



TOWER HAMLETS

LICENSING ACT 2003

This form should be completed and forwarded to:

London Borough of Tower Hamlets,  
Licensing Section, Mulberry Place (AH), PO BOX 55739, 5 Clove Crescent, London E14 1BY

Application for the review of a premises licence or club premises certificate  
under the Licensing Act 2003

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

**I Alan Cruickshank PC 189HT, on behalf of the Chief Officer of the Metropolitan Police Service, apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

The Carlton (Arms) 238 Bancroft Rd	
London	E1 4BS

Name of premises licence holder or club holding club premises certificate (if known)

Gary Ronald Watts

Number of premises licence or club premises certificate (if known)

14234

**Part 2 - Applicant details**

Please tick  yes

I am

- 1) an interested party (please complete (A) or (B) below) 
  - a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

**Surname**

**First names**

Please tick yes

I am 18 years old or over

**Current postal address if different from premises address**

**Post Town**

**Postcode**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick  yes

**Current postal address if different from premises address**

**Post Town**

**Postcode**

**Daytime contact telephone number**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

**Alan Cruickshank PC 189HT**  
Licensing Unit  
Limehouse Police Station  
27 West India Dock Road  
E14 8EZ

Telephone number (if any) 0207 275 4911

E-mail (optional) Alan.Cruickshank@met.police.uk

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**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

1) the prevention of crime and disorder

x

2) public safety

3) the prevention of public nuisance

x

4) the protection of children from harm

Please provide as much information as possible to support the application (please read guidance note 2)

This review has been instigated with regards to the crime and disorder and public nuisance objectives.

There has been a series of incidents, complaints and concerns by responsible authorities in relation to this venue that taken as a whole has led to this application.

These are listed in chronological order beginning in February 2013.

On the 8th February 2013 at about 2232 the police were called to a large fight in Portelet St, E1 outside the Carlton Arms. The caller stated "one person is being badly beaten up." On police arrival at about 2250, the males had dispersed and no victim approached the officers.

A second witness also telephoned the police three minutes later and said that there were 10 males outside the pub with glass bottles. The informant could not see if there was anyone injured.

#### Police visit

On the 27th April 2013, PC Cruickshank of the Licensing Unit was conducting licensing visits along with Ian Wareing of LBTH EH. On attending the Carlton Arms, just after their closing hour, loud music was coming from the venue and when they tried to enter the bar, the doors were locked. After knocking at the door for several minutes, the door was eventually opened. PC Cruickshank spoke to a Mr Eddie Squires. Although his name does not appear on the licence, he does seem to control the pub and has worked with the present manager/ PLH, Mr Gary Watts, at previous pubs he owned. The pub had a TEN for a private party. Mr Squires was advised by Mr Wareing to turn down the music.

#### Police visit

On Saturday 17th August 2013 at about 0030 Inspector Weeden. PC Cruickshank and Ian Wareing of LBTH EH attended the Carlton. The door was open when officers arrived. Inside was a member of staff who was cleaning up and two of her bar staff. She stated that the bar staff was just keeping her company. However there was a man aged about 70 years standing at the bar drinking from an almost full pint. She was advised re: closing on time.

On the 23rd August 2013 at 2154, the police received three calls to a fight outside the Carlton Arms. The second caller stated that there was a "big fight at the location that is getting out of control". The informant believed knives were possibly being used. On police arrival at about 2159, the crowd had dispersed. No victims came forward and no signs of injuries. The third caller made the initial call to the police and stated that there was "smashed glass everywhere."

#### Police observations

On Friday 30th August 2013 at about 2335 PC Cruickshank was on duty in plain clothes conducting licensing visits, when he attended the Carlton Arms. The bar should have closed at 2300

From outside the music was loud. The wooden shutters of the windows were closed but one was slightly open. PC Cruickshank could see about 25 people inside the bar and they were still drinking. One woman had a high pitched voice that was clearly heard outside the bar.

PC Cruickshank entered the adjoining block of flats where he could view the Carlton's rear courtyard / smoking area. There were about nine people inside the courtyard, with two men talking very loudly. At 2350, PC Cruickshank returned to the open shutter and saw a woman member of staff serving a pint of lager. There seemed no sign that this "lock-in" was closing at any time soon.

On Sunday 1st September 2013 at about 0115 PC Cruickshank and a LBTH Licensing officer went to the vicinity of the Carlton Arms. On their arrival they saw a middle aged couple come out of the Carlton. A few minutes later a younger couple left the bar.

#### Meeting with the PLH

As a result of the above observations and ongoing complaints about the Carlton, a meeting was held at Limehouse Police Station on the 2nd September 2013, with the premises licence holder, Mr Gary Watts. Also present with PC Cruickshank of the Licensing Unit was Ian Wareing of LBTH EH and Kathy Driver of LBTH Licensing.

PC Cruickshank told him of the above observations and his concerns that the pub was having continual "lock-ins".

Mr Watts expressed his disbelief that people were seen leaving late on Sunday morning as he had left the bar around 2225 to attend to another one of Mr Squire's bars

Mr Watts was informed that with various complaints and incidents that have been reported to the responsible authorities that there was sufficient grounds to review his licence. This meeting was the beginning of a possible review process.

