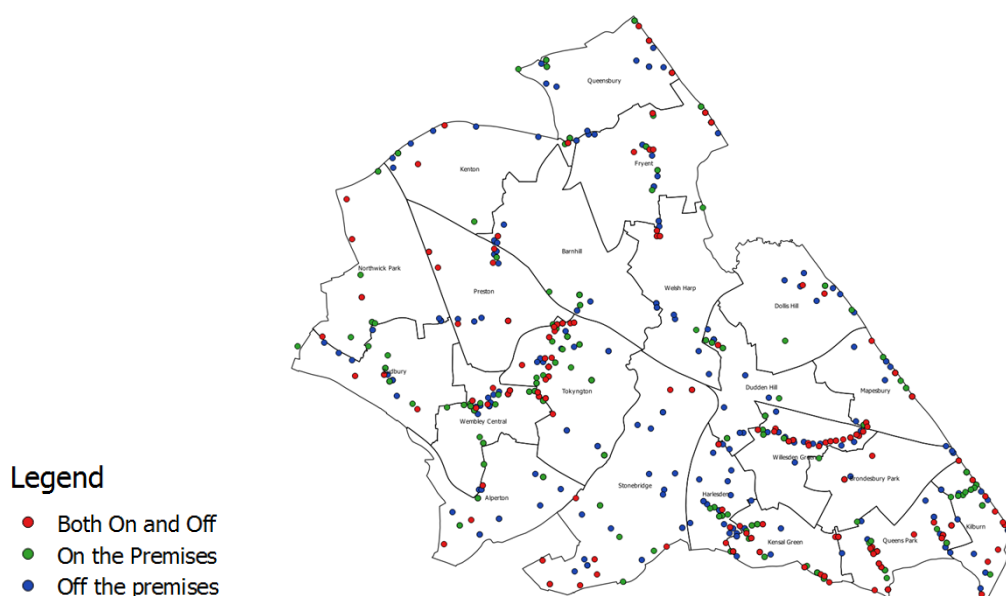
A notification of a temporary event should not be used to cover multiple events. The Council expects each notification to be for a single event, and the date and times that the event is to be held. One notification for 168 hours should not be used to cover more than one event.

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.

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.

#### 4. The local Brent context

### ***Brent Licensed premises***



## Geography

Brent is a north west Outer London borough. The major areas are Kilburn, Wembley and Harlesden. Brent borders many Inner and Outer London boroughs including Harrow to the north-west, Barnet to the north-east, Camden to the east and Ealing, Hammersmith and Fulham, and Kensington and Chelsea to the south, and Westminster to the south-east. Brent is notably home to Wembley Stadium, one of the country's biggest landmarks, as well as Wembley Arena. These present challenges for the borough as both the Stadium and Arena are integral parts of the Brent and greater London night-time and entertainment economy. Brent's geographic position and historic connections to central London has made the area one of distinct contrasts combining urban and suburban features common to both inner and outer London.

The eight (8) priority town centres in Brent include:

- Kilburn
- Wembley
- Burnt Oak
- Colindale
- Ealing Road
- Harlesden
- Neasden
- Willesden Green

## Diversity and demographics

Brent is the second most culturally diverse local authority in the UK and has a long history of ethnic and cultural diversity. Brent was the first local authority in the UK to have a majority black, Asian and minority ethnic (BAME) population. In the 2011 Census, 63.7% of the population were BAME. By

contrast, 14% of people in England and Wales and 40% of people in London were BAME. Different ethnic groups are concentrated in distinct parts of the borough:

- Stonebridge and Harlesden wards have the highest concentration of black residents;
- Asian residents tend to live in the west of the borough; and,
- The white population is more concentrated towards the east of the borough - Kilburn, Mapesbury and Dollis Hill wards have the highest numbers of white Irish residents.

People belonging to the different ethnic groups in Brent vary in age. Among younger people (particularly those aged 5-15) the white population is lower and the black population is higher than for the borough as a whole. Minority language households or households unable to speak English are primarily concentrated in the far west and south of Brent.

Children and young people under the age of 18 constitute 25% of the population of Brent. The early years of a child's life are particularly important in shaping future health outcomes. Key factors, such as income, housing, education and other socioeconomic issues can particularly affect young people during their earliest years of life. The 2011 census showed that Brent has a young population as Brent's median age is 32 compared to the London average of 33. The underlying growth of the child population in Brent is a key factor which needs to be considered when designing and providing services to improve the health and wellbeing of children and tackling health inequalities.

Brent's resident population is estimated to be 338,760 in 2019 and is continues to grow. The borough population is dynamic and increasingly transient with significant numbers of people moving into the borough.

Certain groups and geographic areas in Brent may be more vulnerable to the effects of alcohol than others. These vulnerabilities and different ethnicities should be considered when reviewing licence applications. The Council encourages the collection of evidence of the negative effects of alcohol on vulnerable groups within Brent to determine suitable prevention and treatment measures consistent with existing Council and NHS health objectives. A vulnerable adult is a person aged 18 years or over who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of or protect him or herself against significant harm or exploitation. Brent has a multi-agency procedure for responding to suspected abuse of vulnerable adults wherein Adult and Community Services coordinate the policy with the Police and NHS.

### ***Town centres***

Brent contains 16 defined town centres that vary in size and density. The different town centres within the borough are classified as Major, District, and Local Centres. These typologies are outlined in the Brent Core Strategy. Town Centres which share boundaries with neighbouring London Boroughs are indicated by an asterisk (\*).



Major Centres	District Centres	Local Centres
Kilburn*	Burnt Oak*	Kensal Rise
Wembley	Colindale*	Kenton*
	Cricklewood*	Queen's Park
	Ealing Road	Sudbury
	Kingsbury	
	Harlesden	
	Neasden	
	Preston Road	
	Wembley Park	
	Willesden Green	

There are significant differences between different town centres and other areas of the borough. The evidence shows that the borough's town centres accounted for approximately 15% of all alcohol-related crime and 7.5% of all alcohol-related ambulance callouts. This suggests that the large majority of alcohol-related crime and ambulance callouts is dispersed throughout the borough and not restricted to certain boundaries or town centres. This provides a challenge for licensing in the borough.

There are significant differences in the patterns of alcohol use and alcohol related harm between the north of Brent and the south of Brent. Town centres in north Brent have fewer licensed premises and experience less alcohol-related crime compared with town centres in south Brent.

**North Brent:** Areas in the north of the borough generally show lower concentrations of anti-social behaviour (ASB), alcohol-related crime, and activities that violate the four licensing objectives relative to the south of the borough. This area stretches in a curve from north of Sudbury Town Centre along north of Wembley Central and to the north of Kilburn High Road (approximately following the Metropolitan Line tracks. The key characteristics, relative to the south of the borough, are:

- Light foot-traffic
- Fewer licensed premises
- Lower concentration of licensed premises
- Fewer crime and anti-social behavior incidents recorded.

## 5. Brent as a London Borough of Culture in 2020

Brent has been selected as a London Borough of Culture for 2020. During 2020, Brent will establish a new trust for delivering culture in the area with 50 per cent of the trust's board being both from the local community and under the age of 30. Rather than adopting a top-down approach, Brent is working with young people to explore what culture means to them in the 21st century and allowing them to directly influence the design of their London Borough of Culture programme.

The Council is keen to support and encourage a diverse and lively night time economy that supports the 2020 London Borough of Culture programme and encourages the licensed trade to build on this to create an ongoing legacy of culture, particularly culture that is embedded in the local community and is driven by young people in the borough.

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## Part 2: Licensing objectives

The Act underpins the four statutory licensing 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. Due to 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, character of the premises and events that would take place. These objectives are set out in more detail in this section.

Those making representations to any licence application must base them on the four objectives. Therefore, how applicants communicate the promotion of the licensing objectives in their operating schedule and their application is essential for the full consideration of the application by the Council.

Applicants are encouraged to provide a detailed operating schedule which demonstrates how they will promote the licensing objectives. Applicants are encouraged to:

- demonstrate knowledge of the local area when describing the steps, they propose to take in order to promote the licensing objectives;
- undertake enquiries about the area in which the premises are situated to inform the content of the application;
- obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:
  - a) the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
  - b) any risks posed to the local area by the applicants' proposed licensable activities;
  - c) any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) they propose to put in place which might help to mitigate any potential risks.

Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to:

- demonstrate an understanding of how such a policy impacts on their application;
- any measures they will take to mitigate the impact; and
- why they consider their application should be an exception to the policy.

Demonstrated knowledge about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises within close proximity to residential premises should consider how this will impact on patrons smoking, noise management and dispersal policies, to ensure the promotion of the public nuisance objective. Applicants are expected to consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, to acknowledge this in their application.

Applicants may consider canvassing the views of their neighbours and local residents as this can clear up any ambiguities and develop a relationship based on mutual cooperation before an application is made. This will assist the applicant by giving an understanding at the outset of what the community believe is acceptable in their area.

Lists of matters which should be addressed in operating schedules are included in the Appendices to this document. Whilst applicants are encouraged to consider these they should not be regarded as standard conditions and should be used and modified according to the individual application and location and to inform the operating schedule. By setting out a carefully considered operating schedule applicants can demonstrate that they have given thought to their application and its impact on the local environment.

An operating schedule should contain details relating to the promotion of the licensing objectives that are capable of being translated into enforceable conditions as, if there are no representations against the grant of the licence these will form the basis of the conditions that will be placed on the licence.

Failure by an applicant to clearly and fully demonstrate in their operating schedule that they have properly considered the promotion of the four licensing objectives may be a legitimate concern, following receipt of relevant representations should the application come before the Licensing Sub-Committee.

## **6. Measures for the prevention of Crime and Disorder**

The prevention of crime and disorder is a licensing objective due to the link between alcohol and a range of problems, including:

- anti-social behaviour;
- violence, including sexual assault;
- crime and criminal damage;
- domestic violence and abuse;
- street drinking;
- public disorder and misadventure; and
- Resulting ambulance call-outs and A&E attendances.

The consumption of alcohol can increase the likelihood of an individual becoming a perpetrator or a victim of crime. A significant level of violence is linked to alcohol consumption, and the likelihood of being both a victim or perpetrator of property crime or criminal damage increase as a result of alcohol consumption. A compliant, well-regulated licensed premises with effective measures in place to reduce crime and disorder can make a difference. The Council expects existing licence holders and new applicants to be able to demonstrate the measures they use, or propose to adopt, to prevent and actively discourage the sale/supply of alcohol to children and to individuals who are already intoxicated and thus potentially pose a risk to themselves or others.

Applicants are advised that they should, in their operating schedules, focus on measures that will ensure that their proposals will not add to any existing problems with crime and disorder.

It is recommended that applicants undertake an assessment of the likely risks and causes for crime and disorder and include measures in the operating schedule that they will take to address these concerns.

These may include:

- Completion of a risk assessment;
- Use of facial recognition CCTV with appropriate storage of footage;
- Use of appropriate Security Industry Association (SIA) trained door supervisors;
- Membership of the Business Crime Reduction Partnership;
- Being aware of the potential for drug misuse within the premises and, where this is a risk, to introduce measures that can mitigate this risk;
- Consideration of schemes that may provide additional support for addressing crime and disorder, for example, Business Improvement Districts, Pub Watch, Best Bar None etc.

The Council would expect premises to co-operate with reasonable requests from Police following incidents, such as requests for CCTV footage or statements from staff members and have provisions in place to provide those without undue delay.

Licence holders are recommended to put measures in place to reduce gender-based violence, intimidation and harassment for all staff and customers. This may include 'Ask for Angela', WAVE and specific training for staff. Further details are available at the following links:

- Ask for Angela: <https://www.met.police.uk/AskforAngela>
- WAVE: <https://nbcc.police.uk/article/?id=b2cd2a7d17d92c915996003a0473a4b8>
- Safer Nightlife: [http://newip.safernightlife.org/pdfs/digital\\_library/uk\\_safer\\_nightlife\\_guideline.pdf](http://newip.safernightlife.org/pdfs/digital_library/uk_safer_nightlife_guideline.pdf)

Licence holders are recommended to put in place measures to address hate violence, intimidation and harassment for all staff and customers. This shall include zero-tolerance approaches to race, faith, or LGBTQI+ focused violence, intimidation or harassment.

The Council recognises that the Metropolitan Police are the main source of advice about crime and disorder, and that the Community Safety Partnership can also make a contribution. The Council will accept all reasonable, relevant and proportionate representations made by the Police unless there is evidence that suggests to do so would not be appropriate for the promotion of the licensing objectives.

The prevention of crime includes the prevention of immigration crime including illegal working in licensed premises. The Council will work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. In addition, the Home Office Immigration Enforcement may instigate a review of a premises licence if appropriate. Where appropriate, the Council will consider imposing conditions directed at ensuring the prevention of illegal working in licensed premises, such as licence holders being required to undertake right to work checks on all staff and the retention of a copy of any document(s) checked as part of a right to work check on the premises for these purposes of inspection.

### ***Events and risk assessment***

Where an event that is promoted by the licensee or an outside promoter, at the premise, premises operators are advised to undertake a risk assessment. Where this identifies a potential crime and disorder and/or a public safety risk linked to those providing the entertainment or to those attending the event, advice may be sought from the Council and Police on the following email addresses: [NWMailbox.licensingbrent@met.police.uk](mailto:NWMailbox.licensingbrent@met.police.uk), [Business.licence@brent.gov.uk](mailto:Business.licence@brent.gov.uk) Where risk assessments are required, they should be submitted at least 14 calendar days before any proposed event and debrief forms submitted within 14 calendar days of the conclusion of the event.

### ***Major events at Wembley Stadium***

During major events at Wembley Stadium the following recommended conditions will be considered where there is/are relevant representation(s):

- No sale of alcohol one hour before the event.
- Customers shall not be allowed to congregate outside the premises.
- No glass bottles shall be handed over the bar but shall be decanted into plastic vessels.
- The DPS shall work in partnership with the Police and comply with any direction given by the most senior Police Office on duty at the event.
- No alcohol of 'alcopop' type drinks shall be displayed or sold in glass containers with the exception of wines and spirits.
- No more than 4 cans of alcohol shall be sold per customer.

## **7. Measures to ensure Public Safety**

The public safety objective is concerned with the physical safety of people using the premises. To ensure the safety of customers, applicants should be prepared to demonstrate that the premises comply with all health and safety regulations and that risk assessments, where required, are current.

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.

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 may consider seeking seek advice from Licensing Officers, Health and Safety Officers, Environmental Health Officers and Fire Safety Officers before preparing their operating schedules. All new applications and variations should be accompanied by a Fire Safety risk assessment as required under the Regulatory Reform (Fire Safety) Order 2005. This will reduce the likelihood of the Fire Authority making a representation against the application.

