

Licensing Act 2003

Statement of Licensing Policy

Draft

2025-2030



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3 PURPOSE AND SCOPE

1. The purpose of this Statement of Licensing Policy ('the Policy') is to set out the principles to be applied in considering licence applications under the *Licensing Act 2003* ('the Act') by Bromley Council ("the Licensing Authority" when explicitly concerning licensing matters or "the Council" when concerning its broader remit).
2. The Policy has been prepared having regard to the Guidance issued by the Home Office under Section 182 of the Act (or *S.182 Guidance*) and is designed to reflect local circumstances and characteristics whilst promoting the four licensing objectives:
 - **Prevention of crime and disorder**
 - **Public safety**
 - **Prevention of public nuisance**
 - **Protection of children from harm¹**
3. Under the Act, the four licensing objectives are the paramount consideration for all parties involved in the licensing process. The licensing objectives are of equal importance and therefore each of these will be considered with equal weight.
4. Where licensable activities are to be provided under the Act, they can be authorised by the Authority under the following forms of 'authorisations':
 - *Premises Licences* - These authorise the holder to use the premises for one or more licensable activities.
 - *Club Premises Certificates* - These authorise qualifying clubs to use the premises for one or more licensable activities (known as 'qualifying club activities').
 - *Temporary Event Notices* - These authorise an individual to use the premises identified in the Temporary Event Notice (TEN) for one or more licensable activities for a period of up to 168 hours for 499 persons or less on the premises at any given time (subject to other conditions being met – see TENS section).
5. The Licensing Authority is responsible for the determination of premises licences, club premises certificates, personal licences, provisional statements, review applications. It is also responsible for determining TENs that receive negative 'representations' (i.e. objections).
6. The Policy covers all licensable premises within the Bromley Council boundary where any of the following take place:
 - Sale or supply of alcohol
 - Regulated entertainment
 - The provision of late-night refreshment
 - Supply of alcohol in qualifying clubs.

¹ See *Section 4: The Four Licensing Objectives* for more information.

4 REVIEW OF THE LICENSING POLICY

7. The Act requires the Licensing Authority to review its Statement of Licensing Policy at least every five years. When reviewing the Policy, it must also be consulted upon.
8. The Licensing Authority recognises the important role that ‘responsible authorities’ (see *Appendices: Glossary*), the licensed trade, residents and other stakeholders play in shaping its Statement of Licensing Policy.
9. Under s5 of the Act, consultation on the Statement of Licensing Policy must take place with:
 - The chief officer of police for the area.
 - The fire and rescue authority for the area.
 - Director of public health.
 - Persons/bodies representative of local premises licence holders.
 - Persons/bodies representative of local club premises certificate holders.
 - Persons/bodies representative of local personal licence holders; and
 - Persons/bodies representative of businesses and residents in its area.
10. The Council will give due weight to the views of those consulted, making appropriate amendments to the Policy accordingly. In determining what weight to give to consultation responses, the following factors will be considered:
 - Who made the representation (what was their expertise or interest).
 - What the motivation was for their views.
 - How many other people expressed the same or similar views; and
 - How far representations related to matters the Council should include in its Policy.
11. In-between formal reviews, the Council will keep the Policy and its supporting data under review to ensure that it is fit for purpose. Should circumstances change materially, the Council will be prepared to review the Policy earlier than the mandatory five-year limit required under the Act, to promote the licensing objectives.

5 LOCAL CONTEXT

5.1 About Bromley

12. The London Borough of Bromley covers an area of 58 square miles with larger town centres (such as Bromley, Beckenham, Orpington, and Penge) as well as a larger number of smaller towns and villages.
13. According to 2021 Census, Bromley's population is 330,000² and it is focused mostly in the north and west of the borough, whilst the south and east of Bromley borough is amongst London's most rural areas.
14. In Bromley there were almost 980 licensed premises and club premises' certificates authorised under the Act in 2024. The Licensing Authority has also issued 2864 personal licences under the Act.

5.2 The London Borough of Bromley

15. The Council has a wide range of responsibilities including helping to develop and promote a strong sustainable local economy. Thriving food, drink and entertainment businesses in the Borough are an important part of the local economy and this Statement of Licensing Policy is critical to their continuing success and for attracting further investment to the Borough. Likewise, the licensing of public spaces and community buildings allows our residents to organise unique events of community and cultural value.
16. Balanced against this is the Council's legal duty, and its commitment with partners and to the community, to tackle crime and disorder, antisocial behaviour, and the fear of crime, as well as protecting children from harm. It is also important to maintain and enhance our environment so that residents, visitors, and businesses can enjoy the opportunities for living, visiting, and operating within the Borough.
17. The *Licensing Act 2003* has provided opportunities for businesses to develop and flourish in socially responsible ways and has simplified and lightened the administrative burden of licensing. However, the Act, alongside the *Anti-Social Behaviour Policing and Crime Act 2014*, contain strong powers for both the police and the Licensing Authority. These will be used to their fullest extent where businesses or licence holders blatantly infringe the law or undermine one or more of the licensing objectives.

² ONS <https://www.ons.gov.uk/visualisations/censuspopulationchange/E09000006/>

6 INTEGRATION OF LICENSING WITH OTHER POLICIES

6.1 Introduction

18. The Licensing Authority will seek to secure the proper integration of this Statement of Licensing Policy with other relevant local crime prevention and public safety, planning, cultural, gambling, and public health strategies.

6.2 Avoiding duplication

19. Whilst the Licensing Authority seeks the integration of this Policy with other strategies, the Authority also makes a firm commitment to avoid duplication with other regulatory regimes, so far as is possible.
20. Located in the Appendices is a non-exhaustive list of Other Relevant Legislation that licence applicants are also advised to review when preparing their application.

6.3 Safer Bromley Strategy

21. The Licensing Authority seeks to provide an effective and supportive licensing service to assist well-run licensed premises and responsible applicants. We also take a reasonable, proportionate, and targeted enforcement approach to licences and licensees that are not promoting and upholding the four licensing objectives and as a result are negatively impacting community safety.
22. Three core areas form the Safer Bromley Partnership's new community safety strategy: *Prevention, People* and *Place*³. All three pillars support the four licensing objectives and vice versa.
23. The Metropolitan Police provide Bromley with a neighbourhood policing resource which also has a dedicated licensing unit. Working in conjunction with the Authority, the police's licensing team hold licensees to account, challenge new licence applications (only where necessary on grounds that they may not promote the licensing objectives) and ensure that fair and relevant licence conditions are agreed when a licence is granted or reviewed.
24. There are several schemes led by the licensed trade itself that aim to make premises and town centres safer. Pubwatch is one of these. The Licensing Authority would welcome further Pubwatch schemes across the Borough.
25. Bromley Council has a strong commitment to reducing violence (including sexual violence) against women and girls (VAWG). Bromley council is a signatory of the Mayor of London's Women's Night Safety Charter and encourages licensees to also sign up to the Charter.

³ Safer Bromley Partnership <https://www.bromley.gov.uk/crime-prevention-community-safety/safer-bromley-partnership>

26. The Licensing Authority strongly welcomes all licensees to review their processes and policies to tackle VAWG and reduce vulnerability, e.g., through schemes like Welfare and Vulnerability Engagement (WAVE) training and / or Ask for Angela.
27. For further information on these schemes, please see the *Appendices*.

6.4 Bromley Local Plan

6.4.1 Background

28. The Bromley [Local Plan 2019](#)⁴ sets out a vision for how Bromley will develop as a place into the 2030s. It contains a suite of planning policies to guide development within the borough and to assess planning applications against.
29. The Council welcomes investment into existing and new licensed premises that provide for our residents and visitors, whilst enhancing and diversifying the evening and night-time offer. In particular, the Council welcomes venues that are food-led, family friendly and support the growth of arts, culture, and live music.
30. Regardless of the kind of venue, licence applications must still be able to show how they are able to promote the four licensing objectives.
31. Whilst planning and licensing are separate policy regimes, the following section sets out how licensing and planning will be closely integrated in Bromley to support the development of vibrant and sustainable places.