Mr Watts said that he was aware of a couple of incidents in or around his pub in the recent weeks. One he described as young people had come from a nearby pub and stood outside the Carlton, causing the ASB.

The other was a domestic incident involving an "Irish traveller" who attended the bar to attack his girlfriend. The travellers had been entering via his courtyard gates and bringing their own alcohol. Since then he has placed a lock on the gates. They are no longer allowed in the bar due to the potential for ASB

Mr Watts agreed to the following:

1. To have an Over 21 policy ( a poster was seen in the window of the pub)
2. Two SIA staff to be employed on a Sat night, as this was his busiest night.
3. No live music / karaoke unless part of a TEN
4. Mr Watts to take over as DPS (at the time of writing, there has been no change in the DPS)

Pc Cruickshank also reminded him that he had to comply with his licensing hours

and that he should expect further visits to ensure they were maintaining their hours and licensing objectives.

#### Police Visit

On Friday 13th September 2013 at about 2230, Inspector Weeden , PCs Perry and O'Rourke of the Licensing Unit attended the Carlton.( see attached statement from PC Perry )

On their arrival, there was 5-6 people outside the pub smoking. It was noisy, music was playing and people shouting. PC Perry described the following :

Upon entering the pub I saw about 50 people inside, the music was very loud and the atmosphere was quite intimidating. Most of the customers appeared to be aged in their 20's, it appeared to me that there was very little control inside the pub and it felt more like a party as opposed to a licensed premises. Several of the customers came up to me and aggressively asked me what I was doing. Other customers were clearly drunk as they were unsteady on their feet and slurring their words.

I explained that I had concerns that the pub appeared to have no control and that there were several people in the pub who were clearly drunk.

Pc O'Rourke told the barmaid and myself that traces of cocaine had been found in the male toilet.

#### Police Visit

On Friday 20th September PC Cruickshank was conducting licensing visits along with Ian Wareing of LBTH EH and Kathy Driver of LBTH Licensing. Also present was officers from the Borough Tasking Unit.

On their arrival at about 2247 there were about 15-20 people outside, both male and female, aged about 18-25 years. A 21st birthday part was being held. All were talking loudly and the majority of them had glass or bottles in their hands. Inside there was about 50-60 people, with another 10 - 12 in the rear courtyard/ smoking area. The majority of the people looked like they were on either side of the legal age of 18 yrs. PC Cruickshank spoke to a very young looking male who was drinking at the bar and asked his age. He said he was 19 years old and produced a driving licence which confirmed his age. There was certainly no over 21 policy in place.

PC Cruickshank then spoke to one of the two bar staff on that night. She said she did her best to keep an eye on her customers inside the bar and to run an orderly pub. However it was difficult to look at the people outside as there was only two bar staff on duty and they were far too busy inside to ensure there were no disturbances outside.

She said she answered to Eddie Squires and not Mr Watts. Mr Squires does not feature on the premises licence.



During the time there, the bar had closed but people were stilling milling about outside, talking loudly and finishing their alcohol. They were certainly in no hurry to leave, although the female bar staff tried to move them on. Some men left drinking from bottles of lager. Glass and bottles were placed around the outside of the bar and on the street which the bar staff then tried to pick up.

In Bancroft Rd, outside the Carlton, there were 3-4 patches of fresh sick. There were also nitrous oxide capsules and balloons used to inhale the oxide.

After 10-15 minutes the crowd began to disperse but some still stood about the street.

With only two bar staff on that night and no SIA staff, the management should have been aware of the great potential for ASB. Mr Watts having been made aware of having to run the pub in a professional manner, to promote the licensing objectives, should have been present.

It was impossible for the two members of staff to keep control of such a large and young crowd.

#### Police Visit

On Sunday 22nd September at about 0020, PC Cruickshank and a colleague attended the Carlton Arms. On their arrival they met Mr Eddie Squires who had just come out of the bar, which was closed. PC Cruickshank informed him of his visit on Friday 20th September. He agreed that his bar staff had described the same events. PC Cruickshank told him that the licence was going to be reviewed. He asked for one last chance to resolve matters. He said he had already stopped live music and he would hire SIA staff.

#### Police Visit

On Saturday 28th September PC Perry visited the Carlton Arms public house with PS Martin 21HT. He spoke to a barmaid Laura who was the only person on duty. She did not know where the manager was but stated that he would be there in 5 minutes. He waited 10 minutes but Mr. Watts never turned up.

I am aware that this review will be supported by LBTH Licensing and LBTH EH. At the time of writing there may be representations from local residents who believe this has been an ongoing issue for a long period of time.

The Carlton Arms has traditional hours that finish at 11pm. On our many visits to the bar, I have never seen Mr Watts or the DPS. It is clear that he has no managerial control over the bar. Even after the meeting on the 2nd September, there seems to be no one taking responsibility for the bar. To leave only two bar staff to look after a sizeable crowd of young men and women is simply irresponsible.

PC Perry has had to intervene with other licensed premises that Mr Watts has run. In PC Perry's statement, he states:

I have known Gary Watts the manager of the Carlton Arms for over two years as he worked at both the Prince Alfred Pub Loxley Street and the Phoenix Arms Pub East India Dock Road. While managing both these pubs I had reason to intervene in the running of the pub due to the poor management of these premises. At the Prince Alfred there were complaints from members of the public regarding noise and anti-social behaviour from customers. This behaviour included fighting, urinating in peoples gardens, shouting and swearing when at outside the pub. During visits to the pub it was evident that there was no control in the pub, the leadership from Gary Watts and Paul Wise was very weak and contributed to the problems. The behaviour from customers was so bad that a CCTV camera had to be deployed outside the pub to record ASB and to act as deterrence. The pub was closed down a short time later.