Premises or activities that present a risk to the public either because of the way they are designed as well as the large numbers expected to attend in comparison to the size of the venue will be required to provide a capacity specific risk assessment for those premises or activities. This assessment will include holding capacity, exit capacity and calculations to demonstrate how the capacity was reached, the lower of the two numbers shall be the final capacity. Examples of this are discos and other entertainment venues (which may include dance), music etc. which attract large numbers of people, public houses close to Wembley National Stadium where large numbers of people may attend on event days, and activities that involve entertainments such as novelty acts involving pyrotechnics and other special effects. Whilst the character and nature of the premises will determine capacity limits, 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, one person for every 0.5m<sup>2</sup> for dance areas and one person for every 1m<sup>2</sup> for a seated area (although the final capacity may be curtailed by the number of fire exits).

A venue that intends to use special effects such as pyrotechnics, strobe lighting, haze or lasers is expected keep on record a site-specific risk assessment completed by a competent person. The use

of such special effects are expected to be conducted by a suitably professionally qualified competent person or company.

Where there is relevant representation and the Council considers that public safety has not been fully addressed in the operating schedule, it will consider attaching conditions to licences in order to promote this licensing objective.

Special considerations will apply to night clubs and similar venues. Applicants should consider the Safer Clubbing Guide published by the Home Office and London Drug Policy Forum, which gives advice on these issues. Specific guidance on ensuring a safer nightlife is available at [http://newip.safernightlife.org/pdfs/digital\\_library/uk\\_safer\\_nightlife\\_guideline.pdf](http://newip.safernightlife.org/pdfs/digital_library/uk_safer_nightlife_guideline.pdf)

## **8. Measures to prevent public nuisance**

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.

Public nuisance is the most common reason for complaints and representations made about applications. It is also the most common cause of complaints about existing premises. It can range from low-level nuisance affecting a few people to a major disturbance.

The potential for nuisance varies according to the nature of the premises. The Council will interpret nuisance in its widest sense and takes it to include such issues as noise (from patrons and music, both inside and outside the premises), light, litter, human waste (such as vomit and urine), fly-posting and anti-social behaviour.

Noise nuisance is the most common problem. It is particularly intrusive at night when ambient noise levels are lower, and residents are trying to sleep, and so it is essential that applicants demonstrate how they will effectively manage these issues. It can include issues such as:

- the exit and dispersal of patrons including patrons loitering;
- noise from patrons standing in queues or in smoking areas;
- patrons returning to cars parked in surrounding streets
- access to taxi marshals, ranks or services; and
- general noise of people arriving and leaving.

Applicants for licences which are proposed to run after midnight and for variations to extend existing hours are expected to prepare a detailed dispersal policy and submit it with the application.

Where applicants are completing operating schedules, they are expected to have regard to the location of the proposed or actual premises. In particular, consideration should be given to whether proposals may have a disproportionate impact in residential areas or near to sensitive premises such as nursing homes, older people's accommodation, hospitals, hospices, schools, childcare facilities or places of worship.

The use and management of outside spaces within the direct and to a degree in-direct control of the licensee and the associated behaviour of people using outside areas can be problematic. Applicants are expected to take all reasonable steps to prevent public nuisance outside their premises where these matters are within their reasonable control. Policy 5 outlines the Council's policy for the management of outside spaces.

Proximity to residential accommodation is a general consideration with regard to the prevention of public nuisance. The Council will treat each case on its individual merit; however, stricter conditions may be considered being applied on premises licences in areas which have denser levels of



residential accommodation or residential accommodation in close proximity to the premises. This may include the Council considering an earlier terminal hour than that proposed by the applicant

## **9. Measures to protect children from harm**

The Council takes the protection of children from harm seriously and expects all licence holders and staff employed on licensed premises to do so as well. Applicants for new licences and variations are expected to address this in detail in their operating schedules. Existing licensees are advised to review their policies regularly to ensure that they are still relevant for the nature of the premises.

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. Generally, the Council will not seek to limit the access of children to licensed premises unless it is appropriate to protect children from harm.

The Council will judge the merits of each application before deciding whether to impose conditions limiting 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 strong element of gambling on the premises
- Where the exclusive or primary purpose of the service provided is the consumption of alcohol.

The Council will consider all or any of the following options when dealing with a licence application where limiting the access to children is considered appropriate to promote the protection of children from harm:

- Limitations on the hours when children may be present
- Limitations on ages below 18 years
- Limitations of exclusions 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 years when any licensable activities are taking place
- Limitations to parts of the premises to which children may have access.

Where a significant number of children are likely to be present, a licensee should ensure that 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(s). The Council recommends that, while the aforementioned factors will determine the number of staff required, the sufficient number of adults 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.

Nothing in this policy shall seek to override or duplicate child supervision requirements contained in other legislation. However, the Council will take into consideration (where appropriate) the measures taken by applicants to ensure that staff who have any contact with children are appropriately checked to ensure that they pose no risk to children. It may be appropriate to obtain enhanced disclosure checks from the Criminal Records Bureau in some cases.

Brent Council supports the Challenge 25 Scheme, Brent's Age Restricted Goods Responsible Trader Scheme and 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.



Where 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.

Where there is relevant representation and the responsible authorities considers that the licensing objective regarding protection of children has not been fully addressed in the operating schedule they may consider attaching conditions to licences and temporary event notices to protect children from harm.

Where licensees require identification to verify age, acceptable forms of ID include:

- Valid passport
- Proof of age card (with PASS hologram)
- Photo driver's licence card
- Armed Forces ID card.

The Council's Trading Standards Team work closely with the Police. They carry out regular operations using children aged under 18 to undertake test purchases for underage sales. Following any such sale, action will be taken. This may be a review of the licence, or a request to include additional conditions on the licence designed to assist the management to counter attempts by children wanting to buy alcohol. Any additional conditions felt appropriate will be subject to discussion with licence holders. It should be noted that Trading Standards may also take enforcement action where any underage sale takes place which may lead to prosecution for which the penalty is a fine. Evidence of any other sales of age restricted goods or any other illegal activity will be considered relevant. If a review of a licence does follow and the committee considers that the necessary safeguards, training or commitment to the protection of children are inadequate, then additional conditions, restrictions or, in appropriate cases, revocation of the licence may follow.

The Council recommends that staff in licensed premises are made aware of information, training and the appropriate contact points to help them identify any issues of child exploitation which they may note in the licensed premises and raise concerns with appropriate authorities.

The Council recommends licensees and their staff consider approaches to support safeguarding, including:

- Reporting when they see a young person in danger/at risk in your shop / event / immediate area;
- Reporting when they have concerns about safety issues to young people in the immediate area;
- Sharing ideas around improvements needed in the local area to make it safer for young people; and,
- Supporting with interventions to disrupt and change harmful social and community contexts.

It may also be useful for applicants and licensees to make themselves aware of Brent's Contextual Safeguarding approach

(<http://democracy.brent.gov.uk/documents/s79785/Task%20Group%20Report%20Contextual%20Safeguarding.pdf>)

The Council recommends applicants and existing licence holders take into account the Safeguarding Children Policy for Licensed Premises available at

[http://www.londoncp.co.uk/chapters/sg\\_licensed.html](http://www.londoncp.co.uk/chapters/sg_licensed.html).

Licensees and licence applicants are also required to be aware of matters and warning signs related to Child Sexual Exploitation and to take these matters seriously. The Metropolitan Police Service's Make Safe website, has useful information and materials which all prospective and existing licence holders are expected to familiarise themselves with at <https://www.met.police.uk/police-forces/metropolitan-police/areas/about-us/about-the-met/campaigns/operation-makesafe/>,

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Specific matters relating to licensing are dealt with through individual policies in this section.

### Policy 1: Process for applications

- **Policy:** The process for applications is set out in this section which should be followed in all cases of applications for licences.

Applicants may wish to consider submitting a provisional application prior to submitting a full application. This allows early engagement and discussion and can improve the quality of the subsequent application.

Applications will be progressed in accordance with procedures laid down by the Act. Prospective applicants should refer to the separate relevant guidance documents for further details. Where reference is made to applications in this policy this should be taken as referring to applications for new premises licences, club registration certificates, variations to any of these and reviews of licence/certificates.

Once an application is made and received electronically by the Brent Licensing Authority, it will be provided to all Responsible Authorities by the Licensing Authority. The public will be notified via the Brent Council website.

Applications for all licences and consents available under the 2003 Act must be made on the relevant form prescribed under secondary regulations. Applications will not be progressed until the form has been completed in full, together with the relevant fee and all other required information, including a detailed premises plan,

In accordance with the Provision of Services Regulations 2009, electronic application facilities are available. Electronic application facilities for premises licences can be found on Council's web site. Electronic applications for other categories of licence and consent are also available on this web site. Where electronic applications are made, the application will be taken to 'be given' when the applicant has submitted a completed application form together with all other relevant documentation and fees.

The Metropolitan Police Service provide up to date crime data for postcode areas in Brent through both [www.mps.police.uk](http://www.mps.police.uk) and [www.police.uk](http://www.police.uk). Both of these websites can provide applicants with a better understanding of the crime and disorder characteristics for the area in which they are applying for a licence. This information may assist applicants when considering measures to prevent crime & disorder when completing their operating schedules.

The Responsible Authorities are:

<b>Responsible Authority</b>	<b>Contact</b>
Licensing Authority	<a href="mailto:business.licence@brent.gov.uk">business.licence@brent.gov.uk</a>
Environmental Health Authority	<a href="mailto:ens.noiseteam@brent.gov.uk">ens.noiseteam@brent.gov.uk</a>
Trading Standards	<a href="mailto:TradingStandardsBrent&amp;Harrow@brent.gov.uk">TradingStandardsBrent&amp;Harrow@brent.gov.uk</a>
Child Protection Authority	<a href="mailto:brent.lscb@brent.gov.uk">brent.lscb@brent.gov.uk</a>
Planning Authority	<a href="mailto:planningnorth@brent.gov.uk">planningnorth@brent.gov.uk</a> ; <a href="mailto:planningsouth@brent.gov.uk">planningsouth@brent.gov.uk</a>
Health and Safety	<a href="mailto:ens.publicsafety@brent.gov.uk">ens.publicsafety@brent.gov.uk</a>
Metropolitan Police	<a href="mailto:NWMailbox.LicensingBrent@met.police.uk">NWMailbox.LicensingBrent@met.police.uk</a>
London Fire Brigade	<a href="mailto:FSR-AdminSupport@london-fire.gov.uk">FSR-AdminSupport@london-fire.gov.uk</a>
Director of Public Health	<a href="mailto:publichealthlicensing@brent.gov.uk">publichealthlicensing@brent.gov.uk</a>
Home Office (Immigration Enforcement)	Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY • Email: <a href="mailto:Alcohol@homeoffice.gsi.gov.uk">Alcohol@homeoffice.gsi.gov.uk</a>

The steps for consideration of a licence application are:

- a) If no representations are made to an application, the Council must grant the licence in full.
- b) When an application is made, and relevant representations are received by the Council which remain unresolved it must hold a hearing of the licensing sub-committee (unless those who have made representations agree this is unnecessary)
- c) The sub-committee will then consider the evidence provided by applicants and those making representations. The sub-committee will have regard to the Guidance, this Statement of Licensing Policy and any other relevant data/information.
- d) The sub-committee will determine the application and will take any steps it considers appropriate for the promotion of the licensing objectives. The steps undertaken will be fair, relevant and proportionate.
- e) Conditions on the licence, additional to those voluntarily sought/agreed by the applicant, may be considered. Conditions will focus on matters which are within the control of individual licensee and which relate to the premises or areas being used for licensable activities, the potential impact of the resulting activities in the vicinity. If situations arise where the licensing objectives may be undermined but cannot be dealt with by the use of appropriate conditions the Licensing Authority will consider whether it is appropriate for a licence to be granted or continue to operate.

Individuals applying for a personal licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003 with effect from 6 April 2017 so that an application made on or after that date by someone who is not entitled to work in the UK must be rejected. Licences will

not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity. In order to discharge this duty, the Council will have to be satisfied that an applicant has the right to work in the UK and will require applicants to submit one of the documents listed at Appendix 10, to demonstrate that the applicant has permission to be in the UK and to undertake work.. This also applies to individuals who apply for premises licences. The purpose of this is to prevent illegal working in the UK.

A person is disqualified from holding a licence if they are subject to a condition on their permission to be in the UK preventing them from holding a licence, for example they may be subject to an immigration restriction that does not permit them to work.

## Policy 2: Licensing fees

- **Policy:** Licensing fees are set nationally. The annual fees are due for payment on the anniversary of the licence. If the annual fee is not paid on time the licence will be suspended until fees are paid.

Licence fees are set in alignment with business rates (rateable value) and the Council expects licence holders to pay the required licence fee when it is due..

If annual fees are not paid at the time they are due, suspension for non-payment of fees will be in force two days after the Council notifies the Licence holder. The Council will notify the Licence holder the day after the payment is due if it is not received.

The suspension will cease to be in place when the payment is received.

It is the Licence holder's responsibility to pay their fees, the Council will not issue a reminder of fees when they are due. This is a matter for Licence holders and the Council expects Licence holders to take responsibility for ensuring their fees are paid when they are due.

There are some exemptions to this policy. Where late payment or non-payment is due to administrative error or if the fee is disputed prior to the date it is due for payment the licence will not be suspended.

Licensing fees can be found on the Brent Council website here:

<https://www.brent.gov.uk/business/licences/licence-fees/>.

### **Policy 3: Partnership Working**

- **Policy:** The Council aims to work in partnership where and when it is possible and reasonable to do so. This includes aiming to work with: other Responsible Authorities, enforcement agencies within Brent; regional or national authorities, bodies outside of Brent; the trade, trade representative organisations, and schemes such as PubWatch and Best Bar None.

#### ***Partnership with responsible authorities and enforcement agencies***

The Council is committed to working collaboratively and as seamlessly as possible with all the Responsible Authorities, enforcement agencies within Brent and more widely as appropriate.

In particular, this will include:

- **Tasking meetings:** Tasking meetings forms the basis for partnership working within the wider Council and local partnership.
- **Joint enforcement approaches:** The Council will work closely with the local police, licensing Police and the Fire Authority on enforcement issues to avoid duplication and to provide for the most efficient deployment of Council, Police and Fire Authority officers in respect of inspection of licensed premises and the enforcement of licensing legislation. Contact is also maintained with the Security Industry Authority (SIA) in relation to checks on door supervisors. Multi agency announced and unannounced inspections and visits are and will be undertaken.
- **Joint approach to representations:** The Council will communicate with the Responsible Authorities to ensure that a partnership approach is taken in consideration for applications and any representation to be made to them where appropriate.
- **Information sharing:** Brent is committed to open data principles. Subject to the provisions of the Data Protection Act 1998 and General Data Protection Regulation the Council will share information about licensees, licensed premises and activities associated with them with all partners. Operating schedules, results of compliance checks, and details of enforcement action may also be shared.