6.4.2 Town centres

32. The hierarchy of the Borough's town, district and local centres has evolved over a considerable period and is recognised in the London Plan. The centres are classified according to their existing function, and each performs an important role in providing a range of services and facilities (including licensed premises). The *Bromley Local Plan* (p178) sets out the following hierarchy of towns:
 - *Metropolitan Centre* – Bromley
 - *Major Centre* – Orpington
 - *District Centres* – Beckenham, Crystal Palace, Penge, Petts Wood, West Wickham
 - *Local Centres* – Biggin Hill, Chislehurst, Hayes, Locksbottom, Mottingham
 - *Neighbourhood Centres and Local Parades* – 67 across the Borough⁵
33. The Council welcomes planning and licensing applications that are in line with the vision set out in the Bromley Local Plan for the borough and for each centre.
34. For further information on the Local Plan please see the *Planning* section later in this Policy and the links in the *Licensing Resources* appendix.

⁴ The [Bromley Local Plan](#), London Brough of Bromley, 2019

⁵ The *Bromley Local Plan*, London Brough of Bromley, 2019 p178

6.4.3 Restaurants, pubs & hot food takeaways

35. The Bromley Local Plan notes, in Policy 98, that the Council will permit planning applications for a new restaurant, café, drinking establishment or hot food takeaway where all the following criteria are met:
- a) the proposal would not detract from the vitality and viability of the town centre,
 - b) the proposal would not result in an over-concentration of food and drink establishments,
 - c) there is no harm or loss of amenity to nearby residents through noise, disturbance, smells, fumes, litter, and unneighbourly opening hours, and
 - d) the proposal would not create undue traffic congestion because of a change of use.⁶

6.5 Bromley Statement of Gambling Licensing Principles

36. Some premises that provide licensable activities under the *Licensing Act 2003* also provide activities licensable under the *Gambling Act 2005*. The Licensing Authority has a separate *Statement of Gambling Policy* and reference should be made to that statement to identify the inter-relationship between the two licensing frameworks.
37. For further information on the Licensing Authority's *Statement of Gambling Policy* see the accompanying *Licensing Resources* appendix.

6.6 Partnership working

38. Bromley welcomes licensed premises where they contribute to the vitality and vibrancy of its town centres. However, the Council believes licensed premises should not unduly detract from the local residential amenity. The Council will continue to work in partnership with the police, residents, businesses, licensees, and regulatory agencies towards safeguarding the quality of life for residents, and the creation of a safer and more pleasant environment for all.
39. Council departments and partners, such as neighbourhood enforcement, community safety, trading standards, public health, children's services, planning and enforcement, as well as the Metropolitan Police Service and the London Fire Brigade all work together to address any negative impacts of the night-time economy generally, and problematic licensed premises and their customers specifically, through regular intelligence sharing meetings as well as multi-agency joint enforcement operations.

⁶ *The Bromley Local Plan*, London Borough of Bromley, 2019 p178

6.7 Public health

40. Public health bodies were retrospectively made Responsible Authorities under the *Licensing Act 2003* in April 2012. Although public health is not a licensing objective, health-related data (e.g., alcohol-related violence injuries, acute alcohol intoxication, underage alcohol hospital admissions) can be used to track the impact of licensed premises on the licensing objectives and thus ensure that appropriate and robust measures are in place to promote the licensing objectives.
41. Alcohol-related harms are broad ranging and can be associated with even moderate levels of drinking. Health related problems include liver disease, cancers, cardiovascular disease, and accidents in the home and on the road. Between midnight and 5am on weekends, around 70% of A&E attendances are estimated to be alcohol related.
42. Alcohol is significantly associated with high levels of hospital admissions due to injury, intoxication, and violence. It is estimated that there is an 85% unmet alcohol-treatment need in Bromley (82% nationally).
43. The Licensing Authority will consider public health representations against a licence application, but only where it is evidenced that the licence application (as applied for) would fail to promote the licensing objectives.
44. See the accompanying *Licensing Resources* appendix for further information.

6.8 Drugs in licensed premises

45. Illegal drugs and psychoactive substances, including nitrous oxide (commonly known as NOx), all present significant challenges to the promotion of the licensing objectives. (For further information on psychoactive substances also see the section in this Policy on the borough's *Public Space Protection Order*, which includes measures to address them).
46. Licensed premises must implement a zero-tolerance policy regarding the use of illegal drugs in all licensed premises.
47. Where there is a risk of the selling and / or consumption of illegal drugs, psychoactive substances and nitrous oxide, the Licensing Authority expects licensed premises to have a documented policy. The policy, as a minimum, should set out how these substances will be prevented from entering the premises, what action the venue will take should anyone be found with them on the premises, and how the drugs will be disposed of.
48. The Licensing Authority considers that nightclubs and other late-night venues should pay particularly close attention to, and have comprehensive plans to address, these risks. But it may also be appropriate for other licensed premises to do so.

49. Relevant approaches to eliminating drug selling and use could include, but are not limited to:
- The use of toilet attendants or regular documented toilet checks.
 - Searches of the premises.
 - Training of staff in drug awareness to identify and prevent the supply and use of illegal drugs and psychoactive substances within a premises.
 - Medical provision and welfare arrangements for dealing with drug use.
 - Signage and welfare information in the venue.
 - Physical and design measures to deter drug use on the premises.
50. For best practice on dealing with illegal drugs in venues, the Night-Time Industries Association offers free guidance and training resources. A link to this can be found in the accompanying *Licensing Resources* appendix.

6.9 Spiking and welfare in licensed premises

51. Licensees should consider what action will be taken to prevent the spiking of drinks at premises, i.e., where drugs or alcohol are illegally added to someone's drink without them knowing and to reduce vulnerability within premises. Alcohol is the commonest substance used to spike drinks.
52. Safety measures licensed premises can take to prevent spiking and to reduce vulnerability can include, but are not limited to:
- Training staff to spot spiking behaviours.
 - Encouraging customers to ensure their drinks are not left unattended.
 - Using publicity material to ensure customers remain vigilant.
 - Implementing WAVE and active bystander training for staff (provided within Bromley by Police Licensing).
 - Operating the Ask for Angela campaign (provided within Bromley by the local Police Licensing Unit).
 - Providing a safe space for welfare or first aid while obtaining further help.
 - Ensuring that vulnerable customers have safe transport home or requesting medical assistance when needed.
53. For further information on best practice in relation to spiking, the Nighttime Industries Association, the Government and the Metropolitan Police Service all offer free guidance. (See *Licensing Resources* appendix for further information).

6.10 The sale of alcohol

54. The *National Alcohol Harm Reduction Strategy* identifies several priorities which licensing authorities should consider when making decisions on relevant applications.
55. In conducting its licensing function, the Licensing Authority will be mindful of relevant strategies and policies, including the following:
- *Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks* published by The Portman Group.
 - *Responsible Retail Guidance* (published by the Retail of Alcohol Standards Group)
 - *Proxy Purchasing Guidance* (published by the Retail of Alcohol Standards Group)
 - *Guidance for On-line Retailers of Alcohol* (published by the Retail of Alcohol Standards Group)
 - *Best Practice for Rapid Delivery Services Delivering Age Restricted Products* (published by the Retail of Alcohol Standards Group)
56. Links to best practice on the responsible sale of alcohol can found in the *Licensing Resources* appendix.

6.11 Pavement licences

57. The Council wishes to respond appropriately to applications from public houses, bars and restaurants requesting to serve food and alcohol in areas adjacent to or immediately outside their premises.
58. It is important that any pavement licences granted promote the four licensing objectives and do not impact negatively on nearby residential and business amenity. Approvals for pavement licences may also be required input from the planning and highway authorities.
59. For further information on Bromley's *Pavement Licensing Policy* please see the *Licensing Resources* appendix.

6.12 Late-Night Levy

60. The Late-Night Levy ("the Levy") is a discretionary power originally granted to local authorities under the *Police Reform and Social Responsibility Act 2011*. It enables authorities to charge an additional fee to those premises that are licensed to sell or supply alcohol late at night as a means of raising a contribution towards the costs of policing the night-time economy.
61. Currently the Licensing Authority does not have a Late-Night Levy.