At the Phoenix pub East India Dock Road the problems were concerned with the noise from the karaoke nights, which resulted in several complaints from members of the public. Several visits by both Police and LBTH noise teams again resulted in warnings to management about controlling customers and preventing anti-social behaviour.

In conclusion, I cannot see how this situation can be remedied. I don't see a reduction in hours as being a viable solution. Mr Watts has failed as a PLH and manager. The current DPS has no control of the bar and any change will really be at the behest of Mr Squires who has no legal status in regards to the premises licence.

I have no confidence that any conditions would be adhered to by the management and the lives of the local residents will continue to be blighted by people attending the bar.

I ask the committee to revoke the licence.

Alan Cruickshank PC 189HT

Please tick  yes


I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures (please read guidance note 3)**

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature   
Date 4th October 2013  
Capacity POLICE CONSTABLE - LICENSING UNIT

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Have you made an application for review relating to this premises before

Please tick ? yes

If yes please state the date of that application

Day		Month		Year			

**If you have made representations before relating to this premises please state what they were and when you made them**



### Notes for Guidance

- 1 1. The ground(s) for review must be based on one of the licensing objectives.
- 2 2 Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
- 3 3 The application form must be signed.
- 4 4 An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 5 5 This is the address which we shall use to correspond with you about this application.

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Pc Mark Perry 748HT** ..... URN: 

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 205619  
Licensing Officer**.....

This statement (consisting of: .... **2**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: 4/10/13

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am PC Mark Perry 748HT a Police Licensing Officer. This statement refers to licensing visits carried out on the Carlton Arms Public House 238 Bancroft Road London E1 in September 2013.

On Friday the 13th September 2013 Police were carrying out Operation Condor, which is a London wide operation to focussing on licensing issues. As part of this operation visits are carried out on licensed premises to ensure that they are operating within the conditions of their license and upholding the four licensing objectives.

At about 10:30 pm I and Inspector Weeden, Chief Inspector Long, PC O'Rourke, Pc Khan and Alex Lisowski from Tower Hamlets Council visited The Carlton Arms. We parked up outside the pub and noticed that there were about 5 or 6 people outside smoking. The pub was quite noisy and music and the sound of people shouting could be heard about 15 feet from the pub as we approached.

Upon entering the pub I saw about 50 people inside, the music was very loud and the atmosphere was quite intimidating. Most of the customers appeared to be aged in their 20's, it appeared to me that there was very little control inside the pub and it felt more like a party as opposed to a licensed premises. Several of the customers came up to me and aggressively asked me what I was doing. Other customers were clearly drunk as they were unsteady on their feet and slurring their words.

PC Khan and Pc O'Rourke went to the male toilet and tested for the presence of cocaine using cocaine swipes. While I tried to identify who was in charge. I went to the bar and spoke to the barmaid. I asked her where the manager Gary Watts was? She replied that she hadn't seen any of the managers and she didn't know where they were. She said she didn't know who was in charge. I asked her if she had delegated authority to sell alcohol and

Signature:  Signature witnessed by: .....

Continuation of Statement of **Pc Mark Perry 748HT**.....

she didn't know what the term meant but once I explained it to her she said that she was allowed to sell alcohol. I explained that I had concerns that the pub appeared to have no control and that there were several people in the pub who were clearly drunk. She said that the pub was closing soon and that she would close now. She then went and turned the lights in the pub up and turned the music off.

As she came back Pc O'Rourke told the barmaid and myself that traces of cocaine had been found in the male toilet. I explained that although this was not her fault it was not acceptable to have a pub that was not being controlled and have traces of cocaine in the toilets, and that PC Cruickshank would be informed and he would most likely take action against the pub. The barmaid said she would pass this on to the manager. The pub then began to empty and we left.

On Saturday 28th September I visited the Carlton Arms public house with PS Martin 21HT. I spoke to a barmaid Laura who was the only person on duty. She did not know where the manager was but stated that he would be there in 5 minutes. I waited 10 minutes but Mr Watts did not show up. Laura refused to provide me with her surname.

I have known Gary Watts the new DPS of the Carlton Arms for over two years as he worked at both the Prince Alfred Pub Loxley Street and the Phoenix Arms Pub East India Doc Road. While managing both these pubs I had reason to intervene in the running of the pub due to the poor management of these premises. At the Prince Alfred there were complaints from members of the public regarding noise and anti-social behaviour from customers. This behaviour included fighting, urinating in peoples gardens, shouting and swearing when at outside the pub. During visits to the pub it was evident that there was no control in the pub, the leadership from Gary Watts and Paul Wise was very weak and contributed to the problems. The behaviour from customers was so bad that a CCTV camera had to be deployed outside the pub to record ASB and to act as a deterrence. The pub was closed down a short time later.

