



Licensing policy
Achieving the right balance

JANUARY 2008

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1. Introduction

- 1.1 Applicants are encouraged to read this policy before applying for a licence. Where relevant representations are received by the Licensing Authority from a person or body opposing an application, then unless the parties agree that there is no need for a hearing, the application shall be heard before the Licensing Sub-Committee. The Licensing Sub-Committee shall also have regard to this policy when making its decision.
- 1.2 The only factors that the Licensing Sub-Committee shall take into account are the four licensing objectives, namely:
- **the prevention of crime and disorder**
 - **public safety**
 - **the prevention of public nuisance**
 - **the protection of children from harm**
- 1.3 Any other matters covered in this policy that do not relate to the licensing objectives cannot be taken into account by the Licensing Sub-Committee. For example, one of the Council's key priorities in its Community Plan for 2007-2017 is to make Richmond upon Thames the greenest borough in London. The Licensing Authority would like to see the licensed trade focus on 'green' issues, such as:
- recycling of glass / plastic bottles and cans
 - reducing waste where possible
 - examining the energy performance of licensed premises and equipment (e.g. improving insulation, using energy efficient appliances, assessing use of patio heaters)
- However, when determining a licence the Licensing Sub-Committee cannot take into account 'green' issues where they do not relate to the licensing objectives. This is merely a suggestion for applicants and existing licence holders, as they are practices the Licensing Authority would seek to encourage. The Licensing Authority cannot insist that such practices are followed.
- 1.4 Upon the receipt of a relevant representation, the Licensing Sub-Committee shall consider each application on its individual merits. In the absence of a relevant representation, an application will be granted by officers in the terms sought by the applicant under delegated powers.
- 1.5 Whilst the policy will generally be applied by the Licensing Sub-Committee, it may depart from the policy if the individual circumstances of the application warrant such a departure. In such circumstances, a Licensing Sub-Committee must be able to justify its decision based upon the four licensing objectives should there be a legal challenge.

- 1.6 This policy will not over-ride any obligations under the Licensing Act 2003 ('the Act') or any other legislation. The Licensing Authority in preparing this policy has had regard to the Statutory Guidance ('the Guidance') issued on 28 June 2007 and has consulted with the statutory consultees.
- 1.7 Advice on making an application or representation can be sought by contacting the Licensing Authority by telephone on 020 8831 6455 during normal office hours or via email at: licensing@richmond.gov.uk

2. Integrating Strategies

- 2.1 The Secretary of State recommends that licensing policies should provide a clear indication as to how the Licensing Authority will secure the proper integration of its licensing policy with local crime prevention, planning, transport, tourism, race equality schemes, cultural strategies and any other plan introduced for the management of town centres and the night time economy. Guidance states that many of these strategies are not directly related to the promotion of the four licensing objectives, but, indirectly, impact upon them. Co-ordination and integration of such policies, strategies and initiatives are therefore important.
- 2.2 The key strategies in the borough are:
 - The Community Plan (2007-2017)
 - Corporate Plan (2007-2010)
 - Community Safety and Substance Misuse Strategy (2005-2008)
- 2.3 The key priorities of each plan / strategy are summarised below:

| Key Priority / Aim | Community Plan | Corporate Plan | Community Safety and Substance Misuse Strategy |
|--------------------|---------------------------------------------------------|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Tackling disadvantage and inequalities | Environment and Sustainability | To make the London Borough of Richmond upon Thames the safest borough in London by raising the performance of the Community Safety Partnership |
| 2 | Being the greenest borough in London | Education and children's services | To tackle and protect our communities from anti-social behaviour |
| 3 | Being the safest London borough for all our communities | Efficient local government | To prevent and reduce youth offending |
| 4 | Growing up in Richmond upon Thames | A safer community | To improve our support and services to victims of crime |
| 5 | Creating a healthy and caring Richmond upon Thames | Promoting the health, housing and well being of all residents | To enable vulnerable people to resist substance misuse and to enable those already misusing substances to lead healthy and |

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| | | | crime free lives through education and harm minimisation |
| 6 | Creating a vibrant and prosperous Richmond upon Thames | | To cut the availability of illegal drugs in our community |
| 7 | Improving access and participation | | |

2.4 Applicants and existing licence holders are encouraged to consider the plans and strategies mentioned above. The Licensing Sub-Committee in determining a contested application shall only take into account the plans / strategies in so far as they relate to the four licensing objectives and when similar issues are raised by interested parties or responsible authorities. For example, if public safety was not raised by interested parties or responsible authorities in their letter of representation, the Licensing Sub-Committee would have no remit to consider public safety.

2.5 Applicants and existing licence holders are *encouraged* to:

- examine the energy performance of their buildings and equipment (such as patio heaters);
- reduce waste where possible;
- recycle glass/plastic bottles, cans and any other recyclable material;
- consider public safety (see section headed ‘public safety’)
- tackle antisocial behaviour (see section headed ‘the prevention of crime and disorder’ and section headed ‘the prevention of public nuisance’)
- encourage the responsible service of alcohol (see section headed ‘the prevention of crime and disorder’)
- offer top quality facilities (see section headed ‘other visions’)
- look at the prevention of noise disturbance (see section headed ‘the prevention of public nuisance’)

2.6 The Licensing Authority is committed to meeting the key values of the Council. It will provide a good service to applicants, existing licence holders, interested parties, responsible authorities, etc.

3. Other Visions

3.1 This policy aims to ‘achieve the right balance’ by balancing the needs of businesses whilst respecting the needs of residents to be able to go about their normal lives without undue interference or disturbance from licensable activities.