6.13 Early Morning Restrictions Orders

62. Early Morning Restrictions Orders (“EMROs”) are a discretionary power first published under section 172A of the *Licensing Act 2003* (but were enabled in the *Police Reform and Social Responsibility Act 2011*).
63. EMROs enable licensing authorities to restrict sales of alcohol with the aim of tackling high levels of alcohol-related crime, disorder, and nuisance. The EMRO may be applied to the whole or part of the Licensing Authority area and, if relevant, on specific days and at specific times. A statutory process must be undertaken before it is introduced, and the Licensing Authority must be satisfied that such an order would be appropriate to promote the licensing objectives.
64. Currently the Licensing Authority has not introduced an EMRO.

6.14 Public Space Protection Order

65. The *Anti-social Behaviour, Crime and Policing Act 2014* allowed the Council to consult on introducing a Public Space Protection Order (PSPO).
66. Following the appropriate statutory and consultative process, the Council introduced the “London Borough of Bromley Public Spaces Protection Order 2023 (Anti-Social Behaviour)”.
67. This Order has effect for three years starting on 12 April 2024, unless it is extended, varied, or discharged by further orders under the Council’s statutory powers. This Order can be extended pursuant to Section 60 of the *Anti-social Behaviour, Crime and Policing Act 2014*.
68. The parts of the PSPO where there is a potential impact on the application for and operation of a licence, as well as the customers of licensed premises are, in summary, as follows:
 - a. What constitutes public space and the boundary of the area the PSPO covers.
 - b. What licensable activities and licensable spaces *are exempted* from the PSPO.
 - c. What activities *are* subject to the PSPO. These are broadly:
 - i. The failure to cease the consumption of alcohol when instructed to do so by an authorised person.
 - ii. The consumption of psychoactive substances.
 - iii. Urination and defecation.
 - d. What constitutes an offence under the PSPO.
69. Further detail on the Bromley PSPO can be found in the *Appendices*.

6.15 The Equality Act 2010

70. The Council strongly advises applicants and licensees to make themselves familiar with their responsibilities under the *Equality Act 2010* and relevant guidance for businesses, which can be found on the Equality and Human Rights Commission website.
71. In carrying out its functions under the *Licensing Act 2003*, the Licensing Authority will be mindful of its duties under the *Equality Act 2010* “to have due regard to” the need to eliminate discrimination, advance equality of opportunity and foster good relations regarding age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
72. A link to the *Equality Act 2010* can be found in the *Licensing Resources* appendix.

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7 THE FOUR LICENSING OBJECTIVES

73. Each of the four licensing objectives listed below are of equal importance.
74. The Licensing Authority expects applicants to risk assess their proposals and put forward measures aimed at promoting the licensing objectives.

7.1 Prevention of crime and disorder

75. The proposal should include satisfactory measures to mitigate any risk of the proposed operation creating crime and disorder within the premises or making an unacceptable contribution to levels of crime and disorder.

7.2 Public safety

76. Necessary and satisfactory risk assessments should have been undertaken, management procedures put in place and the relevant certification produced to demonstrate that the public will be kept safe on the premises.

7.3 Prevention of public nuisance

77. The applicant should address the potential for public nuisance arising from the characteristics and style of the proposed activity and have identified the appropriate steps to reduce the risk of public nuisance occurring from the premises.

7.4 Protection of children from harm

78. The applicant should identify and address any risks with the aim of protecting children from harm when on or in the immediate vicinity of the premises. In particular the applicant should explain the steps being taken to prevent underage sales of alcohol.

8 APPLYING FOR A LICENCE OR CERTIFICATE

8.1 Introduction

79. In determining a licence or club premises certificate application, the overriding principle will be that each application will be determined on its own merits, having regard to the promotion of the licensing objectives, and considering this Policy and the Guidance issued under Section 182 of the Act. Where it is necessary to depart from the Guidance or this Policy, the Licensing Authority will give clear reasons for doing so.

8.2 The licence application process

80. All applications for premises licences / club premises certificates, variations and provisional statements must be submitted in accordance with the Act and its accompanying Section 182 Guidance.

81. As part of the application process there is a requirement for the submission of an Operating Schedule. The Licensing Authority will normally expect the operating schedule to have regard to the nature of the area where the premises is situated, the type of premises concerned, the licensable activities to be provided, operational procedures, and the needs of the local community in addressing the four licensing objectives.

82. It is critical that licence applicants show how they will promote the four licensing objectives in their application. Failing to do this is one of the most common reasons that an application will be rejected.

83. Under the Act, applicants are legally obliged to give notice of their application in two ways, by displaying a blue notice at the premises for a period of 28 days and placing a notice in a local newspaper. Each notice must clearly state the date by which representations must be received, where the application can be viewed in full and where any representations must be sent.

84. For further information on how to apply for a premises or personal licence, please visit: <https://www.bromley.gov.uk/licences>

8.3 Consultation on licence applications

85. The statutory consultation process is applicable to all applications for new licences and variations allowing for representations to be made by various bodies and individuals. Responsibility for undertaking statutory consultation lies with the applicant for paper applications and in part with the Licensing Authority for electronic applications.

86. The Licensing Authority expects that the applicant to fully comply with the notification and statutory consultation requirements of both electronic and paper applications. A failure in any part of the consultation process will lead to an application being invalid and could delay the application process.

87. The Licensing Authority will undertake additional consultation with Ward Councillors in whose ward the applications arise and any neighbouring Ward Councillors or London Boroughs if the application is near a ward or borough boundary.

8.4 Non-statutory consultation

88. In the case of minor variations, the Licensing Authority will exercise its discretion to consult with any of the responsible authorities where in their opinion there could be an impact on the licensing objectives.

8.5 Representations

89. Representations to a licence application can include those that are in support of it, as well as objections.
90. Representations may be received from the Responsible Authorities and by other persons (as defined by the 2003 Act). Elected members may make representations themselves, or on behalf of residents or the applicant. In these cases, the elected member cannot take part in the application decision process.
91. Guidance on submitting a representation is available on the Council's website or by contacting the Licensing Service.
92. The Licensing Authority recognizes its obligations under the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR) to protect personal data. When representations are made, the names and addresses of those making the representations are considered personal data. As such, the Licensing Authority will redact this information from publicly available documents, such as reports published on the Council's website, unless disclosure is necessary for the proper discharge of the licensing process.
93. In reports presented to the Licensing Sub-Committee, personal data will only be included in the confidential version of the report (Part 2), which is accessible solely to committee members and other authorized personnel. The publicly available version of the report (Part 1) will anonymize personal data, referring to individuals by generic descriptors (e.g., "Resident of [Ward/Locality]"). This ensures that the Council balances its commitment to transparency with its legal obligations to protect personal data and the privacy of individuals.
94. This approach aligns with the principles of data minimization and necessity under Article 5(1)(c) GDPR, ensuring that personal data is processed in a manner that is proportionate and compliant with data protection legislation.
95. Alternatively, they may contact a local representative such as a ward councillor, parish or town councillor, or any other locally recognised body - such as a resident's association - about submitting the representation on their behalf. The Licensing Authority cannot accept anonymous representations.
96. Relevant representations are representations as defined by Section 18 of the Act as:

- a) About the likely effect of the application on the promotion of the licensing objectives.
- b) Which have not been withdrawn and, in the case of representations made by other persons, are not, in the Licensing Authority's opinion, irrelevant, frivolous, or vexatious.

97. It is imperative that any resident, Responsible Authority, or other relevant party making a representation about a licence application, does so by showing how it will either promote or fail to promote one or more of the four Licensing Objectives. The Licensing Authority must, and will, exclude any representation that is not explicitly linked to the Licensing Objectives.
98. Unless relevant representations are received from Responsible Authorities and / or other persons, licences will be granted on the terms set out in the application. There is no provision for the Licensing Authority to impose conditions (other than Mandatory Conditions under the *Licensing Act 2003*) on a licence / club premises certificate arising from an uncontested application (other than those proposed by the applicant themselves within their application including the applicant's Operating Schedule).
99. For more information on the Mandatory Conditions, see the accompanying *Licensing Resources* in the Appendices.
100. All representations must be received within the prescribed window and in writing. ('Writing' includes email representations to the Licensing Authority).