At the Phoenix pub East India Dock Road the problems were concerned with the noise from the karaoke nights, which resulted in several complaints from members of the public. Several visits by both Police and LBTH noise teams again resulted in warnings to management about controlling customers and preventing anti-social behaviour.

Signature:

[Redacted Signature]

re witnessed by: .....

**Witness contact details**

Home address: .....  
..... Postcode: .....  
Home telephone number ..... Work telephone number .....  
Mobile/pager number ..... Email address: .....  
Preferred means of contact: .....  
Male / Female (delete as applicable) Date and place of birth: .....  
Former name: ..... Ethnicity Code (16+1): ..... Religion/belief: .....  
Dates of witness non-availability .....

**Witness care**

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?  
Yes / No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

**Witness Consent (for witness completion)**

a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
b) I have been given the Victim Personal Statement leaflet	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
c) I have been given the leaflet 'Giving a witness statement to police — what happens next?'	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
d) I consent to police having access to my medical record(s) in relation to this matter: <small>(obtained in accordance with local practice)</small>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A <input type="checkbox"/>
e) I consent to my medical record in relation to this matter being disclosed to the defence:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A <input type="checkbox"/>
f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to <u>decline</u> their services:				<input type="checkbox"/>	

Signature of witness: ..... Print name: .....  
Signature of parent/guardian/appropriate adult: ..... Print name: .....  
Address and telephone number if different from above: .....

Statement taken by (print name): **pc 748HT 205619 Pc Mark Perry**..... Station: **Bethnal Green**.....

Time and place statement taken: .....





**(The Carlton)  
238 Bancroft Road  
London  
E1 4BS**

**Licensable Activities authorised by the licence**

The sale by retail of alcohol  
The provision of regulated entertainment  
The provision of late night refreshment

**See the attached licence for the licence conditions**

**Signed by**

**Jackie Randall \_\_\_\_\_  
Licensing Services Manager**

**Date: 9<sup>th</sup> January 2006**



**Part A - Format of premises licence**

Premises licence number

14234

**Part 1 - Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**  
(The Carlton)  
238 Bancroft Road

**Post town**  
London

**Post code**  
E1 4BS

**Telephone number**  
None

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

The sale by retail of alcohol  
The provision of regulated entertainment

**The times the licence authorises the carrying out of licensable activities**

**The sale by retail of alcohol:**

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday from 11:00 hours to 23:00 hours  
Sunday from 12:00 hours to 22:30 hours

**Regulated Entertainment consisting of: Recorded Music**

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday from 11:00 hours to 23:00 hours  
Sunday from 12:00 hours to 22:30 hours

Note: New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

**The opening hours of the premises**

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday from 11:00 hours to 23:00 hours  
Sunday from 12:00 hours to 22:30 hours

Note: New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

**Where the licence authorises supplies of alcohol whether these are on and/ or off supplies**

On and off sales

## **Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Gary Ronald Watts



**Registered number of holder, for example company number, charity number (where applicable)**

Not applicable

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Ms Sally Ann Bain



**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

**Licence No. LBH-PER-T-0026**

**Issuing Authority: London Borough of Hackney**

## **Annex 1 - Mandatory conditions**

**Effective from 6<sup>th</sup> April 2010**

**1.**

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably

be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

**Effective from 10<sup>th</sup> October 2010:**

4.
  - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that;
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

No supply of alcohol may be made under the premises licence-

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

**The sale by retail of alcohol:**

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday from 11:00 hours to 23:00 hours

Sunday from 12:00 hours to 22:30 hours

**Regulated Entertainment consisting of: Recorded Music**

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday from 11:00 hours to 23:00 hours

Sunday from 12:00 hours to 22:30 hours

Note: New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

**Annex 2 - Conditions consistent with the operating Schedule**

None applicable

**Annex 3 - Conditions attached after a hearing by the licensing authority**

Not applicable

**Annex 4 - Plans**

The plans are those submitted to the licensing authority on the following date:  
24<sup>th</sup> October 2005



**Part B - Premises licence summary**

**Premises licence number**

14234

**Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**  
(The Carlton)  
238 Bancroft Road

**Post town**  
London

**Post code**  
E1 4BS

**Telephone number**  
None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol  
The provision of regulated entertainment



The times the licence authorises the carrying out of licensable activities

**The sale by retail of alcohol:**

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday from 11:00 hours to 23:00 hours

Sunday from 12:00 hours to 22:30 hours

**Regulated Entertainment consisting of Recorded Music**

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday from 11:00 hours to 23:00 hours

Sunday from 12:00 hours to 22:30 hours

Note: New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

The opening hours of the premises

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday from 11:00 hours to 23:00 hours

Sunday from 12:00 hours to 22:30 hours

Note: New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

Name, (registered) address of holder of premises licence

Gary Ronald Watts



Where the licence authorises supplies of alcohol whether these are on and / or off supplies

On and off sales

Registered number of holder, for example company number, charity number (where applicable)