3.2 The Council encourages:

- Entertainment (live music, dancing, theatre, plays)
- Cultural diversity
- Choice

- Family friendly environments
 - Focus on food
 - Quality standards
 - Environmentally responsible premises
- 3.3 The Council encourages a diverse range of services beyond the sale of alcohol. It does not wish to create or promote a trend towards a 24 hour vertical drinking or off-sales culture.
- 3.4 The Council is committed to all measures that may reduce incidents of drunkenness and antisocial behaviour in the borough, and discourages promotions that may lead to excessive consumption of alcohol.

4. Cumulative Impact

- 4.1 Cumulative impact means the potential impact upon the promotion of the licensing objectives by a significant number of licensed premises concentrated in one area. A cumulative impact policy was incorporated into the Licensing Policy following the decision of Council in June 2005 and continues to form an important part of this current policy. The cumulative impact policy applies to Richmond and Twickenham town centres.
- 4.2 **Applications for new premises licences or club premises certificates or applications to vary within the cumulative impact zones that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, subject to an applicant satisfying the Sub-Committee that there will be no adverse effect upon the cumulative impact. Maps detailing the precise boundaries of the cumulative impact zones in Richmond and Twickenham town centres are contained at Appendix A and B.**
- 4.3 Following the decision of the High Court in *The Queen on the Application of JD Wetherspoon Plc v Guildford Borough Council* [2006] EWHC 815 and revised Guidance published on 28 June 2007, the cumulative impact policy is now wider than before. Firstly, reference to ‘material’ variation has been removed from current Guidance and replaced simply with ‘variation’, which means that *any* variation application (including an application for extended hours) regarding a premises licence or club premises certificate within the cumulative impact zone will fall within the cumulative impact policy and thus be refused if there are relevant representations, unless the applicant can satisfy a Licensing Sub-Committee that there will be no adverse effect upon the cumulative impact. Secondly, it also applies to all new premises licences and club premises certificates, including pubs, off-licences, restaurants etc.
- 4.4 The evidence has been re-examined and the Licensing Authority remains of the opinion that the two geographical areas in Richmond and Twickenham town centres as shown in Appendix A and B are still necessary and justified as ‘cumulative impact zones.’

- 4.5 The presumption does not relieve responsible authorities or interested parties from the need to make a relevant representation. If there are no relevant representations against the grant then the Licensing Authority must grant the application in terms that are consistent with the operating schedule submitted.
- 4.6 This cumulative impact policy is not absolute. After receiving relevant representations in relation to an application for a new premises licence or a club premises certificate or an application to vary, the Licensing Sub-Committee must consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. Where the application is unlikely to add to the cumulative impact, the application may be granted. Guidance states that the impact can be expected to be different for premises with different styles and characteristics. For example, whilst a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not.
- 4.7 If the Licensing Sub-Committee decides that an application should be refused it will need to show that the grant of the application would undermine the promotion of one or more of the licensing objectives and that conditions would be ineffective in preventing the problems involved.
- 4.8 The cumulative impact policy will be kept under review by the Licensing Authority.

5. The Prevention of Crime and Disorder

Closed Circuit Television (CCTV)

- 5.1 The primary purpose for having CCTV in and around licensed premises is to prevent and detect crime, apprehend and prosecute offenders, and protect public safety. Applicants are encouraged to assess whether the use of CCTV is necessary on their premises. Upon receiving a relevant representation from a responsible authority or interested party it is within the Licensing Sub-Committee's remit to impose a condition requiring CCTV if it is felt to be within the promotion of the licensing objectives. A typical condition may be:

"CCTV shall be maintained in good order and recordings shall be retained for at least 31 days and be made available for inspection by authorised officers of the Licensing Authority and the police upon request. Recorded images shall not be blurred or indistinct."

Door supervisors

- 5.2 Applicants may also wish to assess whether Security Industry Authority (SIA) registered door supervisors are required on their premises. It is recognised, however, that not all premises require door supervision.

Plastic glasses / polycarbonate vessels

- 5.3 Applicants might wish to consider whether safety glasses or plastic glasses and bottles may be necessary from time-to-time, to prevent them from being used as weapons or missiles. Whether or not plastic glasses are necessary could be addressed by way of a risk assessment. Where the consumption of alcohol is likely to be on a public open space, the operator should seriously consider using materials other than glass for drinking vessels.

Pre-application discussions with Police and Environmental Health

- 5.4 Applicants are encouraged to discuss their application with the police prior to submitting it to the Licensing Authority. The police have a wealth of experience in terms of the prevention of crime and disorder and may be able to assist with any proposed conditions. The Metropolitan Police have an Event Risk Assessment and Event Debrief Risk Assessment that organisers may find useful to use when liaising with the Police Operations team. Likewise, Commercial Environmental Health will be able to advise on noise issues. (see below in 6.2 for contact details)

Pubwatch

- 5.5 Pubwatch is a voluntary organisation set up to support existing licence holders. It is organised by the licence holders themselves to share intelligence and best practice ideas. It invites speakers to help inform licence holders on current issues such as police campaigns, changes in licensing and other regulatory law.
- 5.6 The Licensing Authority is wholly supportive of Pubwatch, and would urge all applicants and existing licence holders to become members. The Licensing Authority is able to assist with details of the existing Pubwatch groups in the borough.

6. Public Safety

(Public safety is concerned with the physical safety of people using or working in the premises and not with public health, which is dealt with under other legislation).

Risk Assessments

- 6.1. Applicants are reminded of their obligations under the Management of Health and Safety at Work Regulations 1999 which require every employer to make a suitable and sufficient assessment of the risk to health and safety of his/her employees whilst at work and other persons / patrons at the licensed premises.