8.6 Determination of applications

101. The Licensing Authority will consider each application on its own merits whilst having regard to the Act, the Section 182 guidance, and this Policy.
102. Any delegated decision made by the Licensing Authority will be carried out in accordance with the Scheme of Delegation (see Appendices).
103. Applications where there are relevant representations will be dealt with by a Licensing Sub-Committee at a public hearing, unless the Licensing Authority, the applicant and everyone who has made representations agree that a hearing is unnecessary.
104. Where possible, officers from the Licensing Authority will act to mediate between applicants and persons making relevant representations to resolve issues, thereby preventing unnecessary hearings.

8.7 Hearings

105. Where relevant representations have been received the licensing authority must hold a hearing to consider them unless the representations are withdrawn with agreement of all parties before a hearing. At a hearing, the licensing authority may:-
- Grant the application subject to modifying conditions that are consistent with the operating schedule in a way it considers appropriate for the promotion of the licensing objectives;
 - Reject one or more requested licensable activities;
 - Reject the application; and/or
 - Refuse to specify a person as a designated premises supervisor.
106. Parties will be advised of the hearing date and procedure in advance and in accordance with the statutory process. At all hearings the sub-committee will have regard to this Policy the Guidance issued under section 182 of the Act. This authority may use its discretion where there are strong and defensible reasons for departing from the Policy or the Guidance and where it considers it right to do so. In any such case this authority will clearly express and explain its reasons for doing so.

8.8 Composition of a Licensing Sub-Committee

107. A Licensing Sub-Committee shall comprise of any three elected members who serve on the Licensing Committee.
108. The Council's Code of Conduct requires Elected Members to register and declare their financial and other interests and sets out consequences for the Member's participation in the decision-making process in respect of an application, in the light of those interests.
109. Members will also disqualify themselves if the application relates to a premises within their ward.

8.8.1 Appeals against Licensing Subcommittee decisions.

110. Following the determination of an application by a Licensing Subcommittee, the applicant or any objector has the right to appeal against the decision to the Magistrates Court within 21 days.
111. Where the appeal is brought by an applicant it will be the Licensing Authority's usual policy to defend the Licensing Subcommittee's decision. This is because the applicant is asking the Court to grant more than the Council deemed appropriate for the promotion of the licensing objectives.
112. Where an appeal is lodged by an objector following a Licensing Subcommittee hearing, the Licensing Authority will always be a 'respondent' along with the licence holder. In such cases the Licensing Authority may choose not to be legally represented at the hearing of the appeal at the Magistrates Court. The licence holder

as co-respondent may appoint legal representation. A licensing officer will attend court to assist the licence holder and the court.

113. The reason for this is that if an objector's appeal were to be upheld by the Court it would not prejudice the Licensing Authority's decision as to what was appropriate for the promotion of the licensing objectives. It also retains the licence holders right to defend the Licensing Authority's original decision.
114. The Court makes a charge to lodge an appeal (currently £400), but the appellant may be liable to pay the legal costs of the respondent if the appeal is unsuccessful. (Further details can be obtained from Bromley Magistrates Court).
115. Where an appeal to the Magistrates Court is not brought by an objector following a Licensing Subcommittee decision, and problems relating to the promotion of the Licensing Objectives do subsequently arise, residents or responsible authorities can seek a formal review of the licence. Anyone wishing to consider this is advised to contact the Licensing Team for further advice. (See the *Appendices* for contact details).

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9 INFORMATION FOR APPLICANTS

9.1 Specific policy considerations

116. The Policy does not prevent an applicant's right to apply under the Act for a variety of permissions; nor does it override the right of any person to make representations on an application or seek a review of a licence or certificate.
117. The Licensing Authority cannot reject an application for a licence or certificate, or impose conditions, unless relevant representations have been made.
118. The measures to be taken should be proportionate to the level of risk; for example, a busy town centre nightclub or late-night bar will be expected to take substantially more precautions than a small neighbourhood restaurant or country pub.
119. Where insufficient detail is provided in the application to satisfy the Responsible Authorities and other persons, this is likely to lead to representations being made.
120. The Act requires certain Mandatory Conditions to be attached to licences. The Mandatory Conditions override any pre-existing conditions and do not have to be specifically included on licences authorising the sale of alcohol for consumption on the premises. A link to these Mandatory Conditions can be found in the *Licensing Resources* section of the Appendices.
121. Where an application has generated a negative representation (objection), the Licensing Authority must be satisfied that it is appropriate to attach conditions, other than those volunteered under the Operating Schedule and the Mandatory Conditions.
122. The Licensing Authority will not implement standard conditions and will, as far as possible, avoid the attachment of conditions that duplicate other regulatory regimes.
123. Where appropriate, the Licensing Authority will attach individual and tailored conditions to a licence that are reasonable, proportionate but not over-burdensome. These must be robust enough to promote the licensing objectives and will be related only to those matters under the direct control of the licence holder.
124. When preparing or considering applications, applicants, Responsible Authorities, objectors, and the Licensing Authority should refer to the pool of Model Conditions included in the Appendices to this document.
125. These Model Conditions are *not* mandatory, but a pool of *possible* conditions and suggested wording that cover a range of operational issues. The application of one or more of these conditions (or modified versions therefore) to a licence - where relevant and appropriate - may assist in demonstrating that the operation of a licence will not undermine the licensing objectives.
126. The list of Model Conditions will be updated, as appropriate, to assist anyone involved in the application or review process. The date of any update will be indicated on each new version.

9.2 General principles

127. The general principles will normally be applied in each case where the Licensing Authority is considering an application for a premises licence, club premises certificate, variations to those or a provisional statement.
128. Applicants should note that Operating Schedules lacking in detail are more likely to be refused, have hours restricted, or have conditions attached to them by the Licensing Authority or proposed in addition by the Responsible Authorities.
129. The Licensing Authority also strongly encourages applicants to demonstrate:
 - a) That they understand the nature of the locality in which the premises are to operate and that this has been taken into consideration whilst preparing the Operating Schedule.
 - b) Where the application is for evening and night-time activity, that the proposal reflects the Council's aspiration to diversify the Borough's offer, whilst at the same time promoting the licensing objectives.

9.3 Management competence

130. A critical element of the proper control of a licensable activity (and a premises where such activity is provided) is good management of those activities and the premises generally. Conversely, poor management can undermine the licensing objectives. As such, the Licensing Authority urges all involved in providing such activities and managing such premises to consider what skills and competencies are appropriate in the safe delivery of regulated activities and secure these. This applies to managers, musicians, DJs, door staff, bar staff, performers, and contractors as well as everyone associated with the licensable activities.
131. Good management also extends to the appropriate advertising of events and premises users, and licensees are expected to ensure responsible advertising content as part of their role.
132. Whilst it is acknowledged that there is no statutory bar to a Designated Premises Supervisor (DPS) holding this role in more than one premises, the Licensing Authority does not endorse this approach as the norm. The Licensing Authority envisages that a designated premises supervisor will be in day-to-day management control of a premises, and this can be undermined if they hold this role at more than one premises. Where this is proposed, applicants should address the issue of day-to-day control in support of the licensing objectives.
133. In premises where the sale by retail of alcohol is permitted it is important that clear direction is given to those undertaking such sales. Whilst retail sales of alcohol must be authorised by the designated premises supervisor or a personal licence holder, it is recommended as part of good management that such authorisation is committed to writing. This should enable the designated premises supervisor or personal licence holder to reinforce the personal responsibility on the person being authorised (including in relation to preventing underage sales).