#### ***Partnership working with licensees, trade and residents***

The promotion of the licensing objectives and achieving common aims relies on a partnership between licence holders, authorised persons, interested parties, responsible authorities and the Council. The Council is keen to work in partnership with licensees and with bodies such as licensee forums, pub watches, business groups, tenants and resident's groups and those representing such groups to develop a prosperous and well managed economy whilst promoting the licensing objectives.

By working closely with trade and resident's groups the Council aims to develop a preventative or early intervention approach to problems that may arise. To do this the Council will:

- Be accessible to these groups.
- Regularly consider and/or canvas the views of Brent business and resident's groups as and when appropriate.

#### Policy 4: Enforcement approach

- **Policy:** The Council supports compliant, well-regulated businesses, and as such will operate a clear two step enforcement approach within the circumstances and context of each individual requirement for enforcement action.

The Council prefers a targeted approach to enforcement, where compliant, well-regulated licensed businesses are not generally a focus of enforcement. Where licensed businesses do not meet this standard they will be supported to become a compliant, well-regulated business. Where this is not possible or successful, they will be subject to appropriate and proportionate enforcement measures.

The Council will aim to give licence holders early warning of any concerns/ problems identified at any licensed premises and identify the need for improvement. Repeated or cumulative breaches of licence conditions will potentially lead to a review where the full history of the venue will be examined.

Where a test purchasing exercise is undertaken by the Police and/or Trading Standards for age restricted goods, all licensed premises will be targeted equally.

An intelligence led approach will be adopted and information regarding incidents of violent crime, disorder, and nuisance in and around licensed premises will be collated to provide a risk-based approach for inspection and, where appropriate, surveillance.

Enforcement action will be taken in accordance with the principles of the Regulatory Compliance Code, requirements of the Licensing Act and the associated section 182 Guidance.

The Council will consider the fundamental principles recommended by the Better Regulation Task Force for good enforcement and the Hampton report:

- **Targeting:** for example, focusing on activities that give rise to the most serious risks or where hazards are least well controlled;
- **Consistency:** for example, similar approaches in similar circumstances to achieve similar ends;
- **Transparency:** for example, helping duty holders to understand what is expected and distinguishing between statutory requirements and guidance;
- **Proportionality:** for example, action taken should be proportional to the risk presented;
- **Necessity:** for example, no inspection to take place without a reason.

For more information on the Council's Enforcement Strategies please go to the following Council web page: <https://www.brent.gov.uk/enforcement>.

## Policy 5: Opening hours

- **Policy:** The Council expects and encourages applicants applying to operate between the hours of midnight and 10:00 am to consider and assess the potential risks in the locality and how the premises operation can promote the licensing objectives as part of their application.

International evidence shows that in the case of alcohol the hours and days of sale is related to the harm that can be caused by excessive and risky consumption of alcohol. Evidence also indicates that certain hours of sale impacts on certain types of alcohol related harm.

Accordingly, venues which seek to open between midnight and 10:00 am are expected to risk assess their proposals, having regard to risks in the locality and those arising from their operation itself, and propose measures to promote each of the licensing objectives. Applicants will be encouraged (but are not legally bound) to supply such risk assessments alongside their operating schedule to demonstrate compliance with this policy. If they do not do so, it is likely that representations will be received, and that the application may be refused or stringent conditions placed on any licence granted.

Venues operating within these hours will also be expected to consider public nuisance caused by potential noise, anti-social behavior, crime, particularly in relation to the use of outside spaces, and during entry, exit and dispersal from the premises.

## Policy 6: Temporary Events

- **Policy:** The Council expects that all Temporary Events Notices (TENs) be submitted at least 10 days prior to the event and provide sufficient accompanying information to allow due consideration, including evidence of permission to use space if it is public or council land/venue. It is expected that any existing conditions on a licence will be maintained for the purposes of a TEN. It is also recommended that TENs are submitted as early as possible prior to the event to allow relevant responsible authorities to have appropriate time to consider the TENs.

Temporary Events Notices are intended to allow licensable activities without a premises licence or to extend or add a licensable activity for a very short time. Only the Police or Environmental Health can object to a TEN. The Licensing Authority will intervene if the statutory limits on the number of TENs are exceeded.

It is recommended that TENs are submitted as early as possible prior to the event to allow for the relevant responsible authorities to have sufficient time to consider the notice.

If an objection to a late TEN (given with between 5 and 10 working days' notice) is received and conditions are agreed with the responsible authorities a counter notice will be served with the agreed conditions. The event will be allowed to go ahead.

If an objection to a late TEN (given with between 5 and 10 working days' notice) is received and conditions cannot be agreed a counter notice will be served and the event cannot go ahead.

When a TEN is submitted the Council expects that the following information will be provided:



- Evidence of permission to use outside space for an event, specifically where the outside space is Council or public land;
- A risk assessment and capacity determination;
- Evidence of consultation with the Brent Safety Advisory Group if necessary.
- Any other information that is relevant or pertinent to the TENs.

If this information is not provided it is more likely that an objection will be forthcoming.

### **Risk Assessments**

Where an event involves live performers (for example, musicians, DJs, MCs and other artists) at a licensed premise that is promoted by the licence holder or an outside promoter the Police may require that a risk assessment be completed and submitted in advance to the satisfaction of the Police. This may also include the completion of an after event debrief form. This is to ensure that any crime and disorder, public safety matters or concerns are identified and addressed satisfactorily. Where risk assessments are required, they should be submitted at least 14 days before any proposed event.

The Safer Sounds programme run by the Safer Business Network and supported by the Mayor of London can provide more information around running safe events. The website, which will go live in 2019 is [www.saferounds.org.uk](http://www.saferounds.org.uk).

## **Policy 7: Reviews**

- **Policy:** Where a valid and reasonable request for a review of a licence is made to the Council, the Council will initiate a process to consider the review application

Responsible Authorities, residents, businesses or a representative of these may ask the Council to review a premises licence because of concern(s) about the premises in connection with any of the four licensing objectives.

Any request for a review of a premises licence will need to be accompanied by evidence to substantiate the allegations.

When a request for a review is initiated by other persons, the Council will first consider whether the representation made is relevant to the any of the four licensing objectives and that is not vexatious or frivolous. Where a Responsible Authority requests a review it is expected that licensing objectives are considered prior to the review application.

Representations must relate to particular premises for which a premises licence is already held and must be relevant to the promotion of the licensing objectives. The review process is not an opportunity to revisit earlier representations made when the original application for a premises licence was determined, unless these relate to different circumstances.

Where the Council receives a request for an expedited review in accordance with the closure procedures described in Part 8 of the Act, the Council will arrange a hearing in accordance with the regulations set out by the Secretary of State.

The licensing committee, in determining a review application, may exercise the range of powers given to them to promote the licensing objectives.

These include:

- modify conditions of the premises licence (which includes adding new condition(s) or any alteration or omission of an existing condition temporarily or permanently);
- exclude a licensable activity from the scope of the licence;
- remove the designated supervisor;
- suspending the licence for a period not exceeding three months;
- revoke the licence; or,
- to take no action.

The Council will seek to establish the cause(s) of concerns/issues and any action will be targeted at such causes. Any action taken will be proportionate to the problems involved.

Where a Magistrates Court makes a Closure Order under part 8 of the Licensing Act 2003 (on grounds of disorder) the Council must carry out a review of the licence.

Where a Magistrates Court makes a Closure Order under part 4 of the Anti-Social Behaviour, Policing and Crime Act 2014 (on grounds of the use, supply or production of Class A drugs associated with disorder or serious nuisance) the police will request a review or ask the Council to carry out a review of the licence.

Where a closure order has been made under part 4 of the Anti-Social Behaviour Act 2003 (on grounds of noise) the Council's Environmental Health section will normally request a review of the licence.

The consumption of alcohol by minors impacts on the health, educational attainment, employment prospects and propensity for crime of young people. Offences under the Licensing Act 2003 include the serving of alcohol to unaccompanied persons under 18. The sale of alcohol to persons who are intoxicated is also an offence under the Licensing Act 2003. The Council will treat representations where these offences have occurred seriously when they arise in connection with the granting or review of a premises licence. It will also have regard to other criminal activities which may take place in some types of licensed premises such as:

- sale or distribution of drugs;
- sale or distribution of stolen or counterfeit goods or weapons sale of smuggled tobacco and alcohol;
- prostitution, pimping or procuring;
- use as a base for criminal activity, particularly gangs, organisation of racist activity, unlawful gaming and gambling; and,
- employment of those who do not have the right to work in the UK.

Where reviews arise and the Council determines that the crime prevention objective is being undermined, where the licensed premises is being used to further crimes, it is expected that the revocation of the licence- even in the first instance - will be seriously considered (s182 Guidance, paragraph 11.26). Revocation also remains an option if other licensing objectives are being undermined.

Comments about applications and reviews are made by way of representations. These can be from a Responsible Authority (such as the Police) or other persons (such as a local resident or residents' group). A representation can be an objection to an application or part of an application or can be in support of an application. Guidance on making representations and applying for a review is available on the Council's website.

The review process is integral to the operation of the Licensing Act 2003.

The Government's intention is for a light touch regulatory regime with regard to the granting of new licences and variations. If problems arise in connection with a premises licence, it is for the responsible authorities and the other persons to apply for a review of the licence. Without such representations, the Council cannot review a licence. Proceedings under the Licensing Act 2003 for reviewing a premises licence are provided as a key protection for the community where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring.

#### **Policy 8: Impact of major entertainment venues**

- **Policy:** The Council will continue the policy of imposing special conditions in Wembley for dealing with alcohol-related issues during major events.

Brent hosts two large-scale entertainment venues of international and national importance. Wembley Stadium and Wembley Arena are major sources of tourism and regeneration within the Wembley area. Thousands of people enter Wembley on event days and people consume alcohol as a part of their entertainment.

The Council will continue the policy of imposing special conditions in Wembley for dealing with alcohol-related issues during major event days. The conditions acknowledge the unique role alcohol plays in the overall enjoyment, social and economic activity associated with Wembley Stadium and Wembley Arena whilst balancing the four licensing objectives and the safety and concerns of local residents. These are included earlier in the Policy and include:

- No sale of alcohol one hour before the event.
- Customers shall not be allowed to congregate outside the premises.
- No glass bottles shall be handed over the bar but shall be decanted into plastic vessels.
- The DPS shall work in partnership with the Police and comply with any direction given by the most senior Police Office on duty at the event.
- No alcohol of 'alcopop' type drinks shall be displayed or sold in glass containers with the exception of wines and spirits.
- No more than 4 cans of alcohol can be sold to a customer.

#### **Policy 9: Cumulative Impact Policy**

- **Policy:** The Council has adopted a Cumulative Impact Policy to establish Cumulative Impact Zones for the following areas: Harlesden; Wembley Central; Ealing Road; Kilburn High Road; Willesden High Road; Neasden Town Centre; East Lane; Kingsbury, Queensbury Station Parade, Sudbury Town – Harrow Road and Watford Road. The Cumulative Impact Policy for these areas applies only to Off-Licences. Where an application for a new off-licence or for variations to off-licences is received (which would increase the sale of alcohol, including through longer hours), the presumption is that the application will be refused

The Council has established ten (10) new Cumulative Impact Zones (CIZs) in Brent. The purpose of these CIZs is to address levels of crime and disorder, and anti-social behaviour, particular that associated with street drinking. Therefore, the CIZs will specifically relate to applications and variations for off-licences.

The Cumulative Impact Policy will be reviewed every three years in line with requirements under the Licensing Act 2003.

It is important to note that the CIZs adopted will not cause any existing licences to be changed. It can only apply to new applications and variations of existing licences. It is also not an absolute policy and where an applicant can satisfactorily evidence that their application or variation will not negatively impact on the licensing objectives the Licensing Authority will determine the application on its own merit.

The CIZs do not address the matter of the need for a premises. The need for premises is a commercial matter and is not a consideration for the Council in the discharge of its functions and this policy. Need is a matter for the planning authority and market forces.

It is also important to note that Policy 11: Voluntary ban on high strength sales is a separate policy and adoption of the voluntary condition(s) supported and encouraged in Policy 11 will not necessarily address the requirements under a Cumulative Impact Zone. Any licence application in a CIZ area will need to demonstrate with evidence that its operation will not add to any cumulative impacts that the CIZ is seeking to address.

See Appendix 6 for further details.

### ***Cumulative impact outside of Cumulative Impact Policy areas***

The Council recognises that the cumulative impact of licensed premises can be experienced by residents in areas where there is no current cumulative impact policy in place. Cumulative impact is not defined in the Licensing Act 2003 but is addressed in national guidance which defines it as “the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area”. The guidance goes on to state that the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement.

The Council will consider any representation that refers to the impact of a number of premises in an area. The absence of a special policy in an area will not prevent any Responsible Authority or other person from making representations on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives in the area in question. Representations referencing cumulative impact need to be evidence based and show how the present number of licensed premises are impacting on the objectives and demonstrate how a specific licensed premises in a particular area will add to those problems.

## **Policy 10: Public Space Protection Orders**

- Policy: Brent has a Public Space Protection Order for street drinking covering the whole borough and therefore it is an offence to drink alcohol in any public place.

The Public Space Protection Order for street drinking was applied Borough wide in October 2017. This means that it is an offence for any person to drink alcohol in a public place within the borough. If a police officer reasonably believes that a person is, or has been, consuming intoxicating liquor within these areas, the officer may require the person concerned:

- a) not to consume in that place anything which is, or which the officer reasonably believes to be, intoxicating liquor
- b) to surrender anything in his/her possession which is, or which the officer reasonably believes to be, intoxicating liquor or a container for such liquor (other than a sealed container)
- c) An officer may dispose of anything surrendered to him/her as above.

- d) Issue fixed penalty notices on offenders
- e) Prosecute persistent offenders

### **Policy 11: Voluntary ban on high strength sales**

- **Policy:** The Council encourages applicants to implement a voluntary ban on the sale of high strength alcohol.

The Council supports and encourages licensees implementing a voluntary ban on high strength alcohol sales. These voluntary bans are aimed to tackle the problems associated with street drinking by removing from sale low price, high-strength alcohol products through voluntary bans implemented by local retailers. Street drinkers often consume high strength alcohol. The scheme follows increasing evidence of the harm caused by this type of alcohol to vulnerable drinkers, and also the crime, disorder and nuisance caused by street drinkers. The models used vary from place-to-place but tend to target alcohol products above 6% alcohol by volume (ABV) as well as sale of miniatures, although some have focused on a slightly lower ABV or lower cost products.