Point of Contact for Advice and Information

- 6.2 The Council's Commercial Environmental Health Service is responsible for exercising health and safety enforcement in relation to nearly all licensed

premises in the Borough and are available to provide advice and information by telephoning 020 8891 7994 or emailing: commercialeh@richmond.gov.uk

- 6.3 The London Fire and Emergency Planning Authority (LFEPA) are the contact point regarding fire safety and prevention, including issues such as means of escape, safe capacity limits and fire alarm system, etc. Their website address is www.london-fire.gov.uk/lfepa
- 6.4 Information concerning means of escape and crowd control in sports stadia and other similar premises may also be obtained from the Council's Building Control Services: buildingcontrol@richmond.gov.uk
- 6.5 The HSE Event Safety Guide (ISBN10:0717624536) and Guide to Safety at Sports Grounds (ISBN0113000952) may assist some applicants and are available from the Stationery Office: www.tsoshop.co.uk

7. The Prevention of Public Nuisance

(Public nuisance retains its broad common law meaning. It could therefore include low level nuisance affecting a few people living locally as well as major disturbance affecting the whole community. It includes noise nuisance, light pollution, noxious smells, litter and any other relevant considerations).

Noise Management Policies

- 7.1 Applicants may wish to assess whether there is a need for a Noise Management Policy for their premises. If there are relevant representations then the Licensing Sub-Committee may also choose to impose a condition requiring a Noise Management Policy. A booklet published by the Commercial Environmental Health Department explaining Noise Management Policies can be found on the Council's website: www.richmond.gov.uk or by contacting the department by telephone on 020 8891 7994.
- 7.2 The Council's Commercial Environmental Health Service has suggested the following formula:
 - a. Identify all potential sources of noise and who may be affected;
 - b. Consider what other controls can be implemented to minimise noise in respect of each source (ultimately by ceasing its use or application);
 - c. Consider whether controls are adequate to prevent nuisance to these people or whether more can be done;
 - d. Document in your policy what controls will be in place to minimise nuisance and how they are checked by staff;
 - e. Implement your policy.

Noise from patrons arriving and departing the premises

- 7.3 Often noise can be created by patrons arriving and leaving licensed premises. Ambient noise levels generally fall later into the night/early morning. Voices of

patrons speaking as they leave can be intrusive to nearby residents, especially where patrons have consumed a few drinks and may have been listening to loud music within the premises. A condition to address this may be:

“Notices shall be prominently and permanently displayed at or near exit/s requesting patrons to leave quietly and to avoid creating disturbances”.

- 7.4 Applicants may also consider having a staff member at the door around closing time to remind customers to leave quietly or to arrange taxis to ensure an efficient departure from the premises. Arrangements for queuing may also be assessed.
- 7.5 Premises that offer take-away food should be mindful of noise which may be created by customers who congregate outside or by delivery motor bikes, and should do whatever is possible to minimise such noise.

Regulated entertainment

- 7.6 Regulated entertainment has the potential to result in public nuisance being caused to residents. In order to avoid this, applicants may choose to consider:

- whether it is necessary to install a noise limiting device to amplified music,
- whether it is necessary to keep windows and/or doors closed, except for entry and exit, during regulated entertainment;
- the location of speakers
- installation of sound insulation to the building (professional advice should be sought first)
- the structure of the building and whether noise break out and noise induced vibration is possible
- limiting the times when regulated entertainment may be provided and the nature of it
- assessing noise from plant and machinery, including air conditioning units, refrigeration units and kitchen extracts
- assessing whether there is excessive artificial lighting associated with the premises

- 7.7 Applicants, as well as the Licensing Sub-Committee, may consider conditions such as:

“Doors and windows must be kept closed, except for entry and exit, when there is live music taking place.”

“Doors and windows must be kept closed, except for entry and exit, when there is regulated entertainment taking place.”

Refuse, collections, and deliveries

- 7.8 The most recent study undertaken by the Erskine Corporation found that in 2007 there was increased littering in both Richmond and Twickenham relative to the original study in 2005.
- 7.9 Applicants may wish to address as part of their operating schedule any measures that they intend to take to control litter. For example:
- Litter patrols directly outside their premises, including the picking up of cigarette butts and broken glass
 - Notices at take-away premises asking patrons to dispose of their litter in bins
- 7.10 Various written representations have been received from residents in the vicinity of licensed premises explaining that they are being awoken by early morning commercial refuse collections. It is recognised that refuse collection times can sometimes be outside the control of the premises licence holder. However, premises licence holders are encouraged to consider whether their refuse collection time could result in a public nuisance and, if so, attempt to renegotiate different times with the contractor.
- 7.11 Applicant might also wish to consider whether deliveries to the licensed premises could potentially result in a public nuisance.

Smoking and outside areas

- 7.12 Patrons may no longer smoke inside licensed premises and consequently may go outside to smoke. Applicants and existing licence holders are encouraged to assess whether the noise from such patrons could potentially disturb nearby residents and whether there is potential for smoke to drift to nearby residential properties. As the licensed trade can only be responsible for matters within their control it is recommended that licence holders focus on the effects of smoking in beer gardens, patios and the pavement directly outside the premises.

8. The Protection of Children from Harm

- 8.1 The Council's Child Protection Manager is recognised to be competent to advise the Licensing Sub-Committee on the protection of children from harm.