134. The Licensing Authority expects that this approach will be identified by applicants for premises licences in their Operating Schedules. Applicants for community premises exempt from the requirement for designated premises supervisors and club premises certificate holders are also urged to provide written authorisation to those permitted to supply alcohol under their respective licences / certificates.
135. Where appropriate, the Licensing Authority will expect the necessary risk assessments to have been undertaken and the management procedures put in place to demonstrate that the public will be kept safe (*public safety*) both on and in the vicinity of the premises. Where necessary, this may also extend to the measures to ensure the safety of people when leaving the premises, ensuring the presence of trained first aiders on the premises and appropriate first aid kits.
136. Where relevant, applicants should also pay particular attention to demonstrate how they will limit the potential for noise from entertainment and persons using external areas affecting those members of the public living or working in the vicinity where licensable activity is proposed to take place, particularly at the most sensitive times (between 11:00pm and 07.00am).
137. Where issues are identified that suggest the poor management of a licensed premises, the Licensing Authority sees the advantage of Management Action Plans endorsed by the other relevant Responsible Authorities and the Licensing Authority, where deemed appropriate. These can provide a flexible approach to respond to immediate issues and then for specific measures to be adjusted once improved management can be demonstrated.
138. For further information on noise management, please see the *Licensing Resources* section of the Appendices.

9.4 Smoking and the use of external areas

139. In relation to smoking outside licensed premises, it is expected that:
- a) Suitable receptacles for customers will be provided and maintained to dispose of cigarette litter in areas used, or likely to be used, for smoking.
 - b) Licensees will take all reasonable steps to discourage smoking on the public highway close to residential premises, particularly after 10pm. This could include measures such as a restriction on customers taking drinks outside on to the public highway, the use of door supervisors, or imposing a time after which readmissions to the premises will not be permitted.
 - c) Garden areas will be cleared at a reasonable time where not doing so could cause nuisance to neighbouring residents.
140. Where an application includes provision of a smoking shelter then the Licensing Authority expects the shelter to be situated as far as possible from neighbouring residential premises.

9.5 Outdoor and major events

141. The Council is aware of the popularity of external areas and outdoor events and, where appropriate, welcomes events that add to the vibrancy, cultural life, and economic contribution to Bromley.
142. If you are considering holding an event, you should visit the “Planning an Event in Bromley” web page on the Bromley Website where you can apply to hold an event in Bromley, and where supportive policies and a portal to review any existing applications can be found.
143. **Major events** are those which by their size, profile, location or audience profile would in the opinion of the Council benefit from the involvement of the Borough’s Safety Advisory Group (SAG) to help in the planning and coordination. . All major event applications are shared with recognised stakeholders. These stakeholders include statutory bodies such as Licensing, Highways, Police and the Fire and Rescue Service. For most major events that take place, the final decision lies with relevant council officers.
144. The expectation is that major events will be granted a time limited premises licence to cover a single event or series of events. The Licensing Authority will not normally grant licences for large scale events on a multi-year basis.
145. The role of the Safety Advisory Group is to provide advice to individuals and organisations planning a public event from small fun runs through to major public gatherings.
146. The SAG is made up of representatives from the Council, Police, London Fire Brigade and London Ambulance Service and other relevant bodies. They meet when necessary to review the plans for large scale events and advise on public safety.
147. This advice is in addition to any legal requirements and government guidance. The recommendations given by SAG are advisory only and it is for the event organiser to take such steps that are necessary to ensure an event is undertaken safely. However, individual SAG members have their own legislative powers that may relate to parts of the events, such as noise and traffic.
148. **Scope for Inclusion at the SAG.** The guiding principle is that events presenting a significant public safety risk should be considered. This includes events that attract public attendance and which may impact on public safety or the wellbeing of the community will be considered on a risk-based approach, based on:-
- Impact on public safety, or
 - Impact on traffic, or
 - Impact on the environment

Events to be considered will include both licensed and unlicensed events. Consideration as to which events will be invited to a SAG will include:

- Number of people expected to attend
- Previous history of the event
- Previous history of the event organiser / safety officer / landowner

- Risk level of activity
- Features of the site itself

149. If the event is to take place in a Council property or park, the space may already have been licensed by the Authority and have existing licence conditions. Applicants may contact the Council's Licensing Team for more details (see *Appendix*). Similarly, a pre-licensed private venue will have its own conditions and requirements that the venue's owner will appraise applicants of.
150. If there is no licence in place at an event space, or the licence is unsuitable for the event, it is possible to apply for either a new or extended licence. This process is the same as any other licence application. However, it may also be possible to use a Temporary Event Notice (TEN) for a currently unlicensed space or to extend the

licence of a space that has already been licensed. (Those applying for a TEN can find more details in section 8. *Temporary Events Notices*).

151. For further information on the running of events in the Borough, please see the *Licensing Resources* section of the Appendices.

9.6 Planning

152. The Licensing Authority recognises that the licensing process should not be seen as a re-run of any planning process and that there should be separation between the planning and licensing regimes to avoid duplication.
153. Applicants for a premises licence or club certificate need to be aware that the granting of a licence or certificate under the Act does not negate the need to obtain appropriate planning permission. Premises operating in breach of planning permission may be liable to prosecution or other enforcement measures under planning law. Applicants are therefore recommended to obtain the correct planning permission for the use of premises they seek to operate.
154. The Licensing Authority will only consider representations made by the Planning Authority against any application made for a Premises Licence or Club Premises Certificate where they relate to one or more of the licensing objectives.

9.6.1 'Agent of change' principle

155. The 'agent of change' principle is planning principle. First introduced in the *National Planning Policy Framework* (version 2) in 2018, it is incorporated into the *Bromley Local Plan* as well as the *London Plan 2021*. It is also now included in the *Section 182 Guidance* that accompanies the *Licensing Act 2003*. It is intended to place the burden of mitigating any 'change' (resulting from a planning application) on the individual or organisation (the 'agent') making that application.
156. The *Licensing Act 2003's Section 182 Guidance* (revised December 2023, p126) sets out the context to agent of change and how it should be considered by planning

applicants. In summary, it expects new development to be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). It also states that *existing* businesses and facilities should not have unreasonable restrictions placed on them because of development permitted *after* they were established.

157. Agent of change reinforces that where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required by the local planning authority to provide suitable mitigation (e.g. sound insulation) before the development has been completed.
158. Whilst the agent of change principle applies to all land uses, the driving force behind the government introducing it has been to support licensed venues, particularly grassroots live music venues, nightclubs, historic pubs and LGBTQI+ premises, many of which have been forced to close over the past decade, typically when new urban residents have complained about noise from longstanding venues.
159. In Bromley, where there are existing cultural assets in mixed-use areas with sensitive uses in proximity, including existing residential development, applying the 'agent of change' principle will therefore be crucial to the ongoing viability of some of cultural assets and will help to ensure that mixed-use areas continue to function successfully.

9.7 Wholesale of alcohol

160. The sale of alcohol in wholesale quantities to the public is a licensable activity under the Act. A premises licence and a designated premises supervisor who holds a personal licence are required for such transactions to take place lawfully.

9.8 Internet and mail order sales

161. A premises licence will be required for a warehouse or storage facility for alcohol. However, the call centre where the order was placed would not require authorisation. The Licensing Authority expects that the application will include procedures for ensuring that sales of alcohol are not made to persons under 18 years of age.

9.9 Film classification

162. Where a Premises Licence authorises the exhibition of films, the licence should include a condition requiring the admission of children to films to be restricted in accordance with either the BBFC classification, or where the film is not classified by the BBFC, any recommendations made by the Licensing Authority.
163. In accordance with the guidance issued under section 182 of the *Licensing Act 2003*, the Licensing Authority shall concern itself primarily with the *protection of children from harm* when classifying films. It will not use its powers to censor films, save where there is clear cause to believe this is required to promote the licensing objectives.
164. The Licensing Authority considers the classification system used by the BBFC to be nationally understood and accepted. It will, therefore, use this system as a reference

point for determining its recommendation(s) on the restriction of access of children to any unclassified film(s). However, it should be noted that the Licensing Authority is not obliged to follow these guidelines.