The Council encourages and supports applicants to outline any voluntary ban in their operating schedule or voluntary conditions offered as part of their licence application.

### **Policy 12: Street drinking**

- **Policy:** In areas where street drinking has been identified as a problem by the Council new applicants and those applying for variations are required to demonstrate how their premises will not contribute to street drinking in those areas.

Applicants may wish to seek guidance from Licensing, Community Safety and Police as to specific measures that may be appropriate for their specific location. However, some general examples of good practice include:

- Reducing availability of high strength alcohol.
- Beers, lagers and ciders above 6.0 %ABV shall not be sold save for speciality products
- Visible labels on cans and bottles identifying the premises.
- Use of different coloured or labelled bags for sales of alcohol.
- Ensuring street drinkers do not congregate outside the premises.
- Ensuring drinkers do not consume alcohol on the premises, including not having the paraphernalia to allow that (e.g. Single plastic drinking vessels or bottle openers near the till area).
- No sale of miniatures.
- No sale of single cans
- Keeping the premises locality clear of litter.
- Alcohol should not be placed at or near the entrance to a store
- Facial recognition CCTV should be placed at the entrance, server till and the premises as a whole shall be covered by CCTV
- Alcohol should be located so as to be directly supervised by counter staff.
- End of aisle promotions should not be undertaken
- Multi-buy discounts should be avoided
- An electronic till prompt should be used
- A refusals book (paper or electronic) should be maintained
- Challenge 25 notices should be prominently displayed at the entrance, where alcohol is displayed and at the counter.
- All staff selling alcohol should receive induction and refresher training in the responsible retailing of alcohol.

- Where appropriate the Licensing Authority may take a firm stance on 'A' boards on the public highway particularly where these are used to market cheap alcohol.

### Policy 13: Culture, arts and tourism

- **Policy:** The Council encourages the development of culture, the arts and tourism in the borough and will consider applications that promotes culture, arts and tourism in the borough.

In 2020 Brent will be a London Borough of Culture. The Council supports and encourages culture, arts and tourism in the borough and is supportive of a licensed trade that promotes and provides these in Brent. Culture, arts and tourism play an important economic role in Brent and are integral to the identity of the area. Area attractions such as Wembley Stadium and Wembley Arena are nationally and internationally renowned and encourage locals and tourists to come and visit Brent. Similarly, Kilburn High Road and southern areas of the borough are starting to experience growth as part of London's overall entertainment and night time economy.

There is a strong relationship between alcohol consumption and tourism (particularly around major events). The Council wants to encourage tourism to the borough and consumption of alcohol when done so safely and with appropriate safeguards. The Council believes any licence application should look to acknowledge the economic importance and attraction of local culture, arts, and tourism with safe and appropriate alcohol consumption.

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. Live performance is central to the development of cultural diversity and vibrant, exciting communities, particularly traditional entertainment such street arts.

When reviewing 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.

Consideration will be given to the particular characteristics of any event including the type, scale, duration and regularity of the proposed entertainment, especially where there is little likelihood of nuisance being caused.

The Council also supports premises that promote a 'taste' and appreciation approach to the consumption of alcohol, such as micro-brewery tap-rooms, tasting offers and other approaches that promote the responsible appreciation of alcoholic beverages for their taste and quality, rather than for volume and intoxication.

### Policy 14: Late Night Refreshment

- **Policy:** The sale of hot food and refreshments between 11 pm and 5 am are licensable activities under the Act and will require a licence.

Under the Licensing Act 2003, the sale of hot food and non-alcoholic drink for consumption on or off the premises to the public between the hours of 11pm and 5am is a licensable activity. This includes premises that provide equipment for food and non-alcoholic drink sold to the public to be heated up prior to being consumed.



The Council advises any applicants for a premises licence who provide hot food and non-alcoholic drink after 11 pm to give a detailed account of how they will promote the four licensing objectives and, in particular, the prevention of crime and disorder and the prevention of public nuisance. This Council will have due regard to any representations from Responsible Authorities and “other persons” to the grant or variation of a licence to provide hot food and non-alcoholic drink to the public. It will also look particularly closely at any measures proposed by the applicant to promote the licensing objectives.

### Policy 15: Shisha

- **Policy:** Conditions to promote the licensing objectives will be considered for Late Night Refreshment Licences specifically where shisha is also sold.

A number of shisha premises have Late Night Refreshment Licences which permit the sale of hot food and hot drinks between the hours of 11pm and 5am. Currently, there is no strong evidence to support limiting LNRL's in shisha premises however evidence is being collected to determine the suitability of licence conditions on such places in the future.

Where an applicant, for either Late Night Refreshment and/or the sale of alcohol, is also planning to sell shisha for consumption on the premises the Council expects that the application will evidence how they will address any potential public nuisance caused by shisha smoking and also to demonstrate compliance with other regulatory regimes (e.g. Smokefree Regulations).

The licensing objectives still apply in these circumstances and the Council expects applicants to provide clarity on the measures that they will take to ensure that the licensing objectives are promoted.

### Policy 16: Venue capacity limitations

- **Policy:** Venue capacity will be considered as part of wider consideration for licence applications

When determining applications for a licence, consideration of venue capacity will be taken into account. This is to help the Council limit the potential for large venues becoming problem hot spots. This will apply to those venues that fit or likely to fit within the description of high-volume vertical drinking establishments where applicable. Applicants are required to submit robust crime & disorder proposals in their operating schedules as well as noise dispersal policies.

The Council accepts that a lot of the problems that may occur in large premises may be controlled by good management practices. However, controlling the numbers of customers allowed into the premises may also assist in promoting all of the licensing objectives, primarily crime & disorder and public nuisance.

The Council will consider capacity conditions where this may be beneficial in promoting the licensing objectives.

### Policy 17: Voluntary schemes

- **Policy:** The Licensing Authority encourages applicants to consider the range of voluntary schemes available which are appropriate for their premises and operation.

The Drink Wise Self-Assessment Framework suggests voluntary agreements with licensed premises helps to reduce alcohol related harm.

However, this requires willing participation on the part of premises owners and operators. As such, the availability and sale of high-strength beer and cider can be inconsistent and sporadic.

Voluntary measures include setting a minimum unit price, code of good conduct schemes run by local industry, local authority, and policy partnerships has been adopted by over 100 towns and cities across the UK and has the support of the Home Office.

Pubwatch is a voluntary scheme with the aim of achieving a safer drinking environment in all licensed premises. Pubwatch can be an invaluable resource for licensees. It enables them to share information, intelligence and advice about crime, disorder and ASB in the area with each other, the Council and the Police. This includes sharing information such as photographs of offenders and the “Barred from One, Barred from All” scheme. This can in turn assist with dispersal because known troublemakers cannot gain access to licensed premises in the first instance.

## Policy 18: Health

- **Policy:** The Council will consider the impact on the health of Brent residents as part of its considerations and duties relating to the sale and supply of alcohol by consulting with the Director of Public Health.

Health is not a licensing objective, but the Council is aware that there is a significant negative impact on the health of our residents caused by alcohol, reflected in hospital admissions and deaths from alcohol related illnesses, alcohol induced violence and domestic violence. Significant alcohol related hospital accident and emergency admissions and ambulance pick-ups are indicative of problems and may result in reviews of premises licences where these can be related to specific premises.

The evidence base for the impact alcohol has on the health and wellbeing of local areas is strong. Public Health England evidence review is available here:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/583047/alcohol\\_public\\_health\\_burden\\_evidence\\_review.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/583047/alcohol_public_health_burden_evidence_review.pdf)

Since 2012 the Brent Director of Public Health has been a Responsible Authority and is able to make representations on applications and initiate reviews. The Brent Director of Public Health has access to data and evidence that is useful and informative for the, development of policy, the consideration of applications and the conduct of reviews. This includes:

- evidence on the impact of alcohol on the physical and mental health of residents, particularly children;
- data on hospital admissions for alcohol related illness and injury;
- data from London Ambulance Service on alcohol related ambulance attendances; and,
- data and evidence from local alcohol services, such as out-reach and treatment services.

When such evidence and data is presented it will be considered and where links are made to any of the four licensing objectives it will be taken into consideration by the Licensing Sub-Committee during its decision making if applicable.



## Policy 19: Outside spaces

- **Policy:** Beer gardens, roof terraces, pavements and other outdoor areas in licensed premises are expected to comply with appropriate conditions to ensure there is minimal disruption to residents in proximity to the licenced premises.

Outside spaces are an increasingly popular part of licensed premises, particularly in summer where there is more demand for outside drinking and eating. The outside spaces that are also used by patrons who smoke are expected to comply with Smokefree regulations. However, these outside spaces at premises need robust management to reduce the potential nuisance being caused to others located in proximity to the venue.

Where smoking, eating and drinking takes place outside, the Council expects applicants to provide comprehensive details in their operating schedule on:

- the location of outside areas to be used;
- how the outside areas will be managed to prevent:
  - a) noise;
  - b) smell; and,
  - c) pavement obstructions.
- the arrangements for clearing, tables and chairs; and,
- preventing nuisance from smoke fumes to residents living in close proximity to smoking areas.

Where outside spaces are used for eating, and where children may be present, the Council expects applicants to provide detail on how smoking areas will be segregated from the general use areas.

Where the use of outside spaces by the patrons of a licensed premises is unplanned and makes use of the pavement there is need for specific consideration. Members of the public can sometimes feel intimidated and crowds of drinkers spilling out onto the street may cause obstruction. Safety issues can arise with drinkers and members of the public being forced to use the road. Wherever, possible drinking should be contained within areas that are part of licensed premises, such as beer gardens, terraces or, where a street trading licence has been granted by the Council for tables and chairs, on the public highway.

Applications for the use of tables and chairs on the highway are not within the remit of this policy. In the event that the hours under any such licence do not match those on a licence issued under the Licensing Act 2003 the earlier hours will apply.

Where applicants wish to place tables and chairs on a public highway, they will require to be licensed for such an activity by the Council.

Where applicants intend to use private land for alfresco meals or refreshments, they will be required to explain how possible nuisance or crime and disorder from late night use of table and chairs will be controlled. This may include such matters as restricting music or other forms of entertainment, providing additional supervision and/or installing CCTV. Police recommend in general that outside areas (e.g. beer gardens) should not be used after 23:00 hours.

## Policy 20: Dispersal and entry

- **Policy:** Licensed premises should take all reasonable measures to ensure that dispersal of patrons from the premises, and entry of patrons into the premises uphold the licensing objectives.

Section 182 guidance makes it clear that licensing should not be seen as the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of those with responsibility for managing and controlling licensed premises. However, licensees should take all reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden or in a smoking shelter to the extent that these matters are within their control.

Licence holders should also consider the impact that patrons or others congregating around entry points to their premises have on the licensing objectives, particularly in relation to the general public and residents. Licence holders should take all reasonable measures to ensure that both dispersal from their premises and entry into the premises uphold the licensing objectives.

The Council recognises that it is difficult for licence holders to have influence over their patrons once they have left the immediate vicinity of their premises, however, disturbance caused by patrons, if linked to the operation of the premises, where contrary to the licensing objectives, can be a reason for the Council to take action.

## Policy 21: Delivery Services

- **Policy:** The Council expects licence applications for delivery services that include the delivery of alcohol to take into account issues relating to reducing public nuisance related to delivery vehicles, ensuring the security of premises, delivery drivers, and protecting children by applying rigorous age checks at both purchase and delivery points.

Since the last Statement of Licensing Policy there have been an increasing number of applications for licences relating to delivery services, these tend to fall into three groups:

- Premium specialist product mail-order type services;
- Food delivery services (both meal and grocery) that include alcohol delivery but are primarily food lead; and,
- Convenience type alcohol delivery services that are targeted at convenience for those drinking at home.

Although these types of services are not provided for in the Licensing Act 2003 or in the s182 guidance in any way differently from other licensed premises they do provide their own unique circumstances that need to be addressed. In particular, the Council has concerns with the potential for the following:

- Age verification at both purchase point and delivery point;
- The safety of delivery drivers at point of delivery;

- Safety of the premises from which orders are taken and sent out for delivery; and,
- Possible public nuisance caused by delivery drivers collecting deliveries from the licensed premises.

The Council is likely to place the following conditions on to a premises licence for delivery services where it is appropriate and relevant to the individual licence application:

- A standard age verification check shall be undertaken on entering the website.
- A signature at the point of delivery **should** be obtained. No delivery shall be left without a signature.
- Alcohol shall only be delivered to a residential or business address and **not** to a public place.
- Every third-party courier delivery box shall be labelled with the words “Age Restricted Product”.
- Any delivery driver or third-party courier will be required to have appropriate age verification training, particularly they will be required to have training on refusal of supply where age verification is not provided. This will need to be demonstrated by the applicant at application stage, and at any point where the delivery driver or courier service is changed.
- A refusals log will be maintained for deliveries and be available to the Council on request.
- A log of all deliveries shall be maintained and be available to the Council on request.
- Appropriate security will be in place at the premises as agreed with Police.
- Measures for minimising noise and disturbance caused by the dispatch of deliveries to be identified in the operating schedule.

Each of these measures will need to be demonstrated to the Council as part of the application.

## Policy 22: Age verification and test purchasing

- **Policy:** The Council expects all licensed premises to have the specific age verification measures (outlined below) in place and will conduct test purchasing operations to test and assure compliance with the minimum purchase age requirements. If sales to children are made action will be taken by the Council.

Age-verification measures, and test purchasing to assure these are robust and well-operated by licenced premises are the core measure to ensuring the licensing objective for the protection of children is met.

To support the age-verification process the Council strongly recommended that premises have the following measures in place to ensure age verification for sales:

- That “Challenge 25” is supported as part of the age verification scheme established. The scheme requires the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol.
- That evidence of the scheme (in the form of documented procedures) is maintained and made available for inspection by authorised officers.
- That all staff involved in the sale of alcohol shall be trained in the age verification scheme and records of such training shall be retained on the premises and made available for inspection by authorised officers.

- That an incident log shall be maintained, and details of all age-related refusals recorded. This book shall be reviewed monthly by the DPS and any actions taken recorded in the book and signed off by the DPS. This log shall be retained on the premises and made available for inspection by authorized officers.
- That a personal licence holder shall be on the premises at all times that alcohol is supplied.
- That the DPS shall ensure that, as far as is reasonably practical, alcohol is displayed in an area which can be constantly monitored or supervised by staff, separate from goods likely to be purchased by persons under 18.