Not applicable

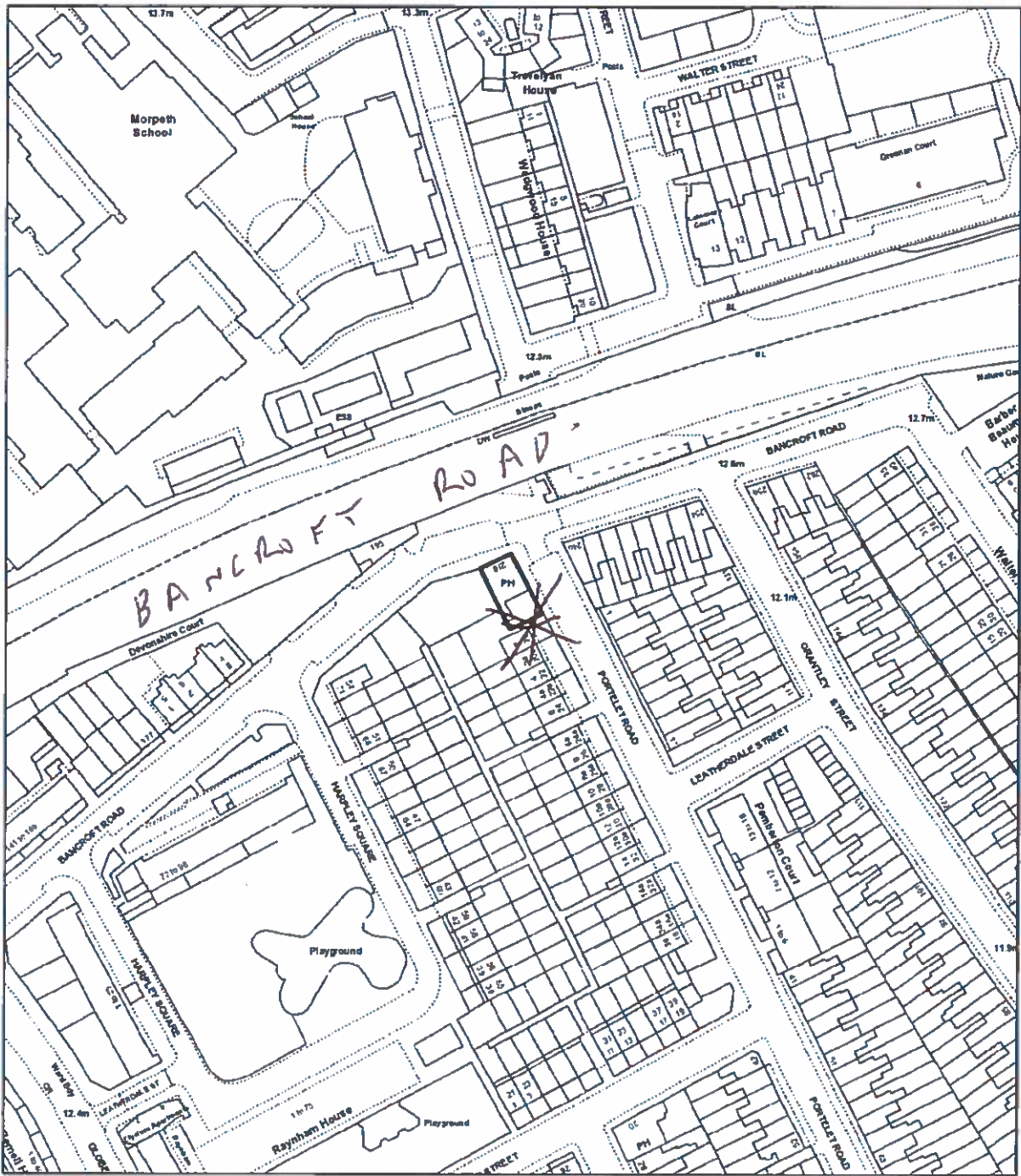
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Ms Sally Ann Bain

State whether access to the premises by children is restricted or prohibited

No restrictions





## 238 Bancroft Road



Scale 1:1606



**TOWER HAMLETS**

# Appendix 4



LBTH Licensing,  
Toby Club,  
Vawdrey Close,  
London

Communities, Localities & Culture

Safer Communities

Environmental Health, Environmental Protection  
Mulberry Place (AH)  
5 Clove Crescent  
London E14 1BY

Date: 28<sup>th</sup> October 2013

Enquiries: Ian Wareing  
Tel: 020 7364 5008  
Fax: 020 7364 6831

Dear Sir/Madam,

Email: [environmentalhealth@towerhamlets.gov.uk](mailto:environmentalhealth@towerhamlets.gov.uk)

**The Carlton Arms, 238 Bancroft Road, London, E1 4BS**

We have been notified by the Metropolitan Police that they have submitted a review of the premises licence for the above address.

Environmental Protection would like to support the Police by submitting a representation.

We have worked closely with Licensing, Police, Local residents and the Premises Licence Holder to try and end the noise and nuisance that this pub regularly inflicts on the area.

Our department has received 6 formal complaints of Loud Music and ASB during the last year and several email complaints. I can also corroborate the points covered by PC Cruickshank in his statement that included my involvement during the visits as described.

I have also included a letter that was sent to Mr Gary Watts on the 4<sup>th</sup> September 2013 after our meeting at Limehouse Police Station on the 2<sup>nd</sup> September 2013.

I would also like to add that a Noise Abatement Notice was served at the address on the 7<sup>th</sup> July 2012 at 00.01 after Statutory Nuisance from Loud Amplified Music was witnessed at least 200 metres from the pub.