165. In the instance where a film has no classification, then before it can be screened a request for certification can be made to the Licensing Authority. The request should be made at least 21 days in advance of the proposed screening date and submitted to the Licensing Team. Requests should include:
- a) A physical copy of the film or link to a viewable copy online (please ensure this does not require joining any website to view the film(s)).
 - b) Applicants will provide the Licensing Authority with comprehensive details of the measures which will be implemented throughout the exhibition of film to ensure that the only correct audience is able to view the film.
166. Where the Licensing Authority itself is to classify a film, the Authority expects that:
- a) A synopsis of the exhibition shall be sent to the Licensing Authority 28 days in advance, where possible, of any exhibition, detailing any potentially controversial issues which could affect the classification given to the film such as theme, swearing, violence, imitable techniques, horror, drugs, nudity, and anything considered over 18 – R18 for example.
 - b) The details of any existing classification issued by an existing classification body be provided, whether within or outside the UK
 - c) Any child safeguarding and age verification measures which will be applied are included.
 - d) A synopsis identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film.
 - e) Such recommendation as may have been made by the filmmaker upon age limit for the intended audience for exhibition of the film proposal of age restriction by the applicant.
167. For further information please contact licensing@bromley.gov.uk

9.10 Deregulation of entertainment

168. The *Legislative Reform (Entertainment Licensing) Order 2014 and Deregulation Act 2015* deregulated some of the licensable activities covered by the *Licensing Act 2003*. This is in addition to the deregulation powers created by the *Live Music Act 2012*.
169. For further information on the deregulation of entertainment, please see the Appendices.

170. For further clarification on potential exemptions under *The Legislative Reform (Entertainment Licensing) Order 2014 and Deregulation Act 2015*, please contact licensing@bromley.gov.uk

9.11 Right to work

171. The commencement of the *Immigration Act 2016* made it a requirement for licensing authorities to be satisfied that an applicant has the right to work in the UK. An application made by someone who is not entitled to work in the UK *must* be rejected.
172. Licences must 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.
173. A premises or personal licence issued in respect of an application made on or after 6th April 2017 will lapse if the holder's permission to live or work in the UK comes to an end.
174. The application for personal and premises licences must submit one of the documents listed in Annex A of the Home Office's *Employer Right to Work Checks* supporting guidance with their application. This is in order to show that they have the right to work in the UK and to undertake work in a licensable activity.
175. A link to this can be found in the *Licensing Resources* section of this Policy's Appendices.

9.12 Sexual entertainment

176. The control of adult Sexual Entertainment Venues (or SEVs) in the London Borough of Bromley is under the provisions of Schedule 3 to *The Local Government (Miscellaneous Provisions) Act 1982*. The Authority has a policy for the regulation of Sexual Entertainment Venues and that policy should be referred to in respect of those venues.
177. The Council has previously determined that the number of sexual establishments in Bromley Town Center should be nil meaning that no SEV licences will be issued.
178. Premises where relevant entertainment is provided on an infrequent basis are exempt from the requirement for SEV licensing under *The Local Government (Miscellaneous Provisions) Act 1982*. Infrequent basis is defined as:
- No relevant entertainment has been provided on more than 11 occasions within a 12-month period.
 - No such occasion has begun within a period of one month beginning with the end of the previous occasion.
 - No such occasion has lasted longer than 24 hours.

179. Accordingly, lap dancing, striptease and other forms of adult entertainment may still be provided and authorised by the *Licensing Act 2003* provided they remain exempt in accordance with the above criteria.
180. Schedule 7 to the *Policing and Crime Act 2009* amends the *Licensing Act 2003* to ensure that premises for which a SEV licence is required do not also require a premises licence or club premises certificate for providing sexual entertainment under the *Licensing Act 2003*. However, in practice, this will mean that most lap dancing clubs and similar venues will require both an SEV licence *and* a Premises Licence or Club Premises Certificate for the sale of alcohol and other types of entertainment.
181. When a licensing application is received in respect of premises for sexual entertainment, such as lap dancing or pole dancing, and where there are reasons under the *Licensing Act 2003* which are relevant to licensing, namely, the *Prevention of Crime and Disorder, Prevention of Public Nuisance, Public Safety* and the *Protection of Children from Harm*, the Licensing Authority may have regard to where the premises are located. For example, if they are located near to the entrance or entrances to any location for children's activities: such as schools, youth clubs or nurseries. As with any licence, each application will be considered and determined on its own merits.
182. For any premises with any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access for children under 18 years.
183. A link to the Authority's SEV Policy can be found in the *Licensing Resources* section of the Appendices.

9.13 Children

184. In certain circumstances, where children will be present at a licensed premises, the Licensing Authority expects responsible adults to be present to control children's access and to ensure their safety. Measures must be taken to protect children from hazards, and risks such as gambling, drugs or drugtaking, entertainment of an adult nature and incidents of violence or disorder as well as preventing underage alcohol sales.
185. There are a range of alternatives which the Licensing Authority may consider for limiting the access of children which include, but are not limited to:
- a) A limit on the hours when children may be present.
 - b) Limitation or exclusion when certain activities are taking place.
 - c) Requirement to be accompanied by an adult.
 - d) Limited access to parts of the premises; and
 - e) Excluding persons who are under 18 years from the premises when any licensable activities are taking place.

186. However, the Licensing Authority will not seek to limit the access of children to any premises unless it is appropriate for the prevention of physical, moral, or psychological harm. In all other cases it will be left to the discretion of the licensee.
187. The Licensing Authority requires cinemas to stipulate that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification. Similarly, theatre productions should be suitable for the audience present with consideration given in advance to the content and nature of the production.
188. Where an authorisation for the sale or supply of alcohol is in place, there is a requirement for the Mandatory Condition in relation to age verification to be attached. The Licensing Authority supports the promotion of 'Challenge 25' schemes, but also recommends additional measures be put in place. For example, regular documented staff training, relevant notices to be displayed and the use of a register to record refusals of alcohol sales.
189. Incidents of child sexual exploitation (CSE) and child criminal exploitation (CCE) taking place in licensed premises, or the vicinity of premises have been of particular concern across the country. The Licensing Authority will work via existing partnerships, including the licensed trade, to ensure that any concerns in relation to CSE / CCE in and around licensed premises can be tackled appropriately.
190. A link to the Borough's policies on protecting children from harm can be found in the *Licensing Resources* section of the Appendices.

9.14 Counter terrorism.

191. Crowded places, such as bars, pubs, nightclubs, and music venues have been targets of acts of terrorism across the UK and the world. The National Counter Terrorism Security Office has produced guidance to operators of crowded places giving advice to operators to reduce the threat of attack. Applicants and licence holders are encouraged to have regard to this guidance in the design and operation of their premises.
192. The threat level should always be taken into consideration, especially when:
 - a) Events / festivals are taking place which attract large numbers of visitors to the Borough.
 - b) National and international sporting events are taking place and are televised in licensed premises.
193. When planning an event or festival the organiser must always consider counter terrorism and the measures that they need to put in place.
194. In 2022 the Home Office, through the Protect Duty consultation, pledged to consider legislative approaches requiring venue operators to consider the risk of terrorist attacks, and to take proportionate and reasonable measures to protect the public.

195. Links to range of Counter Terrorism resources and training, as well as progress on *Draft Terrorism (Protection of Premises) Bill*, commonly known as ‘Martyn’s Law’, can be found in the *Licensing Resources* section of the Appendices.

9.15 Vicinity

196. The Act envisages that holders of authorisations should be responsible for matters that they control. As such, licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the *immediate vicinity* of the individual club, business or licensed premises holding the relevant licence.

9.16 The Licensing Authority as a Responsible Authority

197. The Act enables the Licensing Authority to act itself as a Responsible Authority. These powers have been delegated to officers within the Council’s Licensing Service. Officers may choose to intervene where they consider it appropriate for the promotion of the licensing objectives without having to wait for representations from other Responsible Authorities.
198. For example, where an application is in an area suffering from negative impact from several premises and officers have concerns about additional harm, they may make a representation to that effect. Also, where an application is received in respect of a premises which has a history of complaints, which mean that, additional activity may undermine the licensing objectives.
199. The Bromley Licensing Service has taken steps to achieve a line of separation between those officers processing applications and those making representations. The officer presenting any application to a Licensing Sub-Committee will be different from the officer acting as the Responsible Authority.