Brent Trading Standards operate a policy of carrying out test purchasing for under age sales of alcohol. If sales are made to children action will be taken. This may be a review of the licence, or a request to include additional conditions on the licence designed to assist the management to counter attempts by children to buy alcohol. Any additional conditions felt appropriate will be subject to discussion with licence holders. The Council may also, as a Responsible Authority, apply for reviews of premises licences if appropriate. If deficiencies in operating schedules of current licences become apparent the Council will initially ask the licence holder to remedy this by way of an application for a minor variation. If this is not undertaken, then a review may be necessary to impose conditions on the licence. This process does not preclude prosecutions for offences under the Licensing Act.

### Policy 23: Authority and Designated Premises Supervisor

- **Policy:** Every supply of alcohol under a premises licence must be made or authorised in writing by someone holding a personal licence. Every premises with a licence to sell alcohol must have one person holding a personal licence specified as the Designated Premises Supervisor (DPS).

Any premises where alcohol is sold under a premises licence must have a designated premises supervisor (DPS). The DPS will be named in the premises licence, a summary of which must be displayed on the premises. A DPS must be a personal licence holder. Every sale of alcohol must be made or authorised by a person who holds a personal licence (or must be made or authorised by the management committee in the case of community premises).

The Licensing Act 2003 does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and the premises licence holder remain responsible for the premises at all times.

The Licensing Authority will normally expect the DPS to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis. The Authority expects that this will be in excess of 50% of a 7-day week.

The Council expects that a DPS will be able to demonstrate knowledge of both the local geographic area and the patrons the premises attracts. The DPS should be sufficiently conversant in English to be able to properly communicate with patrons.

The premises licence holder will be expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.

Within all licensed premises, whether or not alcohol is to be sold, the Licensing Authority will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained/instructed persons at the premises to ensure the proper management of the premises and of the activities taking place, as well as adherence to all statutory duties and the terms and conditions of the premises licence.

The Council recommends that all persons employed on licensed premises who are engaged in the sale and supply of alcohol be encouraged to attend regular training programmes to raise awareness of their responsibility and particularly of the offences contained within the Act. Training programmes that raise awareness of the issues relating to drugs and violence in licenced premises are necessary. Suitable training should be extended to all staff involved in managing or supervising the premises. All training undertaken should be recorded and signed by the designated Premises supervisor.

It is recommended that persons employed on premises providing entertainment for children shall be trained in basic child protection and safety, and if appropriate have the necessary CRB checks.

Every supply of alcohol under a premises licence must be made or authorised by a person who holds a personal licence. The Licensing Act does not require the presence of a personal licence holder at all material times but if any sales are made when a personal licence holder is not present, then they must have been authorised by somebody who holds a personal licence.

The Council expects that when the DPS is not present on the premises written authorisation will have been given to other members of staff, and that one of these members of staff will be on the premises. Such authorisation should be in writing and be displayed with the premises licence.

It is considered good management practice to ensure that a personal licence holder/DPS is available at all hours that the premise is open to the public. It is regarded as good management practice that a personal licence holder/DPS be physically on the premises from 23:00 onwards.

## Policy 24: Irresponsible Drinks Promotions

- **Policy:** The Licensing Authority would like to encourage all licensed premises to apply a minimum unit price of 70p to all alcoholic products sold at their premises licence

### Mandatory Irresponsible Promotions Conditions

This is additional to the current legal minimum price for the sale of alcohol. A ban on selling alcohol below a “permitted price” has been in place since 28 May 2014. This was introduced through the Licensing Act 2003 (Mandatory Conditions) Order 2014. The permitted price is defined as the level of alcohol duty plus VAT. All premises are required on request by the Licensing Authority to demonstrate that any alcohol is being sold at a price not less than the permitted price: i.e. the level of alcohol duty plus VAT. Premises are expected not to offer or publicise irresponsible promotions which encourage irresponsible drinking.

Where any relevant representations which demonstrate a clear causal link between sales promotions or price discounting and levels of crime and disorder on or near the premises, it will be

appropriate for the Licensing Authority to consider the imposition of a new condition prohibiting irresponsible sales promotions or the discounting of prices of alcoholic beverages at those premises. Each case will be considered on its own merits. Any future legislation or legislative guidance on minimum unit pricing per unit of alcohol sold will apply.

We know that low cost alcohol sold in on and off trade premises increases alcohol consumption which can lead to crime and disorder issues. The Licensing Authority through this policy would like to encourage the responsible consumption of alcohol and where there is evidence that the licensing objectives are being compromised or are likely to be compromised, the Licensing Authority will consider imposing controls on drinks promotions to deal with localised problems. These controls could include restricting the sale of super strength beer, lager and cider, or the requirement to charge a minimum cost per drink as part of a package of measures to deal with problems.

There is strong evidence that setting a minimum unit price will have an impact on reducing alcohol consumption. The Licensing Authority would therefore like to encourage all licensed premises to apply a minimum unit price of 70p to all alcohol products sold under their premises licence. Where the premises are found to be selling alcohol below this price and there are problems associated with the premises that are negatively impacting on the licensing objectives, a responsible authority may bring review proceedings. Following the review, the Licensing Committee may decide to impose a condition in relation to the pricing of alcohol in order to uphold the licensing objectives.

Rather than having to resort to controls of this kind, the Licensing Authority would like to encourage a voluntary code of good practice in relation to drinks promotions including pricing, and to encourage licence holders and others working at the premises to familiarise themselves with the mandatory conditions relating to drinks promotions. These conditions prevent drinking games, provision of unlimited or unspecified quantities of alcohol for free or for a fixed or discounted price. Examples of irresponsible drinks promotions are provided below.

Binge drinking is defined by the NHS and National Office of Statistics as drinking more than double the daily unit guidelines for alcohol in one session. Binge drinking for men therefore, is drinking more than 8 units of alcohol – or about three pints of strong beer, and for women, it's drinking more than 6 units of alcohol, equivalent to two large glasses of wine. Binge drinking can lead to drunkenness on the premises or in the vicinity and can be encouraged through irresponsible drinks promotions such as encouraging people to consume more alcohol than planned or to consume more alcohol in a short space of time.

A responsible approach to drinks promotions and compliance with the spirit of the mandatory conditions on irresponsible drinks promotions can prevent customers from getting drunk. In addition to the mandatory conditions which prevent drinking games and large quantities of alcohol for free or at a fixed or discounted price, the Licensing Authority would like to encourage a voluntary code of good practice in relation to drinks promotions.

Licence holders and others working at the premises should familiarise themselves with the mandatory conditions relating to drinks promotions.

Examples of irresponsible drinks promotions may include:

In the “on trade”

- women drink for free;
- half price drinks for under 25s;
- discount nights for students

- cheap drinks for fans of a specific sporting team;
- half price drinks when England scores a goal;
- free drink if your team wins;
- all you can drink for £10;
- pay £5 entry and then drink up to 12 shots;
- 10 pints for £10;
- pay your entry fee then drink free until 10pm.
- drink 4 pints get the 5th for free
- promotions that make a customer drink a certain amount of alcohol in order to get a prize or reward
- materials or signs on or near to premises to advertise promotions which condone, encourage or glamorise anti-social behaviour or refer to the effects of drunkenness in any positive way.
- drinks promotions that encourage customers to purchase enough alcohol in one sitting to constitute “binge drinking”.
- drinks offers that are not promoted and organised in a responsible way.
- Selling alcohol and a mixer cheaper than soft drink on its own eg selling diet coke for £1.80 but diet coke and vodka for £1.50
- Not encouraging people to drink soft drinks by setting inflated prices
- Communal drinking vessels e.g. Gold Fish bowls
- 3 trebles for £3.99
- Pricing structures that make alcohol cheaper the more you buy.
- Happy Hours, half price or 2 for 1 offers.
- Pub crawls and student nights.
- Mobile sales e.g. shots girls selling alcohol or dispensing at the table.
- Drinks promotions which encourage a person to ‘binge drink’ in one serving/sitting.

In the “off trade”

- Multi buy alcohol promotions that offer a discount for buying multiple items. E.g. 3 bottles of wine for £12.00.

If you are in any doubt please speak with the Licensing Authority before you organise a specific promotion.

National research shows that the introduction of a minimum unit price of 50 pence or more would reduce harmful and hazardous drinking which would lead to a reduction in occurrences of alcohol related crimes, hospital admissions and sickness absences and reduce the financial burden on the NHS, the criminal justice system and social care.

Research including modelling research and real-life research examples, show that a Minimum Unit Price can have a significant positive benefit for the health, safety and wellbeing of the population and that of our communities. These positive benefits have an impact on promoting each of the licensing objectives. Research evidence indicates an MUP is likely to reduce alcohol related criminal offences<sup>1</sup>, promote public safety by reducing traffic accidents and falls<sup>2</sup>, and is likely to promote the protection of children<sup>3</sup>. It is also likely that it will impact on public nuisance, with a particular impact through reduced levels of nuisance caused by street drinking and related anti-social behaviour.

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<sup>1</sup> Page 56 of the linked document outlines the modelled impact that an MUP will have on reductions in crime: <https://gwedhill.gov.wales/docs/caecd/research/2018/180222-comparative-impact-minimum-unit-pricing-taxation-policies-en.pdf>

<sup>2</sup> This study concluded that MUP’s applied in Canada had a beneficial impact on Public Safety: <http://bit.ly/2OiYSs5> ; Furthermore the Welsh Government analysis of the impact of MUP documents a reduction in deaths and injuries from alcohol related traffic accidents and falls: <https://gwedhill.gov.wales/docs/caecd/research/2018/180222-comparative-impact-minimum-unit-pricing-taxation-policies-en.pdf>

<sup>3</sup> This document outlines the benefits to protect children from harm related to the implementation of an MUP: <https://gov.wales/sites/default/files/publications/2019-04/minimum-unit-pricing-childrens-rights-impact-assessment.pdf>



As such, the Council encourages applicants to consider the benefits to Brent and their premises of including a voluntary condition of a 70p Minimum Unit Price in their application. Where representations are made on an application the Council will consider applications that a voluntary condition of a Minimum Unit Price for all sales of alcohol to be more in alignment with the policy. This is NOT a mandatory condition and all applications will be considered on their own merits.

These conditions prevent drinking games, provision of unlimited or unspecified quantities of alcohol for free or for a fixed or discounted price. Conditions that may be considered to curb irresponsible drinks promotions which do not promote the licensing objectives may include measures such as:

- a. A licensee may consider not using or limiting the use of 'A' boards on the public highway, particularly where these are to be used to market cheap alcohol.
- b. Not placing or displaying alcohol at or near the entrance to a store.
- c. Installing facial recognition CCTV at the entrance of the premises and covering the whole of the premises with CCTV.
- d. Locating alcohol so as to be directly supervised by counter staff.
- e. Not undertaking end of aisle promotions.
- f. Prominently displaying Challenge 25 notices at the entrance, where alcohol is displayed and at the counter.
- g. Using an electronic till prompt.
- h. Maintaining a refusals log (paper or electronic).
- i. Providing all staff selling alcohol with induction and refresher training in the responsible retailing of alcohol.
- j. Exploring involvement with a community alcohol partnership.
- k. MUP of 70p

#### **Policy 25: Provision of licences at schools, community halls and other venues that are used for child-care purposes**

- **Policy:** Where schools and other child related facilities seek licences, additional conditions will be considered to uphold the licensing objective to protect children from harm.

An increasing number of applications are being received for premises that are primarily places of education, community or child-care. The Council understands that schools, community centres and child care facilities may wish to allow the use of halls or venues on their property for outside licenced events. Where schools, community centres and child care facilities seek licences, it is important for the applicants to consider a wider range of potential impacts in terms of the protection of children. In particular, it is important to consider the impacts that come from sharing facilities and to ensure that the use of the facilities for licensable activities have no impact on their purpose for child care and education. As such, the Council expects that that these applicants consider the following matters and address them in their operating schedule:

- Ensuring appropriate time for cleaning and making good of the venue by not having licensable activities taking place on a day or evening when there are school or child care activities taking place the next day.
- Setting a cleaning and tidying protocol that ensures that no materials or waste are left behind in the venue that could be exposed to children at the school or child care facility at a later point. This would include drugs, drug use paraphernalia, alcoholic beverages or empty containers, and adult materials etc.
- Making clear areas that are part of the venue and areas that are not open or accessible to patrons and ensuring staff and security staff enforce this.



The Council expects that applicants give specific consideration to reducing public nuisance, as many of these premises are in residential areas. The Council also expects that these are for occasional events for the community or for fundraising. As such applications for these types of premises need to consider including submitting an events schedule every six months.

#### **Policy 26: No provision of credit for alcohol sales**

- **Policy:** The Council expects that credit should not be offered to clients by licence-holders for alcohol sales.

The provision of credit for clients on alcohol sales is related and significantly contributes to specific harms in relation to alcohol misuse and dependence. Not offering credit on alcohol sales will have a benefit to reducing some types of alcohol related harm and is unlikely to impact adversely on the business. The Council encourages applicants to consider this as a voluntary condition.

#### **Policy 27: Compliance with existing regulatory regimes**

- **Policy:** The Council expects all applicants to be able to evidence, upon application, lawful compliance with all other relevant regulatory regimes.

It is expected that any licensee will be operating in full compliance with all relevant regulatory regimes. To avoid any overlap between regulatory regimes the Council expect that all applicants can evidence that they are in full compliance with other relevant regulatory regimes and to undertake that they will remain so as responsible operators.

#### **Policy 28: Gaming machines**

- **Policy:** An automatic entitlement of two (2) gaming machines is available to all licensed premises, where the licensed premises meets certain conditions and the Council is notified. More than two (2) gaming machines will require a separate licensed premises gaming machine permit.

Certain premises which are subject to premises licences with a licence to supply alcohol are entitled to have one or two gaming machines available for use within their premises. To do this the licence-holder needs to notify the Licensing Authority.

The automatic entitlement is only available to licensed premises if they satisfy all of the following requirements:

- the premises are licensed to supply alcohol, for consumption on those premises
- the premises contain a bar
- the premises are not subject to any licence conditions limiting the supply of alcohol to people having meals on the premises.

Gaming machines are categorised according to how much they can gamble and the maximum prize available.

The automatic entitlement allows a maximum of two gaming machines from categories C and D available for use.

If more than two gaming machines are required at a premises, an Alcohol Licensed Premises Gaming Machine Permit must be obtained. The licensee is expected to ensure they have adequate space within the premises and the machines should be located in clear site of staff.

Applicants may wish to view the codes of practice for more information.

<https://www.gamblingcommission.gov.uk/PDF/LCCP/Licence-conditions-and-codes-of-practice.pdf>

## **Policy 29: Scheme of delegation**

### Delegations of functions under Licensing Act 2003

The Council's Licensing Committee is responsible for discharging the majority of the Council's licensing functions under the Licensing Act 2003. The notable exceptions are the final approval of the Council's Statement of Licensing Policy which is reserved for Full Council.