Despite the previous warnings, Noise Abatement Notice and meeting with the Premises Licence Holder, on Friday 20<sup>th</sup> September 2013 at approximately 22.30, I received an email from a concerned resident advising that there was noise and ASB disturbance coming from the pub. Upon arrival to the area with PC Cruickshank, Kathy Driver (Licensing) and Officers from the Borough Tasking Unit, I noticed around 20 people outside the pub, some with glasses in their

*Corporate Director  
Communities, Localities & Culture  
Stephen Halsey*



hands. The music was loud. I noticed areas of the pavement outside the pub that were covered in vomit. I also noted several silver gas canisters and balloons outside which I know is used for the inhalation of nitrous oxide commonly known as 'hippy crack'.

There appeared to be no control over the crowd and Mr Gary Watts was not at the premises.

I believe that the Responsible Authorities involved have done everything in their power to bring an end to the issues described and keep the pub trading, but as the current management seem unwilling to change the way in which they do this, it is with deepest regret that we ask for the Licence to be revoked.

Kind regards,

**Ian Wareing**  
**Technical Officer**

*Corporate Director*  
*Communities, Localities & Culture*  
**Stephen Halsey**



Mr Gary Ronald Watts



Communities, Localities & Culture

Safer Communities

Environmental Health, Environmental Protection  
Mulberry Place (AH)  
5 Clove Crescent  
London E14 1BY

Date: 4<sup>th</sup> September 2013

Enquiries: Ian Wareing  
Tel: 020 7364 5008  
Fax: 020 7364 6831  
Flare Ref: 199603

Email: [environmentalhealth@towerhamlets.gov.uk](mailto:environmentalhealth@towerhamlets.gov.uk)

Dear Mr Watts,

**The Carlton Arms, 238 Bancroft Road, London, E1 4BS**

Thank you for attending Limehouse Police Station yesterday afternoon for a meeting with PC Alan Cruickshank (Police Licensing), Kathy Driver (LBTH Licensing) and myself (LBTH Environmental Protection).

We explained to you the increasing amount of complaints from local residents about noise and anti-social behaviour in and around The Carlton Arms. We also detailed visits made by Licensing Officers, Police Officers and Officers from my department. These notes described trading after permitted hours, loud music, loud shouting & singing, drunken behaviour, fighting amongst patrons and other associated anti-social behaviour.

You were advised that the Police and Environmental Protection have enough evidence to submit a review of the Premises Licence. You were also advised that Licensing potentially have enough evidence to start prosecution proceedings.

You told us that you will be submitting a transfer of DPS enabling you to be both Premises Licence Holder and DPS. You explained that some of the problems have been with 'travellers' using the pub and entering 'illegally' via the rear exit.

You have agreed to cease Live Music (Karaoke/Singers) for the foreseeable future until adequate sound insulation can be installed. You have also agreed to have 2x SIA Door Supervisors on Saturday evenings from 21.00-23.00 and whenever there is a TEN at the premise. You also agreed to have an 'over 21' policy for entry into the pub.

*Corporate Director*  
*Communities, Localities & Culture*  
**Stephen Halsey**

I cannot stress enough the seriousness of this matter and that if the situation does not considerably improve, we will be left with no option other than to review your Licence which could result in suspension or even revocation.

For future reference please give careful consideration to the four Licensing Objectives, especially objectives 1 & 3;

1. Prevention of Crime and Disorder
2. Public Safety
3. Prevention of Public Nuisance
4. Protection of Children from Harm

I sincerely hope that the situation improves for all concerned and that your business thrives without impacting on your neighbours.

If you require any further advice, please do not hesitate in getting in touch with me, details above.

Kind regards,

**Ian Wareing**  
**Technical Officer**

*Corporate Director*  
*Communities, Localities & Culture*  
**Stephen Halsey**

**Communities, Localities & Culture  
Consumer & Business Regulations**

Head Of Service     **David Tolley**

Licensing Authority  
Licensing Section  
Mulberry Place  
5 Clove Crescent  
London E14 2BG

Licensing Section  
Mulberry Place  
5 Clove Crescent  
London E14 2BG

Tel     **020 7364 5171**  
Fax **020 7364 0863**  
Enquiries to     **Kathy Driver**  
Email **kathy.driver@towerhamlets.gov.uk**

**www.towerhamlets.gov.uk**

1<sup>st</sup> November 2013

Your reference  
My reference **CLC/CBR/LIC/72193**

Dear Sirs,

**RE: Carlton Arms, 238 Bancroft Road, London E1 4BS**

I act as a Licensing Officer of the Licensing Authority and its role as a responsible authority and wish to make representation in support of the review triggered by the Police for the above mentioned premises on the grounds of prevention of public nuisance and prevention of crime and disorder.

The premises licence has been in existence since 9<sup>th</sup> January 2006, on 12<sup>th</sup> April 2010 the licence was transferred to the current licence holder, Mr. Gary Watts.

In August 2011 this Authority started to receive complaints from local residents of noise and allegations of trading beyond the licensed hours. Letters were sent to Mr. Watts on 7<sup>th</sup> September and 28<sup>th</sup> September 2011 to advise of complaints and reminded him of the permitted hours. I attached copies of those letters as Exhibit C1.