10 CUMULATIVE IMPACT

204. The 'cumulative impact' of licensed premises on the promotion of the licensing objectives is a proper matter for the Licensing Authority to consider in its Policy. Cumulative Impact Assessments (CIAs) were given a legal status through primary legislation when the *Police and Crime Act 2017* (which amended the *Licensing Act 2003*) came into force on 6th April 2018.
205. The cumulative impact of the number, type, and density of premises in particular areas, as well as their operating hours, can lead to an area becoming 'saturated' with premises of a certain type. Even if the individual premises are well run, this could make the area a focal point for groups of people gathering leading to severe problems of crime and disorder and / or public nuisance.
206. Examples of cumulative impact can include, but are not limited to, shouting, screaming, fast food and street drinking littering, vomiting, and urinating, often late into the night, as well as violence hotspots, drunken individuals in the highway or criminal damage.
207. If, after consultation, the Authority publishes a Cumulative Impact Assessment for one or more areas in the borough, it should be seen by applicants and other parties as setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences or club premises certificates in the area described.
208. However, each application will be considered on its own merits and the Authority may grant a licence application inside a Cumulative Impact Assessment Area if the applicant can demonstrate in their operating schedule that they would **not** be adding to the cumulative impact.
209. The following, though important considerations, are unlikely to be sufficient to demonstrate that an application will *not* add to existing cumulative impact:
- Quality and track record of the management,
 - Good character of the applicant, and
 - Extent of any variation sought.
210. It should be noted that inside a Cumulative Impact Assessment Area, unless relevant representations are received, applications for new licences / certificates or material variations to existing licences / certificates must still be granted as per the application.
211. The Council also notes the advice in the Act's *Section. 182 Guidance* that the *absence* of a Cumulative Impact Assessment being published does *not* prevent relevant representations being made in relation to negative cumulative impact on one or more of the licensing objectives. However, if a representation is to be made with regards to negative cumulative impact outside of a published CIA Area, the Authority expects relevant evidence to be provided to demonstrate the licensing objectives are already being undermined due to negative cumulative impact.

212. Cumulative Impact Assessments, if published, must be reviewed at least every three years. Because this cycle is shorter than the maximum five-year review cycle of this Statement of Licensing Policy, any CIAs that have been published by the Authority will be found on the Council's licensing pages, <https://www.bromley.gov.uk/licences>. If any CIA Areas are in force at the next review of this Policy, the Policy would be updated to reflect those CIAs.

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11 TEMPORARY EVENT NOTICES

213. Temporary Events Notices (TENs) are a light-touch method by which licensable activities can be authorised to take place without the need for a premises licence or club premises certificate. Advance notice must be given to the Police, Environmental Protection and the Licensing Authority when applying for a TEN.
214. The Police and Environmental Protection are the only parties that can object to a TEN. Whilst both parties can object on the grounds of any licensing objective, the Police will tend to focus on *crime and disorder*. The Environmental Protection service will be minded to object where there is a risk to the *prevention of public nuisance* objective.
215. The role of the Licensing Authority is to ensure that the statutory limits for the giving of TENs in a calendar year by an individual and the restriction of the number of TENs in respect of a particular premises are not exceeded. The Police and Council Environmental Protection remain the enforcement authorities and may monitor events.
216. The Licensing Authority has a strong preference for premises users to provide advance notice of TEN events *at least four weeks* prior to the start date of the activity.
217. There is a provision for the submission of 'Late TENs'. These have a shorter deadline than a regular TEN in which the applicant may serve a notice. The Licensing Authority discourages the use of Late TENs and encourages submission in good time ahead of the temporary event.
218. The use of a Late TEN for significant public events would likely concern the Council and the Police as it *may* be a sign of poor management competence. As a result, it *may* increase the chance of an objection being raised on the grounds of the event being a risk to *crime and disorder* and / or the *public nuisance* licensing objectives.
219. Details on the numbers of TENs and Late TENs that can be given in respect of premises and individual applicants in any calendar year, as well as the number of days prior to the event by which they must be submitted, can be found on the Council's website and at the gov.uk website. These limits are set nationally through legislation, not by the Licensing Authority.
220. When considering an objection to a TEN, the Licensing Authority will:
- a) Expect that any existing conditions will be maintained (where relevant) in circumstances where an event is to take place at a premises that has an existing authorisation under the *Licensing Act 2003*.
 - b) Assess any history of complaints because of licensable activity that may or may not have been authorised by a TEN.
 - c) Consider the track record of the premises user.
 - d) Consider any other control measures proposed to mitigate the objection.
221. More information on applying for a TEN in Bromley can be found in the *Licensing Resources* section in the Appendices.

12 PERSONAL LICENCES

222. To sell alcohol in licensed premises at least one person needs to hold a 'Personal Licence' which has been granted by the Licensing Authority where they live. This requirement does not apply to 'qualifying clubs'.
223. Holders of a 'Personal Licence' must hold a recognised licensing qualification, details of the current list of approved training qualifications and providers can be found on the Gov.uk website, be over 18 years of age and not have certain types of criminal conviction. Proof of a licensing qualification together with endorsed photographs of the holder is needed as part of an application for a Personal Licence.
224. In some premises there may be more than one person holding a 'Personal Licence' and it is important that one person is named as being in control, this person is called the 'Designated Premises Supervisor'. The name of the 'Designated Premises Supervisor' will be stated on every Premises Licence granted by the Licensing Authority.
225. There is one exemption from the need for a personal licence holder and "Designated Premise Supervisor" in line with the mandatory requirements of the Licensing Act 2003 section 19(2) and 19(3). That is in the case where a community premises (church and village halls etc.) has applied for and been granted an application to dis apply these mandatory conditions.
226. In determining applications for personal licences, the Licensing Authority will have regard to the guidelines issued by the Secretary of State under section 182 of the Licensing Act 2003 and any secondary legislation. The promotion of the four licensing objectives applies to the consideration of applications for personal licences equally as it does to applications for premises licences.
227. Where an applicant has been convicted of a relevant offence, foreign offence, immigration offence or has been required to pay an immigration penalty, the Police will be provided with a copy of the application. If the Police object to the grant of the licence, the matter will be referred to a Licensing Sub-Committee for determination.
228. The Licensing Authority will consider whether a refusal of the licence is appropriate for the promotion of the *prevention of crime and disorder* licensing objective and will consider:
- a) The seriousness and relevance of any conviction(s).
 - b) The period that has elapsed since committing the offence(s).
 - c) Any mitigating circumstances that assist in demonstrating that the *crime prevention* objective will not be undermined.

13 ENFORCEMENT, REVIEWS AND SUSPENSION

13.1 Enforcement

229. The Licensing Authority aims to offer a graduated approach to enforcement.
230. The Licensing Authority will inspect premises using a targeted risk-based approach. For example, inspections should not always be undertaken routinely but when and if they are judged necessary. This is to ensure that resources are used efficiently and can be effectively concentrated on premises most likely to lead to problems.

13.2 Licence reviews

1321 Reviews of licences and certificates

231. Responsible Authorities and other persons can apply to the Licensing Authority to review a premises licence where problems appear to be arising at the premises in relation to any of the licensing objectives.
232. A licence review can be applied for at any stage following the grant of a premises licence or club premises certificate. In every case, an evidential basis for the allegations made will need to be submitted to the Licensing Authority.
233. In the first instance, the Licensing Authority is required to consider whether the representation made is irrelevant to the licensing objectives, or is frivolous, vexatious, or repetitious.
234. The Guidance recommends that more than one review on similar grounds originating from persons other than a responsible authority should not be *permitted within a twelve-month period, except in exceptional or compelling circumstances*, or where it arises following a closure order or illegal working compliance order.
235. In addition, a review will normally follow:
- a) Any action by the Police to close the premises for up to 24 hours on grounds of disorder, or noise nuisance.
 - b) Any formal enforcement action by the Council.
 - c) Any action taken by the Immigration Authority.
236. The Licensing Authority can exercise a range of powers when dealing with a review. In cases where the *crime and disorder* licensing objective are being seriously undermined it is expected that revocation of the premises licence, even in the first instance, will be seriously considered.