Admission of children

- 8.2 It is an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or Temporary Event Notice (TEN).
- 8.3 This policy does not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them. Access may be limited, however, in the following circumstances:

- where entertainment or services of an adult or sexual nature are commonly provided;
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or the premises have a reputation for underage drinking;
- where there is a known association with drug taking or dealing in connection with the premises;
- where gambling on the premises plays a prominent role (but not, for example, the simple presence of a small number of cash prize gaming machines); and
- where the supply of alcohol for consumption on the premises is the exclusive or primary use to which the premises are put.

8.4 There are a range of alternative measures which may be considered in order to limit the access by children to the premises which may be necessary for the prevention of harm to children. These include:

- limitations on the hours when children may be present;
- limitations excluding the presence of children under certain ages when particular specified activities are taking place;
- limitations on the part or parts of premises to which children might be given access;
- age limitations;
- a requirement that children be accompanied by adults;
- a full exclusion of persons under 18 years of age from the premises when any licensable activities are taking place.

8.5 The conditions outlined in 8.4 may only be attached to premises licences and club premises certificates. They may not be attached to a Temporary Event Notice (TEN).

Proof of Age

8.6 It is an offence to sell alcohol to an individual aged under 18. Licence holders are encouraged to consider carefully ways to ensure that the sale of alcohol is restricted to those over the age of 18. A popular scheme is 'Challenge 21' whereby if the individual looks under 21, they should be asked to prove that they are over the age of 18 when buying alcohol. Acceptable forms of proof are: a photo card drivers licence, passport or PASS. PASS is the national guarantee scheme for proof-of-age, which is fully supported by the Home Office. Special care should be exercised and the licensed trade should be alert to counterfeit IDs and their fraudulent use.

9. Making an application

9.1 Application forms are available from the Department of Culture, Media and Sport website: www.culture.gov.uk or by contacting the licensing department: licensing@richmond.gov.uk telephone – 020 8831 6455.

- 9.2 The application forms for premises licence and club premises certificates (new and variations of) require the applicant to state in their operating schedule the additional steps they will take to promote the licensing objectives. Applicants are reminded that any information contained within the operating schedule may be converted into conditions and this may be done even where there is no hearing.
- 9.3 Before making an application applicants are strongly encouraged to contact the police to discuss any issues relating to crime and disorder, together with Commercial Environmental Health to discuss potential nuisance and safety issues. Where the application exceeds in some way an existing planning consent the applicant is advised to contact Development Control to discuss the position. Early involvement with the responsible authorities may enable the applicant to adapt their application in a way which avoids the need for formal representations and a hearing.
- 9.4 Licensing Officers are assigned to different parts of the borough. For example, one Licensing Officer is responsible for all the premises in the South Richmond ward. Applicants are encouraged to seek advice from the relevant Licensing Officer if they have any queries in relation to the application process. Details of the officers and their respective wards can be found on the website: www.richmond.gov.uk

New or variation applications

- 9.5 Where a premises licence holder wishes to amend their licence, in most cases he/she may make an application to vary rather than an application for a new premises licence or club premises certificate. However, a variation application cannot be made to extend the period for which the licence has effect (i.e. where there is a time limited premises licence) or vary substantially the premises to which it relates. 'Substantially' is not defined in the Act or Guidance, but this Licensing Authority takes it to mean 'large or considerable' and this will ultimately depend on the individual circumstances of the case. Normally an application for extended hours would be by way of variation.

Advertising

- 9.6 Applicants must comply with the *Licensing Act 2003 (Premises licence and club premises certificate) Regulations 2005* when advertising their applications for a premises licence or club premises certificate or a variation, by displaying a pale blue notice for 28 days on the exterior of the premises and placing an advertisement in a local newspaper (e.g. Richmond and Twickenham Times, Guardian, Informer).
- 9.7 Applicants are reminded that where a premises covers an area of more than fifty metres square, additional pale blue notices must be displayed every fifty metres along the external perimeter of the premises abutting the highway.
- 9.8 It is usual practice for Licensing Officers to visit the applicant's premises on at least one occasion during the advertising period to ensure that the pale blue

notice is being displayed in accordance with the regulations. Where advertising irregularities are found the advertising period may be required to be started again or extended.

Personal licences

- 9.9 As required under the *Licensing Act 2003 (Personal licences) Regulations 2005*, personal licence applications must be accompanied by two photographs of the applicant, one of which is endorsed with a statement verifying the likeness of the photograph to the applicant signed by a solicitor, notary, a person of standing in the community or any individual with a professional qualification. Applications not conforming to the requirements of the Regulations as stated above will be rejected. Similarly criminal conviction checks shall not have been issued earlier than one calendar month before receipt of the application by the Licensing Authority.
- 9.10 Personal licence holders are encouraged when authorising members of staff to sell alcohol to keep a record of the authorisation. It is recommended that any authorisation should state who has been authorised and for what period. It would also be good practice for personal licence holders to train staff as to their responsibilities in relation to the service of alcohol.
- 9.11 Personal licence holders are reminded of their obligation to notify the Licensing Authority as soon as reasonably practicable of any change of name or address or conviction for a relevant or foreign offence as defined in the Licensing Act 2003.

Large events

- 9.12 Organisers of festivals or concerts who require a premises licence are strongly advised to contact the Licensing Authority at least six months prior to the event, although there is no statutory requirement to do so.
- 9.13 Organisers of large events should also have early discussions with responsible authorities such as the Police, Commercial Environmental Health and the London Fire and Emergency Planning Authority (LFEPA).
- 9.14 The Metropolitan Police have an Event Risk Assessment and Event Debrief Risk Assessment that organisers may find useful to use in liaison with the Police Operations Team.

Sending to Responsible Authorities

- 9.15 New applications or applications to vary premises licences or club premises certificates must be made to the Licensing Authority with copies served on each of the responsible authorities (see Appendix C for names and addresses).