A licensing officer visited on 30<sup>th</sup> September 2011 with an Environmental Health Officer, Mr. Watts was not present, Officers spoke to the leaseholder, Mr. Edward Squires, who

C:\Documents and Settings\alex.iisowski\Local Settings\Temporary Internet Files\BancroftRd238 LARep.docx  
Corporate Director

Communities, Localities & Culture  
**Stephen Halsey**

was advised of the complaints and of the licensed hours. Mr. Edwards admitted to sometimes going over the hours and apologised.

Complaints continued in 2012, further warning letters were sent on 15<sup>th</sup> February 2012, and on 4<sup>th</sup> September 2012, exhibited as C2 and C3. A visit was undertaken on 4<sup>th</sup> August 2012 and the following was observed; Noise was heard coming from the premises at 00:05 the officer could clearly hear the singer from the street, there was small number of people inside pub. The noise was escaping into street that would affect residential house half way up street.

Complaints have continued in 2013 with complaints being received on 31/7/13; 19/8/13; 23/8/13 of loud music, anti social behaviour and allegations of trading past their hours. Further letters have been sent on 11<sup>th</sup> March 2013, attached as C4 and 28<sup>th</sup> August 2013 - C5.

The following is record of the visits undertaken:

9 <sup>th</sup> March 2013	00:45 Walked around front of pub. Lights were on inside, largely obscured by blinds in the windows. Loud music being played as it could be heard outside the facade of No 240 Portlet Street/bancroft Road opposite. People could be heard raising their voices inside. Two men were outside , one so drunk he vomited. The door to the pub opened and two people held a loud conversation for a minute or so.
10 <sup>th</sup> March 2013	23:59-00:04 Music playing, "Forget You" could see disco lights through window and someone singing on microphone. Noise could be heard down residential street. Someone standing outside having cigarette.
16 <sup>th</sup> March 2013	00:40 hours could hear amplified music being played with the bar holding around a dozen people some of whom were holding drinks.
16 <sup>th</sup> March 2013	23.00 hours Windows were covered with wooden panels from the inside. Lights were on inside and people seen by the bar, music coming from the premises. Officers went inside at 23:15 there were approximately 10 people seated or standing on the public side of the bar. A female was standing behind the bar. In one corner of the public area of the bar were two speakers linked to a laptop. Music was being played from the speakers. The officer was informed that the person in charge was a Mr. Edward Squires, the premises licence holder and the designated premises supervisor were not present. He was informed of potential breaches of condition and advised the music should stop at 23.00pm.
9 <sup>th</sup> August 2013	Loud music noted coming from the premises until 23:15.
24 <sup>th</sup> August 2013	Joint visit with Police at 21:58 The music was loud and gets even louder when customers open the door to leave the premises.

1 <sup>st</sup> September 2013	Joint visit with Police 01.15am On arrival four people on the pavement directly outside the pub. It looked as if they had just come out the pub. Two of the people got into a cab walked off down the street. Voices were heard coming from the bar, blinds were closed. Six people could be seen in the bar area, two further people came out and walked off.
13 <sup>th</sup> September 2013	Joint visit with Police 22.35pm, No problems were identified on this visit.
20 <sup>th</sup> September 2013	22:40 On arrival around 15-20 people outside drinking on the pavement, empty glasses left on pavement including nitrous oxide cannisters found on the Bancroft Road side of the premises. A member of the bar staff was spoken to, the Premises Licence Holder and Designated Premises Supervisor was not present. Advised by female member of bar staff it was holding a 21 <sup>st</sup> Birthday party, when questioned on security staff being present she appeared to be unaware of any agreement for SIA staff, she did state that it was difficult to manage as bar was busy and had only one other member of bar staff on duty. She advised that she is directed by Edward Squirres giving a clear indication that Gary Watts is not managing the premises. It was likely that the premises was over capacity. The bar closed whilst present and advised they are no longer having karaoke.
28 <sup>th</sup> September 2013	22.30. No noise noted from outside the premises.
4 <sup>th</sup> October 2013	22:00 Noted one person outside smoking, no noise audible from the street.

A joint meeting was held on 3<sup>rd</sup> September 2013 with Mr. Watts, the licence holder, with PC Cruickshank from Police Licensing Unit and Mr. Wareing from Environmental Protection. The complaints and the results of visits undertaken were discussed with Mr. Watts including ways of addressing the problems. A letter confirming the meeting and agreement was sent to Mr. Watts, see attached C6. Mr. Watts agreed to remove Ms Bains as DPS to himself, an application has yet to be received.

Following the visit on 20<sup>th</sup> September I received a call from Mr. Watts, during this conversation Mr. Watts stated that he had not been present at the premises, Mr Watts was unaware that a party was taking place and needed to speak to Mr. Squires.

In my opinion Mr. Watts is failing to manage the premises, do not have any confidence that Mr. Watts has control of the premises and has potentially committed offences under the Licensing Act 2003 in the nature of its operation. The Designated Premises Supervisor, Ms Bains has not been identified at the premises during any recent inspections and failed to attend the meeting of 3<sup>rd</sup> September 2013. I therefore do not feel that any conditions will adequately bring the premises to meet the licensing objectives or that conditions will be complied with. I therefore support revocation of the licence.

Yours faithfully,

A solid black rectangular box used to redact the signature of the Principal Licensing Officer.