1322 Summary reviews

237. Where a licensed premises appears to be associated with serious crime, serious disorder or both, the Police can apply for a 'summary', or 'expedited', review of the premises licence. Within 48 hours of receipt of that application the Licensing Authority must consider whether it is appropriate to take interim steps pending the

determination of a review of the licence. Within 28 days after the day of its receipt, a full review hearing must be held.

238. Interim steps *could* include:

- The modification of the conditions of the premises licence.
- The exclusion of the sale of alcohol by retail from the scope of the licence.
- The removal of the designated premises supervisor (DPS) from the licence.
- The suspension of the licence.

239. If the holder of the premises licence makes, and does not withdraw, representations against any interim steps taken by the Licensing Authority, the Authority must, within 48 hours of the receipt of the representations, hold a hearing to consider those representations.

13.23 Appeals against Licensing Subcommittee decisions.

240. Following the determination of a review by a Licensing Subcommittee, the applicant or any other interested party has the right to appeal against the decision to the Magistrates Court within 21 days.

241. Where the appeal is brought by an applicant it will be the Licensing Authority's usual policy to defend the Licensing Subcommittee's decision. This is because the applicant is asking the Court to grant more than the Council deemed appropriate for the promotion of the licensing objectives.

242. Where an appeal is lodged by an objector following a Licensing Subcommittee hearing, the Licensing Authority will always be a 'respondent' along with the licence holder. In such cases the Licensing Authority may choose not to be legally represented at the hearing of the appeal at the Magistrates Court. The licence holder as co-respondent may appoint legal representation. A licensing officer will attend court to assist the licence holder and the court.

243. The reason for this is that if an objector's appeal were to be upheld by the Court it would not prejudice the Licensing Authority's decision as to what was appropriate for the promotion of the licensing objectives. It also retains the licence holders right to defend the Licensing Authority's original decision.

13.24 The role of ward councillors

244. Ward councillors play an important role in the local community. They can make representations in writing and speak at the hearing on behalf of an interested party such as a local resident or local business if specifically requested to do so. They can also make representations as an interested party in their own right.

245. For example, ward councillors may apply for a review of a licence if problems at a specific premise which justify intervention are brought to their attention.

246. Ward Councillors are informed of all new applications and any application to vary a licence in their ward or in a neighbouring ward. Individual Councillors may publicise an application locally in addition to the statutory publication carried out by the applicant.
247. Residents and businesses may wish to contact their local Ward Councillors in respect of a licence application. Details on how to contact Ward Councillors may be obtained from the Council's Website or by telephoning 0300 303 8672.
248. If a local resident or business makes a representation about an application, it is often helpful to send a copy to the local Councillors. This helps them to gain an understanding of local feelings.
249. Ward Councillors may attend hearings of Licensing Subcommittees considering applications and speak on behalf of residents and businesses, but only if:
- They have made a personal representation,
 - They have made a representation on behalf of residents or businesses as 'community advocates', or
 - They have been nominated by (an objector) who cannot attend the hearing or prefers to be represented at the hearing.

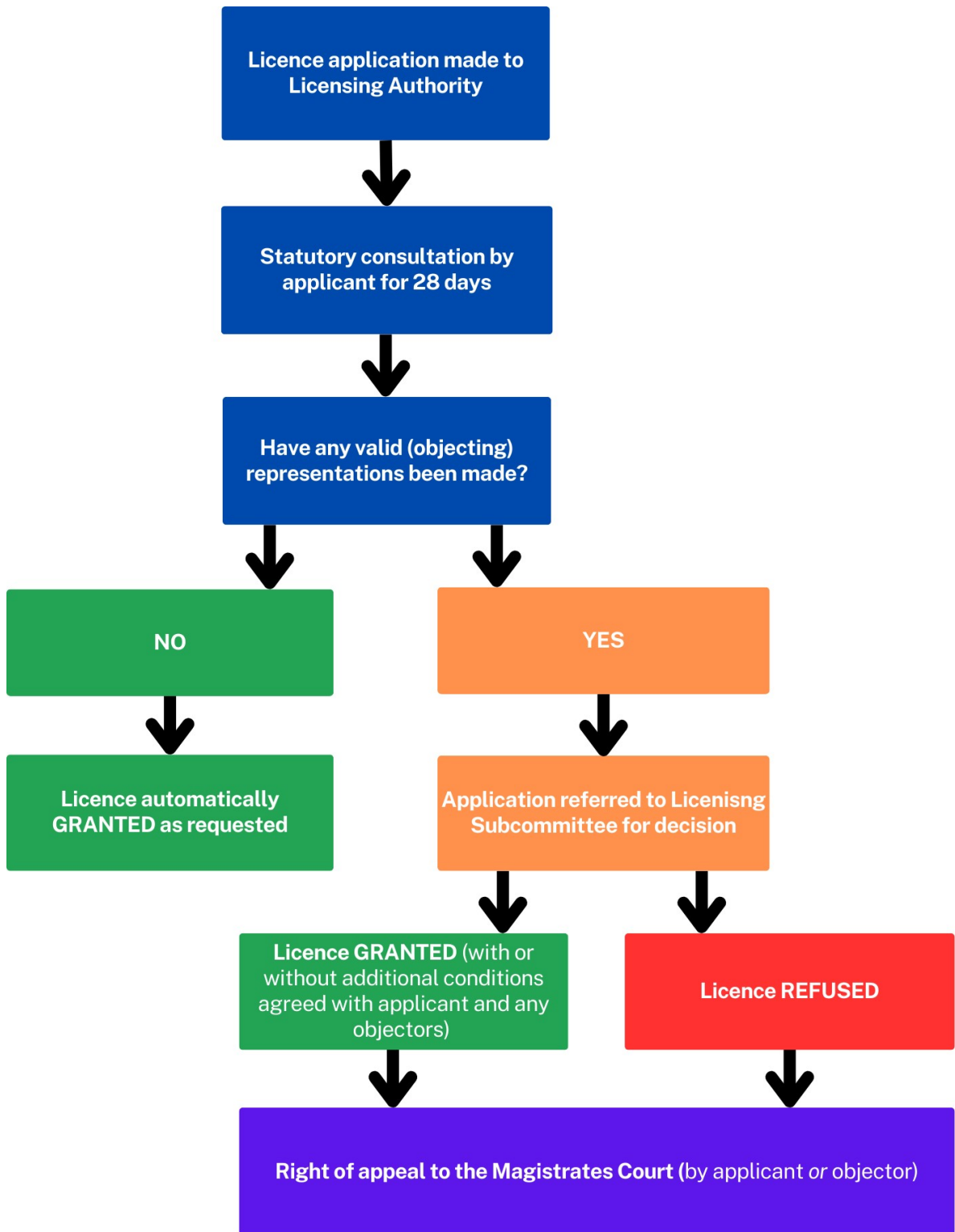
14 DEFINITIONS AND INTERPRETATION

250. Unless the context indicates otherwise, words used in this Policy have the same meaning as in the *Licensing Act 2003*. For convenience, a *Glossary* of these terms have been set out in the *Appendices*, but in the event of any inconsistency between these definitions and the Act, the provisions of the *Licensing Act 2003* will prevail.
251. This Policy is intended to be indicative only and does not limit the issues that may be considered by the Licensing Authority nor action taken by the Authority. For any individual application, the Licensing Authority is not required to consider every matter or material listed as matter or material that may be considered by the Authority.
252. Nothing in this Policy should be interpreted as an indication that any requirement of licensing or other law may be overridden. This Policy is not legal advice on the requirements of the Act or other legal requirements and may not be relied on for that purpose. All prospective applicants, licensees, those with a registrable interest in a premises, premises users, Responsible Authorities and others are strongly advised to seek their own independent legal advice.

15 CONTACT DETAILS

253. For information on licensing and the application process please visit the licensing pages on the Licensing Authority's website: <https://www.bromley.gov.uk/licences>
254. If you have any queries about this Policy, please email licensing@bromley.gov.uk
255. Current *Contact Details* for the *Responsible Authorities* are shown in the separate *Appendices* to this Policy. They are not considered part of the Policy itself to allow them to be updated from time to time.

Figure 1 The Application and Decision Process for Premises and Club Licences



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