10. Making a representation

- 10.1 Responsible authorities and interested parties who live in the vicinity of the applicant's premises, together with their representatives, may make representations to applications for premises licences or club premises certificates, or their variation. Only the police may object to a Temporary Event Notice (TEN) and to personal licence applications.
- 10.2 Representations to an application may be positive or negative, although only negative representations would result in a Licensing Sub-Committee hearing.

Vicinity

- 10.3 In making a decision on the question of vicinity, the Licensing Authority will consider whether the individual's residence or business is likely to be directly affected by disorder or disturbance occurring or potentially occurring on those premises or immediately outside the premises. In other words, it is the impact of issues relating to the four licensing objectives that is the key consideration. No rule in terms of distance will be applied. Each representation will be judged on its own merit.
- 10.4 Upon receiving a representation, officers of the Licensing Authority may assess whether the interested party lives in the vicinity of the applicant's premises and may choose to consult with the Chair of the Licensing Committee. An officer is empowered to make a decision, which would result in the representation not going before the Licensing Sub-Committee.
- 10.5 In borderline cases the benefit of doubt should be given to the interested party and the representation should be included in the agenda for the Licensing Sub-Committee to determine vicinity.

Irrelevant, frivolous, vexatious

- 10.6 Any representation which is irrelevant (does not relate to the licensing objectives), frivolous (lack of seriousness) or vexatious (may include dispute between local businesses) shall not be considered.
- 10.7 Officers may also assess whether a representation is irrelevant, frivolous or vexatious and may choose to consult with the Chair of the Licensing Committee. An officer is empowered to make a decision, which would result in the representation not going before the Licensing Sub-Committee.
- 10.8 In borderline cases, an officer may also choose to include an irrelevant, frivolous or vexatious representation in the agenda and the Licensing Sub-Committee will determine whether to accept it.

Registering to speak or be represented at Sub-Committee hearings

- 10.9 Any person making a representation that wishes to speak or be represented at a Licensing Sub-Committee hearing must inform the Licensing Authority of their intention at least five working days before the hearing. Failure to do so may result in such a person not being heard, although the Chair may exercise their discretion and allow the person to speak. (see Licensing Procedures on the website: www.richmond.gov.uk).

11. Reviews

- 11.1 Reviews represent a key protection for the community where premises present problems associated with the licensing objectives, allowing interested parties and responsible authorities to apply in writing to the Licensing Authority for a review of a premises licence or club premises certificate.
- 11.2 The Licensing Authority may, at any time, reject any ground for review if it is satisfied that the request for review does not relate to the licensing objectives or is frivolous, vexatious or repetitious.
- 11.3 The review process will not be allowed to be used as a 'second bite of the cherry' where the decision of the Licensing Authority is disagreed with. In other words, where a licence has been granted or varied and an aggrieved interested party chooses not to appeal but elects instead to review the premises licence/certificate shortly after the Licensing Sub-Committee's decision.
- 11.4 Generally the Licensing Authority would expect a period of at least twelve months to elapse before a second review may be considered in relation to the same premises on similar grounds to a previous review (other than for closure orders).
- 11.5 The Licensing Sub-Committee must, having regard to an application and any relevant representations, take such steps as it considers necessary for the promotion of the licensing objectives. It is able to:
- (a) modify the conditions of the licence;
 - (b) exclude a licensable activity from the scope of the licence;
 - (c) remove the designated premises supervisor;
 - (d) suspend the licence for a period not exceeding three months;
 - (e) revoke the licence
- 11.6 Upon receipt of a request for review, licensing officers are empowered to determine whether the request from an interested party or responsible authority is relevant, frivolous or vexatious (see considerations above).
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12. Temporary Event Notices (TENS)

- 12.1 If the Licensing Authority receives a TEN and there are no representations against it by the police, then the Licensing Authority is obliged to issue the TEN subject to the statutory limits being complied with. Only the police can object to a TEN and only under the crime prevention objective.
- 12.2 The TEN must be given to the Licensing Authority no later than 10 working days before the day on which the event period begins, and must be accompanied with the prescribed fee. The 10 working days runs from the day after the notice is received by the Licensing Authority, as the day the notice is received is deemed to be day zero. Public holidays and weekends are not counted, as they are not working days.
- For example, say a TEN was served on Tuesday 13 November, the 10 working days would begin to run from the Wednesday 14 November to Tuesday 27 November and the event could be no earlier than Wednesday 28 November.
- 12.3 The Licensing Authority may not attach any terms, conditions, limitations or restrictions on the carrying on of licensable activities at such events under the authority of a TEN. The notice giver is, however, responsible for ensuring that the event complies with all relevant legislation, such as noise nuisance and health and safety.

13. Conditions

- 13.1 Applicants are encouraged to complete fully the operating schedule as appropriate to their business by addressing the four licensing objectives. Any information contained within the operating schedule may be turned into a condition by the Licensing Authority.
- 13.2 Where there is a relevant representation and the application is heard before the Licensing Sub-Committee, further conditions may be imposed upon the licence or certificate to address any concerns raised by either the interested parties or responsible authorities. However, conditions will only be placed on the licence by the Licensing Sub-Committee if they are:
- Necessary
 - Proportionate
 - Reasonable
 - Tailored to the specific premises
 - Capable of compliance
 - Enforceable
 - Relevant to the representations received (e.g. if representations are received on public nuisance grounds only, then the Sub-Committee should not impose conditions relating to the other licensing objectives).