In practice, and in accordance with relevant statutory provisions, all those decisions which can be, have been delegated to officers. Further, the Alcohol and Entertainment Licensing Sub-Committee is responsible for considering and determining applications and other matters which cannot be determined by officers. That Sub-Committee can also consider and determine any other matters referred to it for determination by officers (e.g. matters which can be considered by officers but which is considered more appropriate for the Sub-Committee to do so).

## Part 4: Appendices

Appendix 1: Measures to promote the prevention of crime and disorder

Appendix 2: Measures to promote public safety

Appendix 3: Measures to prevent public nuisance

Appendix 4: Measures to promote the protection of children from harm

Appendix 5: What to expect from a Licensing Sub-Committee hearing

Appendix 6: Cumulative Impact Zones

Appendix 7: Pool of model conditions

Appendix 8: Documents which demonstrate entitlement to work in the UK

Appendix 9: Women's Night Safety Charter

Appendix 10: Glossary of Licensing terms

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## Appendix 1: Measures to promote the prevention of crime and disorder

The following lists suggestions that should be considered, although they will vary according to the use of each premise. The list is not exhaustive and is intended to act as a prompt for matters to consider. Licensees/applicants should use their own experience and knowledge of their customers and location to add or amend these and formulate them into an operating schedule.

The content of an operating schedule subsequently becomes the basis of conditions on the licence and should be in a form that can be expressed as an enforceable condition. Failure to do this may lead to a representation from a Responsible Authority or other person.

- Is there CCTV, and, if so, what are the areas covered, does it have the ability to see clear full-face recording of patrons entering, does it record the patron search area at the entrance as well as the till or server area;
- What is the retention period for recordings and the provision of instant access to Police and Authorised officers. Does it have an ability to produce copies or download images;
- Are SIA door staff employed, numbers of door supervisors, use of search arches/wands, location of such searches, all such staff to have their details recorded and checks made with SIA website to ensure that licences are current, staff to sign in when commencing work and sign out when they leave. Any induction/training given to new door staff;
- Do door staff receive any venue specific training to enable them to deal effectively with the clientele of the venue;
- Is there use of ID scanning and recording systems, if so, what are the hours during which such systems will be in place, that all patrons will be required to use the system;
- Will there be a "No ID No entry" policy, or use of Clubscan;
- Any measures proposed to prevent possession, supply or consumption of illegal drugs and possession of weapons. For example, designing out areas or surfaces where there is a likelihood of drug use;
- Is there a clear written policy regarding persons caught using/supplying, provision of safe storage for any seized drugs;
- Has the use of plastic or toughened glass for the serving of alcohol been considered, will glass bottles be handed across the bar;
- Any restrictions on patrons taking drinks outside the premises;
- Any restrictions on numbers of patrons using outside smoking areas;
- Are patrons searched on re-entering from smoking areas if there is the potential for patrons to have contact with non-patrons;
- Location of lighting inside/outside the premises;
- Is there a proof of age scheme to be used, if so what? Is there any dress code used at the premises;

- How are the numbers of patrons in the premises managed, including reference to any capacity restriction;
- The means by which the capacity is counted if appropriate;
- What is the frequency of staff training, what training is given. Will training records be available for Police and Authorised officers. Will the content of training be made available?
- What measures will be used to manage queuing;
- Detailed, achievable dispersal policy;
- Is there a drinking up time or quieter music before the terminal time of the licence?
- Are staff aware of how to respond to and record incidents of crime on their premises? Are incidents logged and reviewed in order to identify recurring issues?

For premises selling alcohol for consumption off the premises the following should be considered:

- Should beers, ales, lagers and ciders and anything similar that are sold/ supplied in a can only be sold in multiple packs in order to discourage street drinkers?
- Will there be a restriction on the sales/supplies of beers, ales, lagers or ciders or anything similar of 6% ABV or above, excluding the sale of specialist branded alcoholic beverages?
- Will there be a restriction on the sale/supply of miniature bottles of spirits of 50ml or less at any time?
- Will ales, lagers and cider be supplied only in bottles of 2 litres and above?

## Appendix 2: Measures to promote public safety

The following suggestions should be considered but will vary according to type of premise. The list is not exhaustive and is intended to act as A prompt for matters to consider.

Licensees/applicants should use their own experience and knowledge of their customers and location to add or amend these and form them into an operating schedule. The content of an operating schedule subsequently becomes the basis of conditions on the licence and should be in a form that can be expressed as an enforceable condition. Failure to do this may lead to a representation from a Responsible Authority or other person.

- What staff training is going to be provided? Will it include an awareness of selling alcohol to those already drunk?
- The potential impact of drunkenness on levels of violence;
- For premises operating until later hours what is the availability of taxis and public transport?
- Is a scheme such as 'TfL Cabwise' promoted?
- Is a telephone available inside the premises for patrons to call taxis?
- Are staff given training to recognise and deal with any harassment experienced by customers and is there a written policy?
- Does publicity material both inside the venue and on any website exist in relation to combating harassment?
- Any measures to combat drink spiking?
- Is there a dispersal policy to reduce queuing for taxis and transport?
- Is relevant and regular training provided to staff (e.g. 'Ask for Angela') in relation to safety, and in particular the safety of women patrons and staff?
- Has the premises and its staff (including door security staff) signed up to any relevant voluntary Charters in relation to keeping staff and patrons safe?
- Are all staff including door staff trained to recognise and assist vulnerable patrons, such as those who are leaving alone and/or appear to be under the influence of alcohol or drugs?

### Appendix 3: Measures to promote the prevention of public nuisance

The following suggestions should be considered but will vary according to the type of premise. The following list is not exhaustive and is intended to act as prompt for matters to consider. Licensees/applicants should use their own experience and knowledge of their customers and location to add or amend to these and form them into an operating schedule. Applicants will be expected to demonstrate in their operating schedule, that nuisance arising from noise, light, smoke odour, litter, anti-social behaviour, human waste, fly posting, highway/footway disruption, can be minimised. The content of an operating schedule subsequently becomes the basis of conditions on the licence and should be in a form that can be expressed as an enforceable condition. Failure to do this may lead to a representation from a Responsible Authority or other person.

- Is an acoustic report needed where an application involves live or recorded music and later hours?
- Can details of the location and types of any schemes designed to attenuate noise from the premises be provided?
- Can details of any measures to minimise the noise caused by patrons outside the premises be provided?
- The location and availability of any taxi ranks, bus stops, train or tube stations in relation to the premises which are operational at or just after the terminal hour of the licence; Provide details of the location and management of any outdoor areas within the property boundary for use by patrons drinking, eating, smoking, queuing or congregating outside, and the hours of use of such areas. The hours of use should also be included;
- Include details of dispersal policies, and consider the role of door supervision and winding down periods;
- Will you reduce music sound levels and tempo towards the end of the evening? Will lighting be increased towards the end of the evening?
- Will there be an area for patrons to use whilst waiting for taxis? Any wind down/chill out areas?
- Any use of outside areas such tables and chairs on the highway or smoking areas?
- If the operation of the venue will attract additional litter such as food cartons or publicity flyers what measures will be put in place to deal with this?
- Will there be litter patrols for takeaways?

#### **Appendix 4: Measures to promote the protection of children from harm**

The following suggestions should be considered but will vary according to the use of each premise. The following list is not exhaustive and is intended to act as prompt for matters to consider.

- Adoption of a proof of age scheme, details of which should be provided; Details of which proofs of age will be accepted;
- Any regular training of all staff, details of which should be recorded; Will new staff be trained on induction?
- Will on-line training be used, if so, provide details of the training and who has completed this? Is further or refresher training required - If so, how often is it scheduled?
- Who ensures that training takes place and proper records are kept and regularly updated?
- Will a refusals register be kept on the premises and used to record instances when sales have been refused?
- The frequency with which the refusals register will be checked to see if it is consistently used;
- Are there any restrictions on the hours that children may be present in the premises?
- Are there any requirements for accompanying adults to be present?
- If applicable, how will compliance with the British Board of Film Censorship (BBFC) film classification system be ensured?

Licensees/applicants should use their own experience and knowledge of their customers and location to add or amend to these and form them into an operating schedule.

The content of an operating schedule subsequently becomes the basis of conditions on the licence and should be in a form that can be expressed as an enforceable condition. Failure to do this may lead to a representation against the application from a Responsible Authority or other person.

We recommend that off-licences consider the Guidance from the Association of Convenience Stores on their obligations in relation to underage sales. This guidance can be found at <https://www.acs.org.uk/advice/age-restrictions>.

Venues that are family friendly are particularly welcome, applicants are encouraged to make this clear in their application, and to make this explicit in the operating schedule.



## **Appendix 5: What to expect from a Licensing Sub-Committee Hearing**

### **Hearing procedure for Licensing Sub-Committee**

Full information on the procedure is sent to all parties prior to the hearing. The information below is a summary of that information.

Parties to the hearing must notify the Council's Licensing team within prescribed timescales (these vary according to the type of hearing) that they intend to attend and/or be represented at the hearing and whether any witnesses will be attending on their behalf.

The hearing will operate as follows (subject to the discretion of the Chair of the Licensing Sub-Committee)

1. A total of 5-10 minutes speaking time is normally allowed for each party. Any preliminary points will be treated separately.
2. In the form of a discussion led by the Committee; cross examination will not normally be permitted.
3. Where there is more than one representation raising the same or similar grounds, those parties should consider nominating a single representative to address the Sub-Committee on their behalf at the hearing.
4. Parties to the hearing may be permitted to ask questions of any other party or witness.
5. Parties to the hearing may be required to answer specific questions from members of the committee, objectors and responsible authorities seeking clarification of information.

The typical order of the hearing is as follows:

1. Chair will ask all parties and witnesses to introduce themselves and this should include a brief explanation of the purpose of their attendance.
2. Officers present the report.
3. Committee members ask questions of officers.
4. Applicant speaks.
5. Applicant's witnesses speak (with permission of Chair).
6. Committee members ask questions of applicants and their witnesses (only applies to witnesses who have been given permission to speak).
7. Other parties speak.
8. Other parties' witnesses speak (with permission of Chair).
9. Committee members ask questions of the other parties to the hearing and their witnesses (only applies to witnesses who have been given permission to speak).
10. Applicant (with exception and with permission of Chair) asks questions of the other parties to the hearing and their witnesses.
11. Other parties to the hearing (with exception and with permission of Chair) ask questions of the applicant/other parties to the hearing and their witnesses.
12. Closing remarks from all parties.
13. Committee retires to make their decision.

14. Legal adviser informs the hearing of any advice that they have given to the committee during the decision-making process.
15. Committee announces decision and gives reasons.
16. After the hearing, officers will write to all parties to confirm the committee's decision.

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## Appendix 6: Cumulative Impact Zones

The Council has determined that issues relating to the sale of alcohol from off-licences, specifically relating to crime and anti-social behaviour linked with street drinking, necessitate the introduction of Cumulative Impact Zones (CIZs). The areas in which these specific issues have been identified are:

- Harlesden;
- Wembley Central;
- Ealing Road;
- Kilburn High Road;
- Willesden High Road;
- Neasden Town Centre;
- Kingsbury Road and Queensbury Station Parade
- East Lane; and,
- Sudbury Town – Harrow Road and Watford Road.

### What is a CIZ?

Cumulative Impact Zones are a tool outlined in the Licensing Act 2003 to address specific issues where the authorising of further licences in a specific area may be inconsistent as well as undermine the promotion of the licensing objectives.

A CIZ creates circumstances in which any new licence or variation to an existing licence that increases the scope for the sale of alcohol within the specified area will not be granted unless the applicant can evidence that the operation of the licence or licence variation will not contribute to the issues identified to be addressed by the CIZ.

The effect of adopting a CIZ is to “create a rebuttable presumption” that applications for licences which are likely to add to the existing cumulative impact will normally be refused (or subject to certain limitations) unless the applicant can demonstrate that there will be no negative cumulative impact on the licensing objectives. CIZs have proved to be a useful tool for tackling alcohol related crime and anti-social behaviour for other licensing authorities. In May 2017, Parliament noted that there are now over 200 Cumulative Impact Zones (CIZs) in England and Wales.

### Why have CIZs in Brent?

The Council's current Licensing Policy came into effect 10 January 2016 at this time no CIZs were identified. Since 2016 there has been a significant and notable increase in alcohol related crime and anti-social behaviour which is having an adverse impact in some areas and neighbourhoods generating complaints from residents, councillors and the Police. This is undermining the licensing objectives and also has potential to undermine the vitality of Brent's town centres and neighbourhoods.

Data captured from various sources including alcohol related police and ambulance call outs have been mapped and have shown suitable evidence to implement CIZs in the specified areas. In particular crime data and evidence shows a correlation between concentrations of off-licences and alcohol related anti-social behaviour, particularly that associated with street drinking.

In areas which benefit from 24-hour tube service the Council not only has to ensure a safe environment that also supports a vibrant, diverse and successful night time economy in Kilburn and Wembley. This involves promotion of on-licences for restaurants, music venues etc that support the culture and economy of these areas, whilst tackling the negative impacts created by too many off-licences in any given area.

### **Which types of licences will this effect?**

The proposed CIZs will only effect applications that relate to off-licences or variations to existing off-licences. This is specifically to address the public nuisance and crime and disorder (violence crimes in particular) that are caused through activities such as street drinking.

### **The proposed CIZ areas**

#### ***Harlesden***

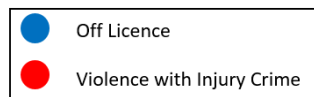
Harlesden town centre consists of a series of parades of shops that run along Craven Park, Craven Park Road, Park Parade and High Street Harlesden. The town centre falls between, Harlesden and Kensal Green ward and is one of the most deprived areas in the borough.

Harlesden Town Centre is a hotspot for alcohol flagged calls to the Police for crime and anti-social behaviour. It is also a hotspot for ambulance calls where the victim has sustained an injury. The data shows the whole of the town centre suffers from high levels of alcohol related issues, including residential streets off the main town centre such as Rucklidge Avenue, Wendover Road, Buckingham Road and St Albans Road.

In the last 2 years there have been 156 violence with injury crimes in Harlesden Town Centre at an average of 6.5 crimes per month. This number counts only the incidents within the town centre as illustrated below. There are many more crimes around the perimeter of this area.