- 13.3 Before refusing in full an application for a premises licence or club premises certificate or a variation application, the Sub-Committee should consider whether the imposition of conditions could address the concerns expressed by interested parties or responsible authorities.
- 13.4 Conditions must focus on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified.
- 13.5 Conditions must not duplicate other statutory responsibilities under existing legislation.

14. Regulated Entertainment

Incidental music

- 14.1 Applicants are encouraged to consider carefully whether or not they require a licence for live music or recorded music, or whether it is incidental and therefore does not require to be licensed. When in doubt, applicants are encouraged to discuss it with officers of the Licensing Authority.
- 14.2 In considering whether or not music is incidental one factor may be whether or not, against a background of the other activities already taking place, the addition of music will create the potential to undermine any of the four licensing objectives. Other factors might include some or all of the following:
- Is the music the main, or one of the main, reasons for people attending the premises?
 - Is the music advertised as the main attraction?
 - Does the volume of the music disrupt or predominate over other activities or could it be described as 'background' music?

Spontaneous music, singing and dancing

- 14.3 The spontaneous performance of music, singing or dancing does not amount to the provision of regulated entertainment and is not a licensable activity.

Films

- 14.4 Where a premises licence or club premises certificate authorises the exhibition of a film it is a mandatory condition that admission is restricted in accordance with the recommendation of the British Board of Film Classification (BBFC) or by the licensing authority.

- 14.5 Normally films will be classified by the BBFC. However, if required to do so, the licensing authority would apply the categories laid down by the BBFC in making its own determination as to classification.

15. Use of Personal Data

- 15.1 The name and address of interested parties will be disclosed to the applicant, Licensing Sub-Committee and officers of the Council involved in the licensing process. This is necessary in order to allow an assessment of the representation and to check it has been made by a person/s within the vicinity.
- 15.2 At present the names and addresses of interested parties will be 'blacked-out' in Agendas and will, therefore, not be disclosed to other interested parties, responsible authorities or the public at large, unless consent has been obtained.
- 15.3 Any person appearing before the Licensing Sub-Committee shall have their name recorded in the minutes. A copy of the minutes is distributed to the applicant and any interested parties and responsible authorities, with a copy being placed on the Council's web site.
- 15.4 Although there is no statutory requirement to do so applicants may wish to insert additional wording on their pale blue advertisement on the exterior of the premises to explain how personal data will be used. For example, the following wording could be adopted:

“Any personal data contained in a letter of representation will be disclosed to the applicant, Sub-Committee and officers of the Council involved in the licensing process and the name of any person appearing before the Sub-Committee will be published in the minutes which are distributed to all parties (including all persons who made a representation and applicant) and will be available on the Council's website and in libraries in the borough.”

16. Shop Hours

- 16.1 As a general rule, the Licensing Sub-Committee will take the approach that shops, stores and supermarkets will be free to sell alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless there are good reasons, based upon the licensing objectives, for restricting those hours. For example, a limitation may be appropriate following police representation where youths gather outside a shop and cause disorder and disturbance.
- 16.2 The Licensing Sub-Committee, however, may consider the cumulative impact policy where any shop, store or supermarket falls within the cumulative impact zone.

17. Duplication

- 17.1 Applications under The Licensing Act 2003 will be considered separately from other regimes such as planning and building control. This is in order to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before relevant planning permission has been sought or granted by the planning authority.
- 17.2 The planning and licensing regimes involve consideration of different matters. For example, licensing takes into account the four licensing objectives:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm

whereas planning considers a range of issues such as,

- Public nuisance
- Loss of privacy
- Highway safety
- Design
- Nature conservation
- Adequacy of parking

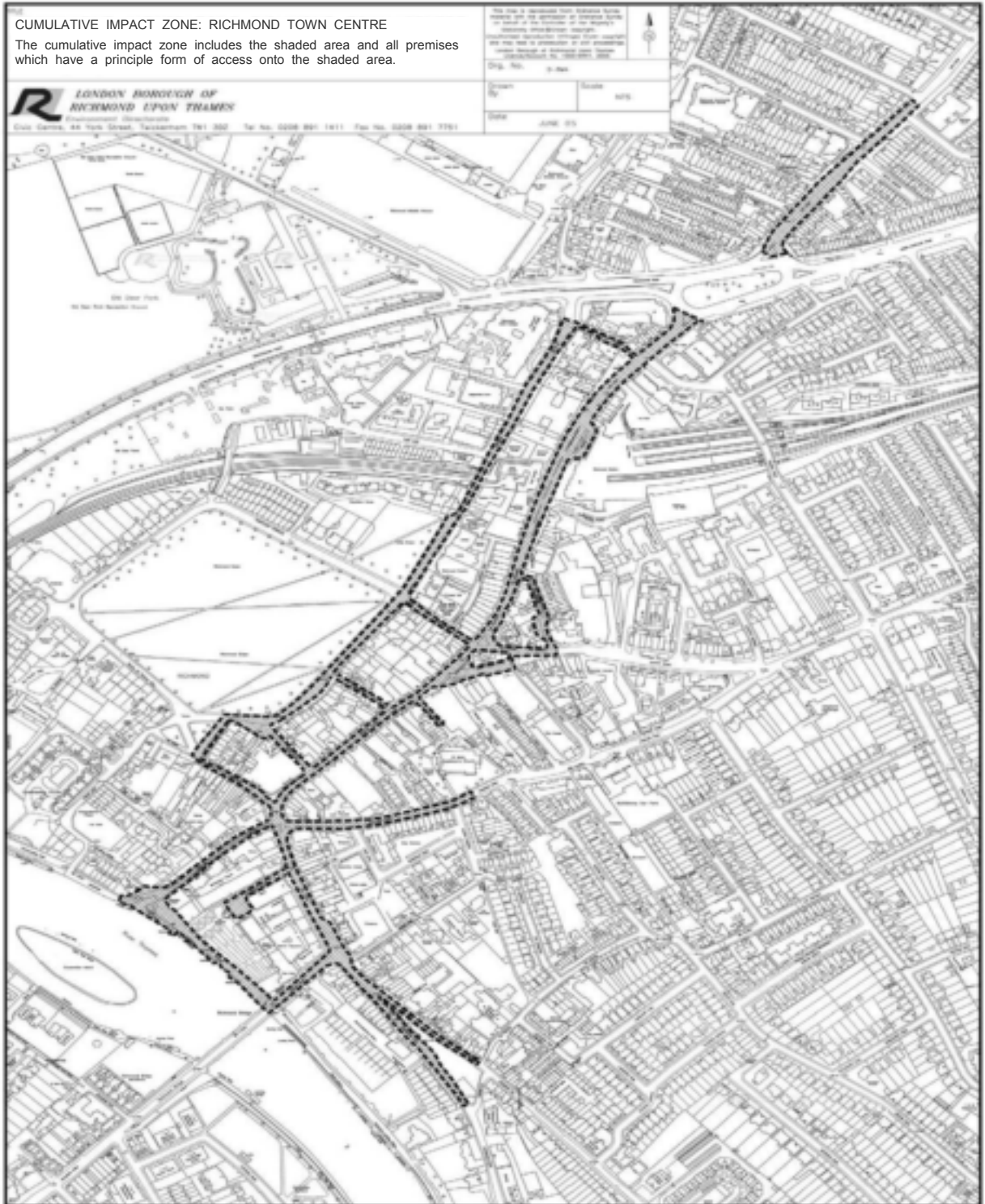
18. Enforcement

- 18.1 Before taking enforcement action, the Licensing Authority will consider the Licensing Enforcement Policy, which has taken into account the Code for Crown Prosecutors, a copy of which may be found at: www.richmond.gov.uk/licensing_enforcement_policy.pdf
- 18.2 The Licensing Authority recognises and endorses the Hampton principles in carrying out its duties under the Licensing Act 2003. www.hm-treasury.gov.uk/hampton

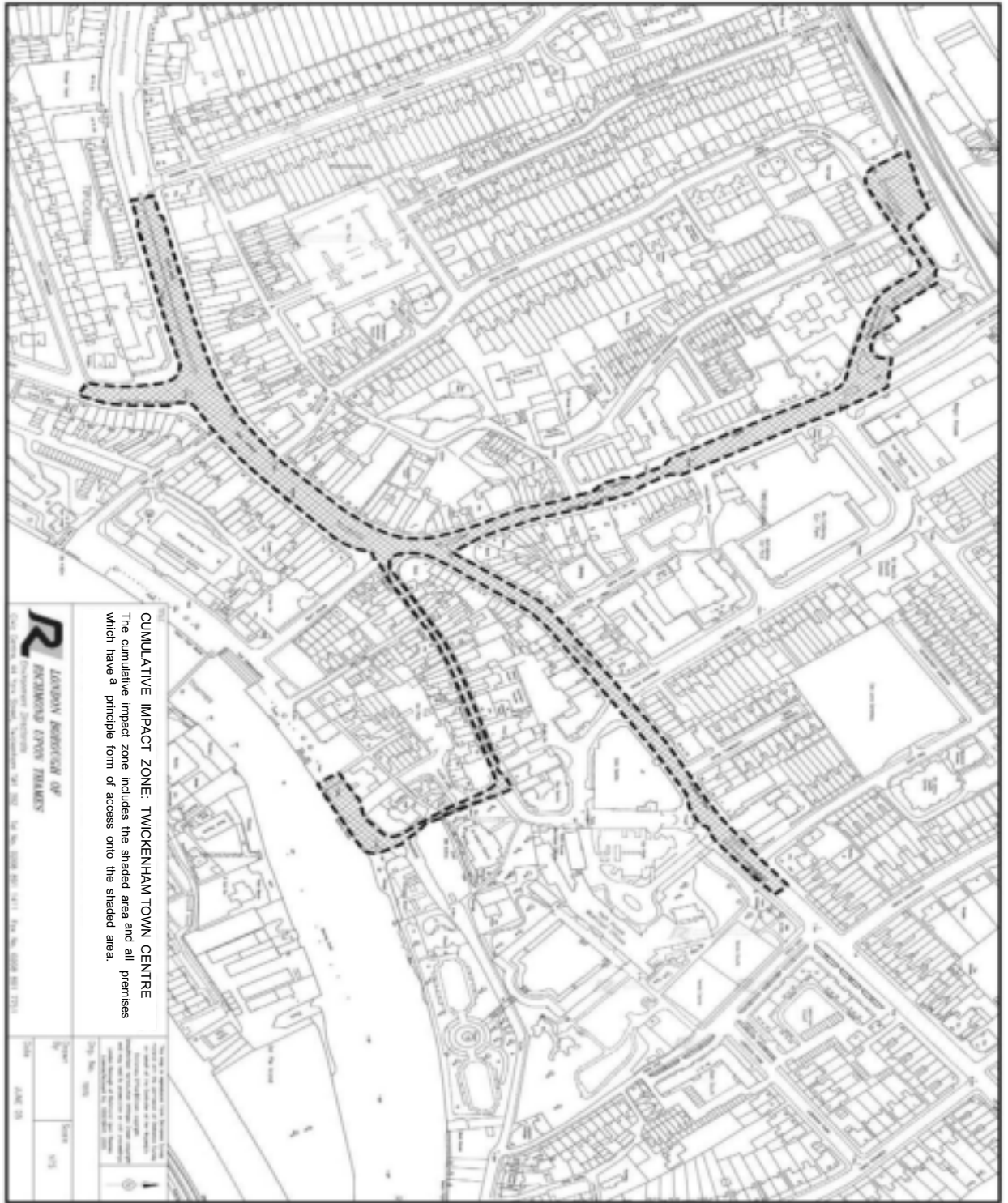
19. Miscellaneous

- 19.1 Copies of agendas for Licensing Sub-Committee hearings are available on the Council's website: www.richmond.gov.uk