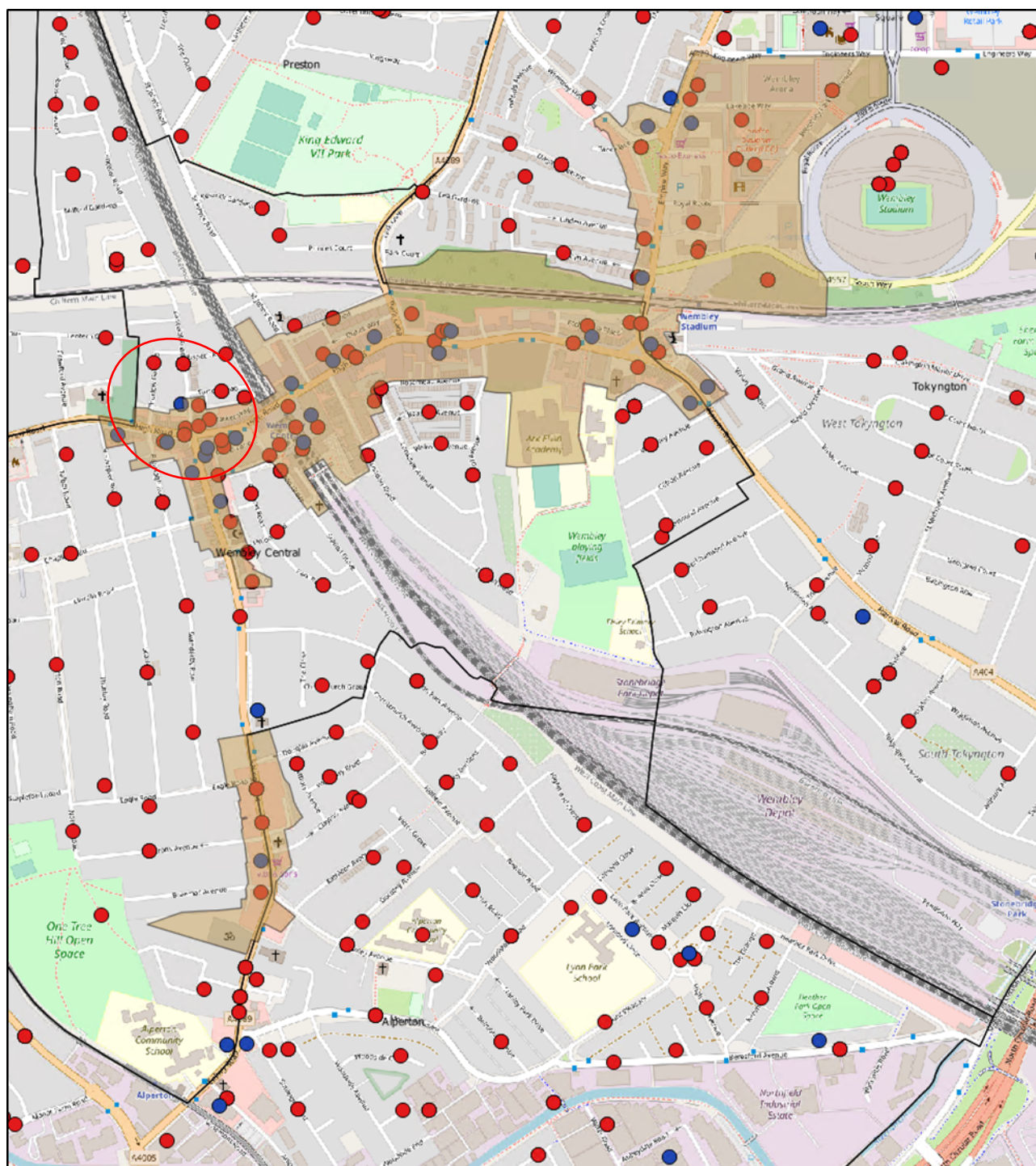
Harlesden Town Centre is also the primary hotspot for reports of street drinking to police. All other town centres in Brent suffers from street drinking; however, in parts of Harlesden such as Craven Park Road and High Street, the street drinking interrelates with street prostitution, drug misuse and violent crime.

The below map shows violence with injury crimes, and off licences in Harlesden (01/06/2017 to 31/05/2019):









The area highlighted in red shows clusters of violent crimes around off licences around the junction of Wembley High Road and Ealing Road. This is an area known for problematic street drinkers. It also has a high concentration of off licences.

### Neasden Town Centre

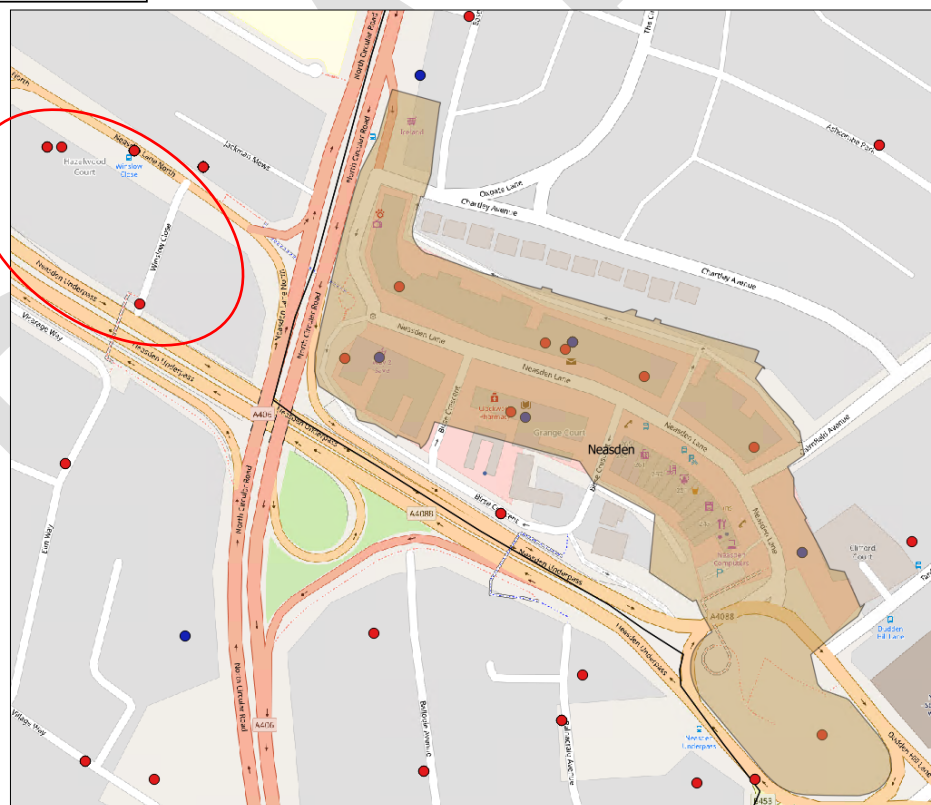
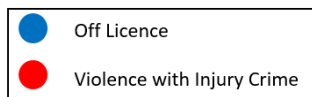
Neasden town centre consists of a medium sized parade of shops that run along Neasden Lane which is just off the North Circular Road. The town centre is primarily in Dudden Hill ward and in an area of medium to high levels of deprivation.

Neasden Town Centre is a hotspot for alcohol flagged calls to the Police but not for crime and anti-social behaviour. However, Neasden Lane North, just outside the town centre, is a hotspot for both.

In the last 2 years there have only been 9 violence with injury crimes in Neasden Town Centre at an average of less than 1 crime per month. However, there have been many more violent crimes in the areas surrounding the town centre such as Neasden Lane North.

Changes in demographics in Neasden have seen a change in the street drinking profile, which ranges from social to problematic street drinking.

The below map shows violence with injury crimes, and off licences in Neasden (01/06/2017 to 31/05/2019)





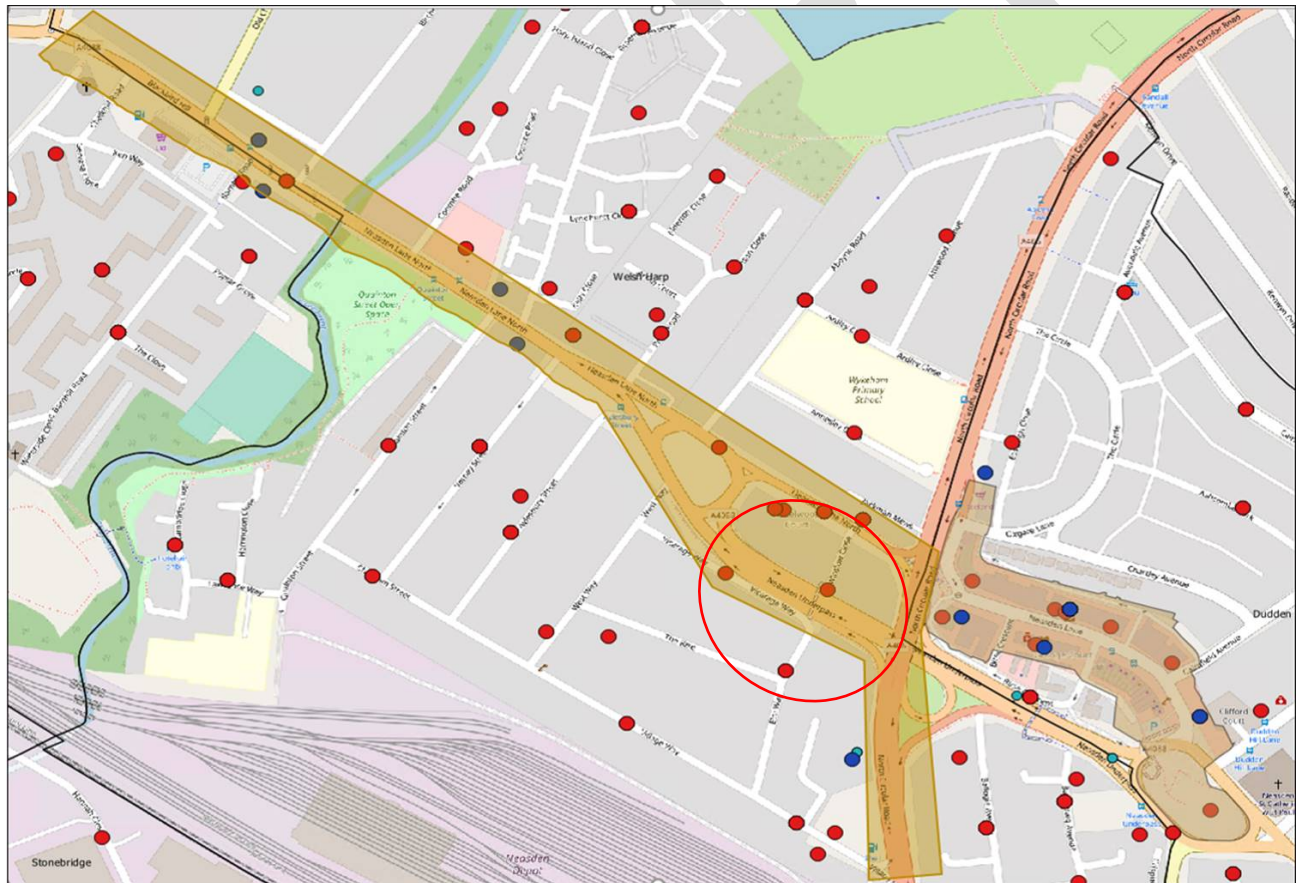
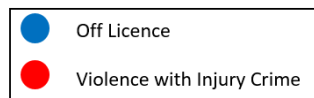
### **Kilburn High Road**

Kilburn High Road is a busy large shopping parade, which runs along the border of Brent and Camden. Kilburn High Road is predominately in an area of medium levels of deprivation apart from South Kilburn Estate, which has high levels of deprivation

Kilburn High Road is a hotspot for alcohol flagged calls to the Police for crime and anti-social behaviour, and to the ambulance service for call outs. The data shows the alcohol related issues are primarily between the junctions of Willesden Lane and Victoria Road with Kilburn High Road and where high numbers of Police and ambulance calls are present.

In the last 2 years there have been 36 violence with injury crimes in Kilburn High Road at an average of 1.5 crimes per month.

The below map shows violence with injury crimes, and off licences in Kilburn (01/06/2017 to 31/05/2019)





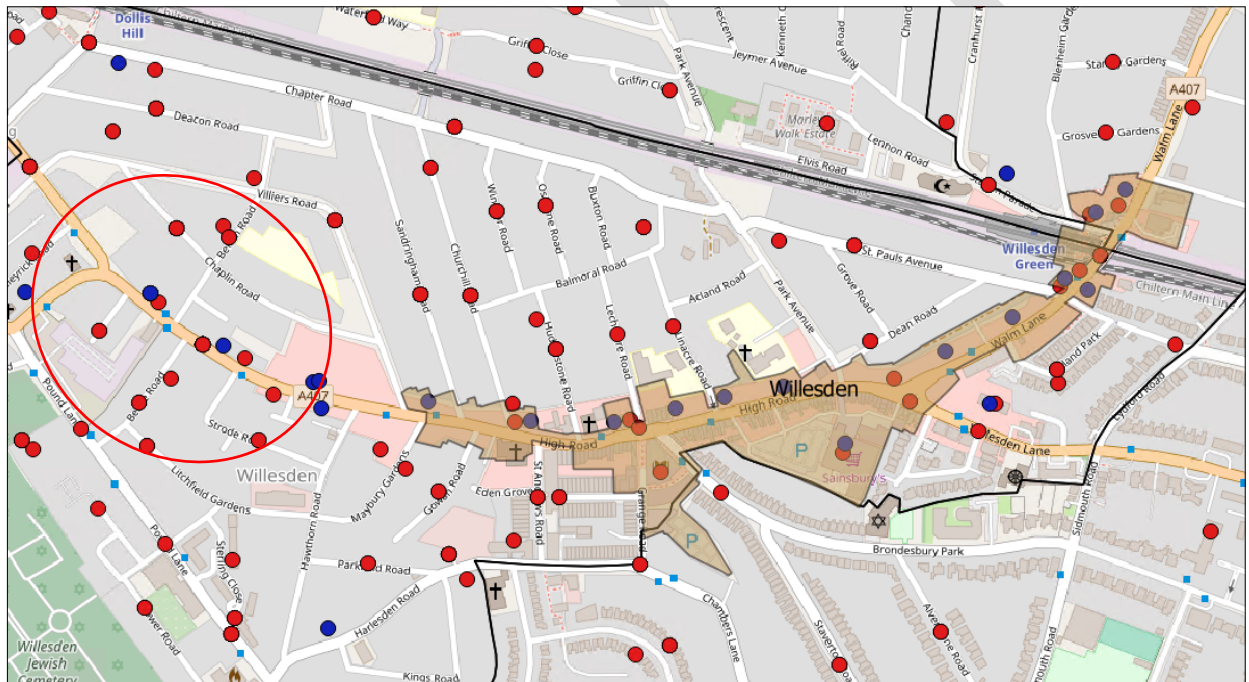
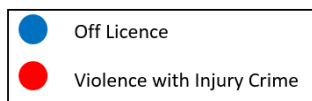
### **High Road, Willesden**

High Road, Willesden is busy large parade of shops in Willesden Green Ward. High Road, Willesden is in an area of medium to high levels of deprivation.

High Road, Willesden is a hotspot for alcohol flagged calls to the Police for crime and anti-social behaviour, and to the ambulance service for call outs. The data shows the alcohol related issues are primarily just outside the town centre around the junction of High Road, Willesden and Pound Lane where high numbers of alcohol related police calls are present.

In the last 2 years there have been 37 violent crimes in High Road, Willesden at an average of 1.5 crimes per month.

The below map shows violence with injury crimes, and off licences in Willesden (01/06/2017 to 31/05/2019)

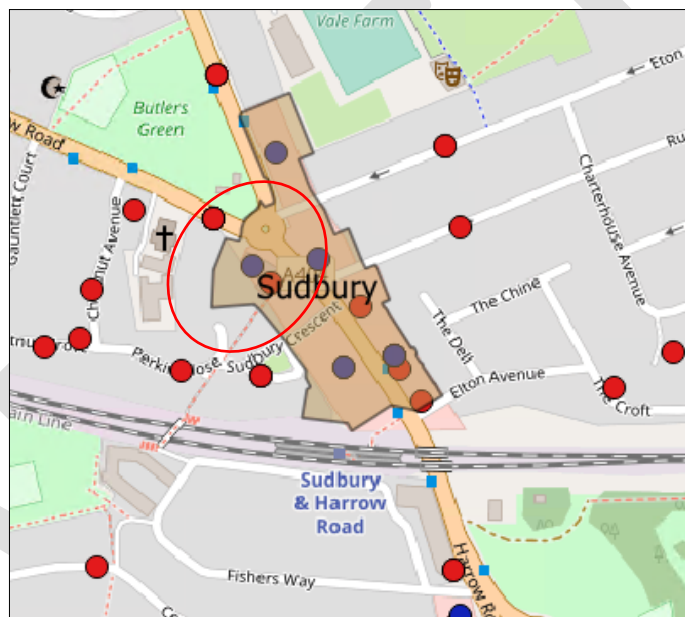
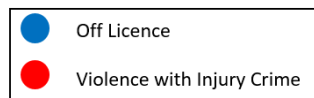


### **Sudbury Town Centre**

Sudbury Town Centre is a medium sized shopping parade in an area of low levels of deprivation. Sudbury Town Centre is a minor hotspot for alcohol related police calls within Brent. Calls are generally related to the area from the roundabout at Butler's Green to the junction of Sudbury Crescent and Harrow Road.

High harm crime is low, in the last 2 years there have been 4 violence with injury crimes in Sudbury Town Centre.

The below map shows violence with injury crimes, and off licences in Sudbury (01/06/2017 to 31/05/2019)



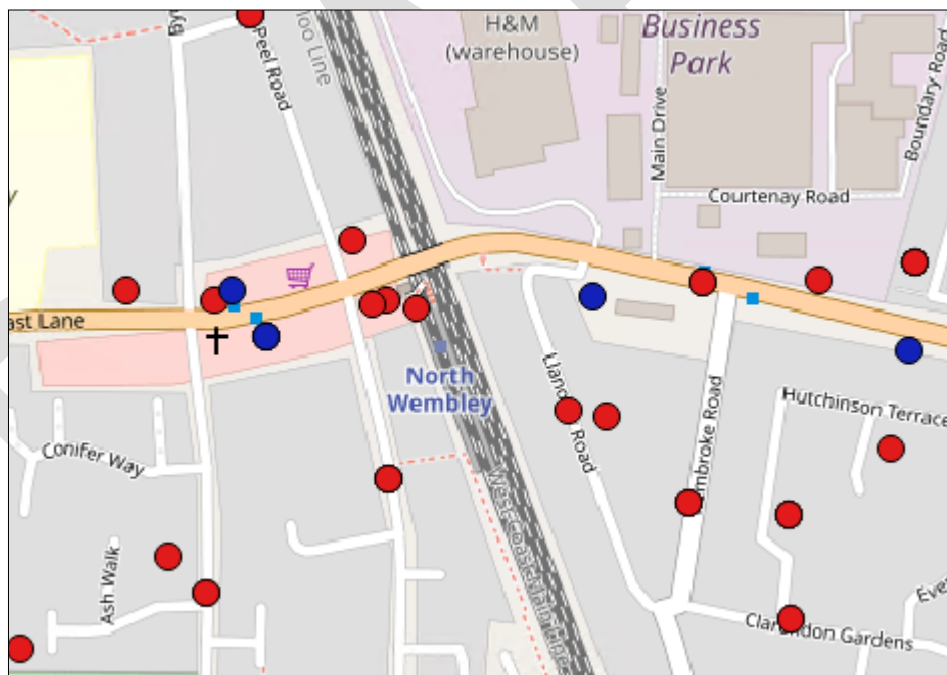
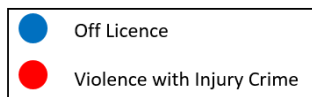
### **East Lane**

East Lane in North Wembley is a small sized shopping parade in an area of Medium levels of deprivation.

East Lane is not a hotspot for alcohol flagged calls to the Police for crime and anti-social behaviour or alcohol related ambulance call outs within Brent.

The area has seen an increase in groups socially drinking in the area, particularly in the summer months.

The below map shows violence with injury crimes, and off licences in East Lane (01/06/2017 to 31/05/2019):



## **Kingsbury**

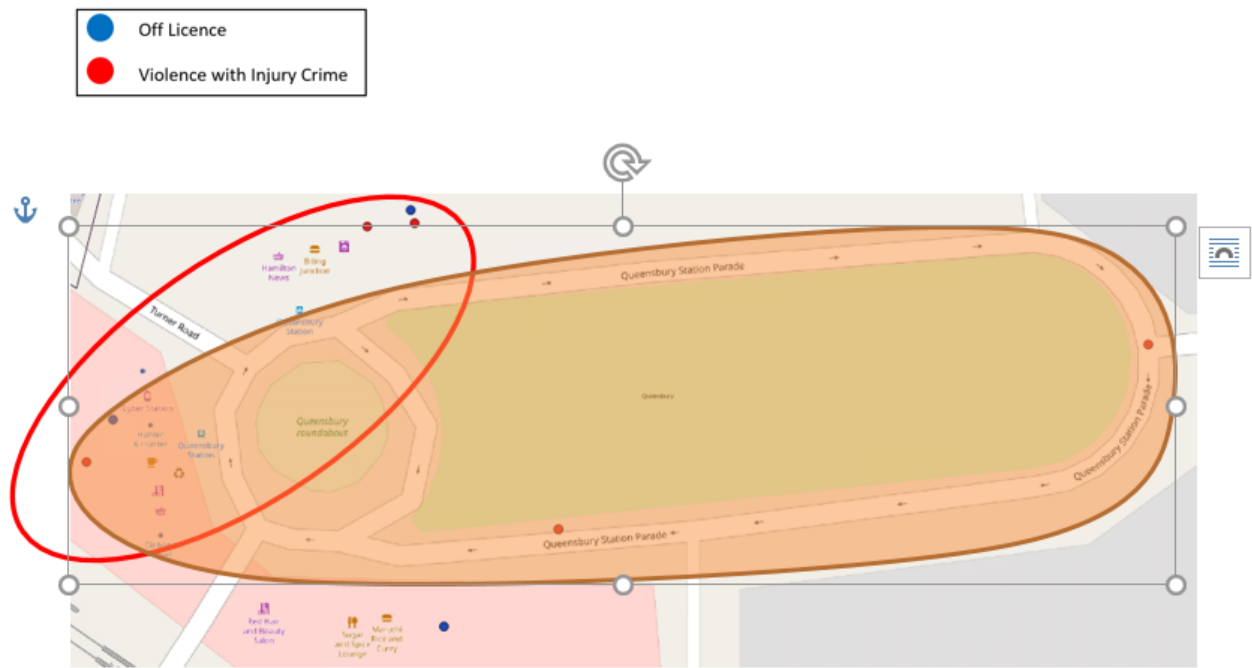
Kingsbury town centre is busy shopping parade on both sides of a main road in an area of low to medium levels of deprivation.

Kingsbury is a hotspot for alcohol flagged calls to the Police for crime and anti-social behaviour and alcohol related ambulance call outs within Brent. The hotspot area circled is around the London Underground station.

The below map shows violence with injury crimes, and off licences in Kingsbury Town Centre (01/06/2017 to 31/05/2019):



Queensbury Station Parade is a parade of shops, businesses and restaurants surrounding the green in an area of Medium levels of deprivation (Index of Multiple Deprivation 2015 Map 1). There are 10 licensed premises in this small parade. Residents, commuters and those using the area are confronted by large numbers of individuals drinking on the green for long periods resulting in individuals, shouting, littering and urinating in front of young children attending the local nursery etc. A large number of people looking for day labouring work congregate on Honeypot Lane. Those individuals who are not successful in securing work for the day buy drinks from off-licences and drink on the green throughout the day. Reports of street drinking and unpleasant environment created by large number of individuals has had an impact on the vitality of this small area which is surrounded by residential premises. Anecdotaly, incidents of street drinking are high but this is not reflected in calls to police. The area is not a hotspot for violent offences but there was a murder in the reporting period. The area highlighted contains Queensbury and most offences have happened in and around this location.



## **Appendix 7: Pool of model conditions**

Please see [www.brent.gov.uk/modelconditions](http://www.brent.gov.uk/modelconditions)

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## Appendix 8: Documents which demonstrate entitlement to work in the UK

Applicants may be asked to demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They can do this by providing with their application, copies or scanned copies of the documents listed below (which do not need to be certified). The documents that demonstrate an entitlement to work in the licensing regime are based on existing prescribed document lists for checks undertaken by employers. They are set out in the following regulations: The Immigration (Restrictions on Employment) Order 2007 and the Immigration (Restrictions on Employment) (Codes of Practice and Amendment) Order 2014.

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK. See note below about which sections of the passport must be provided].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.



- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relating to the carrying on of a licensable activity.
- A current Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity. when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, less than 6 months old, issued by the Home Office under regulation 17(3) or 18A(2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office, such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including: -
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - a) working e.g. employment contract, wage slips, letter from the employer,
    - b) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - c) studying e.g. letter from the school, college or university and evidence of sufficient funds, or
    - a) self-sufficient e.g. bank statements.



Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- any page containing the holder's personal details including nationality;
- any page containing the holder's photograph;
- any page containing the holder's signature;
- any page containing the date of expiry; and
- any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

## Appendix 9: Women's Night Safety Charter

Women have the right to socialise and work in safety in our borough. That means they should be able to enjoy a night out or be able to work in a venue without danger, fear or harassment. Sexual comments from a stranger and uninvited touching or contact are never acceptable.

The Council takes the safety of women at night extremely seriously and therefore it is essential that measures are taken to provide a safe environment for women. The Council is one of the first signatories of the Mayor's Women's Night Safety Charter and we are committed to delivering these important pledges to make Brent's even more welcoming at night.

More information is available at the following link: <https://www.london.gov.uk/press-releases/mayoral/pledge-to-improve-womens-safety-at-night>

## Appendix 10: Glossary of Licensing terms

DPS	The Designated Premises Supervisor (DPS) is the personal licence holder specified in the premises licence. All premises licensed to sell alcohol will have an identified personal licence holder, known as the DPS. The purpose of the DPS is to ensure there is always one specified individual who can be identified as a person in a position of authority at a licenced premises. The DPS does not have to be on the premises at all times.
Late TENs	Late Temporary Event Notices. These refer to TENs applications received less than 10 full working days of the proposed event.  If there is an objection to a late TEN, the event will be immediately vetoed. There is no option for a hearing, nor to appeal against the decision.
Licensable activities	Licensable activities are the sale of alcohol, the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, the provision of regulated entertainment and the provision of late night refreshment. Any of these activities is likely to require prior authorisation (a premises licence, a club premises certificate or a temporary event notice).
Licensing authority	Licensing authorities are usually local authorities and are responsible for licensing functions under the Licensing Act 2003.
Licensing Committee	Licensing Committees are appointed to carry out the functions of licensing authorities. They are made up of Local Authority Councillors. The Committees delegate a number of their functions to sub-committees and to Licensing Authority officers.
Licensing objectives	The Licensing Act 2003 sets out four licensing objectives which must be taken into account when a Local Authority carries out its functions. They are: <ol style="list-style-type: none"><li>1. the prevention of crime and disorder,</li><li>2. public safety,</li><li>3. prevention of public nuisance, and</li><li>4. the protection of children from harm</li></ol>
Live Music Act	The Live Music Act 2012 regulates live performances, not recorded music. According to the Licensing Act 2003 (Descriptions of Entertainment) (Amendment)_Order 2013)

	<p>A licence is not required for the following:</p> <ul style="list-style-type: none"> <li>• activities provided they take place between 08:00-23:00 on any day;</li> <li>• performance of a play in the presence of any audience of no more than 500 people;</li> <li>• an indoor sporting event in the presence of any audience of no more than 1,000 people;</li> <li>• most performances of dance where the audience comprises no more than 500 people</li> </ul>
Statement of Licensing Policy	<p>Section 5 of the Licensing Act 2003 requires each Licensing Authority to prepare and publish a Statement of its Licensing Policy every five years. The Policy has full regard to the Act, secondary regulations made under the Act and section 182 Guidance issued under S182 of the Licensing Act 2003, as issued from time to time by the Home Office.</p> <p>A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.</p>
Operating schedule	<p>An Operating Schedule is required as part of an application for a Premises Licence or Club Premises certificate. The Operating Schedule sets out:</p> <ul style="list-style-type: none"> <li>• What licensable activities will take place</li> <li>• Days of the week and hours when these will take place</li> <li>• The steps undertaken to promote the licensable activities</li> </ul> <p>If the license is granted, the information in the Operating Schedule becomes the conditions of the licence.</p>
Review	<p>The Licensing Act 2003 offers the ability to bring a premises to review where they are operating in a manner which is in contravention of one or more of the licensing objectives.</p> <p>The application for the review may be made by 'responsible authorities' such as the Police, Fire Authority, or the Council's Noise team, or 'other persons', for example people who live or work near a venue and are affected by it. The individual or organisation applying for the review must demonstrate how the operation of the individual premises is in contravention of one or more of the Licensing objectives.</p> <p>The application for the review will trigger a Hearing of the Licensing Committee, unless an agreement is reached by all parties on the future operation of the premises, and the Licensing Authority agrees to waive the requirement for the Hearing as a result.</p>
Section 182 Guidance	<p>Section 182 of the Licensing Act 2003 provides that the Secretary of State must issue and, from time to time, may revise guidance to Licensing Authorities on the discharge of their functions under the Act.</p>