Appendix A – CUMULATIVE IMPACT ZONE: RICHMOND TOWN CENTRE



Appendix B – CUMULATIVE IMPACT ZONE: TWICKENHAM TOWN CENTRE



Appendix C– List of Responsible Bodies for New or Variation Premises Licence Applications and Club Premises Certificates

Chief Officer of Police

Chief Officer of Police, Twickenham Police Station, 41 London Road, Twickenham, TW1 3SY

Fire authority, Hammersmith and Fulham and Richmond Fire Safety Team
London Fire Brigade 190-192 Shepherds Bush Road, Hammersmith, W6 7NL

Local Planning Authority

London Borough of Richmond upon Thames Planning, 2nd Floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ

Body which represents matters relating to the protection of children

Child Protection Manager, Social Services, 3rd Floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ

Local authority by which statutory functions are in relation to minimising or preventing the risk of pollution to the environment or of harm to human health and Health and Safety at Work etc. Act 1974 (excluding council premises, funfairs and manufacturing)

Head of Commercial Environmental Health, 2nd Floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ

For Council premises, funfairs and manufacturers only - Enforcing authority within meaning of Health and Safety at Work etc. Act 1974

Health and Safety Executive, London Division, Rose Court, 2 Southwark Bridge, London, SE1 9HS

Application in relation to vessels must notify further responsible authorities

The Navigation Authority

Tidal Thames

The Harbour Master

The Port of London Authority, 7 Harp Lane, London EC3R 6LB

Non Tidal Thames

The Environment Agency Recreation and Navigation, Thames Region, Kings Meadow House, Kings Meadow Road, Reading, RG1 8DQ

The Environment Agency

Thames Regional Office

Kings Meadow House

Kings Meadow Road

Reading

Berkshire

RG1 8DQ

British Waterways London

1 Sheldon Square
Paddington Central
London
W2 6TT

The Secretary of State

The Surveyor General
The Maritime & Coastguard Agency,
Orpington Marine Office,
Central Court,
1 Knoll Rise
Orpington
Kent
BR6 0JA

Please contact us if you need this in Braille,
large print, audio tape or another language on
020 8831 6233 or minicom 020 8831 6210.

ARABIC

إذا كانت لديك صعوبة في فهم هذا المنشور، فنرجو زيارة الإستقبال في
العنوان المعطى أدناه حيث بإمكاننا أن نرتب لخدمة ترجمة شفوية
هاتفية.

GUJARATI

જો તમને આ પુસ્તિકાની વિગતો સમજવામાં મુશ્કેલી પડતી હોય તો, કૃપયા નીચે જણાવેલ
સ્થાનના રિસેપ્શન પર આવો, જ્યાં અમે ટેલિફોન પર ગુજરાતીમાં ઇન્ટરપ્રિટીંગ સેવાની
ગોઠવણ કરી આપીશું.

ALBANIAN

Nese keni veshtersi per te kuptuar kete botim, ju lutemi ejani ne
recepcionin ne adresen e shenuar me poshte ku ne mund te organizojme
perkthime nepermjet telefonit.

BENGALI

এই প্রকাশনার অর্থ বুঝতে পারায় যদি আপনার কোন সমস্যা হয়, নিচে দেওয়া ঠিকানায় রিসেপশন-এ
চলে আসুন যেখানে আমরা আপনাকে টেলিফোনে দোভাষীর সেবা প্রদানের ব্যবস্থা করতে পারবো।

FARSI

*** اگر در فهمیدن این نشریه مشکل دارید، لطفاً به مرکز پذیرش در

آدرس قید شده در زیر رجوع فرمایید تا سرویس ترجمه تلفنی

برایتان فراهم آورده شود.

PANJABI

ਜੇਕਰ ਤੁਹਾਨੂੰ ਇਸ ਪਰਚੇ ਨੂੰ ਸਮਝਣ ਵਿਚ ਮੁਸ਼ਕਲ ਪੇਸ਼ ਆਉਂਦੀ ਹੈ ਤਾਂ ਹੇਠਾਂ ਦਿੱਤੇ ਠਾਣੇ ਪਤੇ
ਉੱਪਰ ਰਿਸੈਪਸ਼ਨ 'ਤੇ ਆਉ ਜਿੱਥੇ ਅਸੀਂ ਟੈਲੀਫੋਨ 'ਤੇ ਭੱਲਥਾਤ ਕਰਨ ਲਈ ਇੰਟਰਪ੍ਰਿਟਰ ਦਾ ਪ੍ਰਬੰਧ
ਕਰ ਸਕਦੇ ਹਾਂ।

URDU

اگر آپ کو اس اشاعت کو سمجھنے میں کوئی مشکل ہے تو، براہ کرم مجھے دیکھے ہوئے ایڈریس کے اشتہار پر جا کر ملیئے، جہاں ہم آپ کیلئے
ٹیلیفون انٹرمیڈیٹنگ سروس (ٹیلیفون پر ترجمانی کی سروس) کا انتظام کر سکتے ہیں۔