**Kathy Driver**  
**Principal Licensing Officer**

# The Carlton Arms

## Support/Representation On This Review By Metropolitan Police


Details of person or body making representation	
Your Name:	Mr A Green
Your Address:	[REDACTED]

Details of premises representation is about	
Name of Premises:	The Carlton Arms Public House
Address of premises:	238 Bancroft Road London E1 4BS

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	<input checked="" type="checkbox"/>
Public Safety	<input checked="" type="checkbox"/>
Prevention of public nuisance	<input checked="" type="checkbox"/>
Protection of children from harm	<input type="checkbox"/>

Summary
<p>I live at number [REDACTED]. I have lived at this address for two years with my partner. My property is roughly nine houses away from The Carlton Arms public house on the opposite side of the road.</p> <p>I support the Metropolitan Police in regard to the review of the license.</p> <p>There has been a public house in operation at the top of Portelet Road since 1850. The Carlton Arms is now the only public house to operate locally within a highly populated residential area. Residents within the immediate area consist mainly of families with children and the elderly.</p> <p>Over the two years I have lived at this address, the level of noise and anti social behaviour coming from patrons of the Carlton Arms public house has increased. The noise coming from live (inc Karaoke) and pre-recorded music (DJ) is enough to be clearly heard from my front bedroom and has been witnessed on many occasions by Tower Hamlets environmental health team.</p> <p>The frequency of anti social behaviour coming from patrons of the pub has increased over the time I have lived in my property. I am regularly kept awake by patrons standing round the main entrance on Portelet Road, often very "worse for wear" who drink, smoke and shout to one another. Because of the high THH block and terraced houses, any noise coming from the Carlton Arms rickshays down Portelet Road.</p> <p>Patrons leave the Carlton Arms by car and by foot often making allot of noise. Cars and bikes are driven at speed up and down Portelet Road whilst those who leave on foot have typically had a considerable amount to drink and are often shouting and screaming to one</p>

another when leaving. On several occasions I have witnessed patrons of the pub in my neighbour's front gardens opposite, vomiting and also urinating up against council property and private property.

Waking up on Saturday or Sunday morning, Portelet Road often has empty beer bottles and glasses in the street leaving residents to clear. This is especially prevalent at the top of Portelet Road opposite The Carlton Arms itself where we have also now started to find nitrous oxide canisters littered round the pavement.  [Figure 1 – Appendix](#)

Over the summer months of 2013, the increase of serious violent behaviour and anti social behaviour coming from patrons of the Carlton Arms has increased that residents have needed the support of the Metropolitan Police and Tower Hamlets Enforcement Officers.

**02 August 2013 – 22:31** Fight between males outside number 2 Portelet Road. Patrons of the pub came out into Portelet Road in mass whilst a fight between males occurred. Police in attendance.

**17 August 2013 – 00:20** Loud shouting and arguing between patrons leaving The Carlton Arms public house. Patrons were shouting and screaming. Loud football type "chanting" and up and down the road before dispersing ([Figure 2 Appendix](#))

**23 August 2013 – 21:54** Fight between males outside the rear beer garden door of The Carlton Arms (on Portelet Road). About 10-15 patrons of The Carlton Arms came out of the pub and stood in the road whilst this was occurring. Police in attendance.

**20 September 2013 – 22:34** Raised voices, loud shouting between patrons and behaviour associated with excess alcohol. Large gathering of patrons outside the pub, patrons hanging round residents vehicles. Police in attendance. ([Figure 3 and 4 – Appendix](#))

**04 October 2013 – 22:57** Loud music coming from The Carlton Arms, raised voices, shouting, screaming and whistling coming from patrons in the beer garden. (*Recording taken by phone from the 1<sup>st</sup> floor of my property which can be found on supporting CD*)

The level of anti social behaviour and violence on my "door step" deriving from patrons of The Carlton Arms public house is now very alarming. It makes me anxious and worried. Since moving into my property I have now had CCTV installed to assist in protecting my property. It makes me think twice about walking past the pub in the evening on my way to public transport.

As a local resident I am upset that this level of violence is happening in my street and concerned for my property and for the feelings and security of my neighbours, many of whom are elderly, frail and scared.

Over the past two years I have found it difficult to sleep because of the noise and anti social behaviour coming from The Carlton Arms over the weekend; this is typically worse during hot summer months. On a Friday and Saturday night it turns Portelet Road into atmosphere more associated with a "club" than that of a quiet residential street.



The Carlton Arms Public House has existed in my neighbourhood since 1850, built when licensing laws and opening hours were very different from today. I understand that teams from Tower Hamlets licensing and environmental health, plus the Metropolitan Police have all tried to work with the licensee of The Carlton Arms but to no avail. It would be a shame for the premises to close but as it stands today I support its closure which would return Portelet Road to a quiet, safer neighbourhood.

I would like the licensing committee to understand that The Carlton Arms is and has been causing issues for residents for some time now. As a resident I would only except the pub to remain operational with the following terms attached to the license:

1. No live music (inc Karaoke or DJ with live mic).
2. A sound limiter to be fitted.
3. The use of SIA doormen on Friday and Saturday night or when a TEN is in place.
4. An inner door vestibule to be constructed to act as a noise barrier between exits into the beer garden, Bancroft Road and Portelet Road.
5. No external doors to be propped or left open.
6. Sound insulation to be installed within the pub.
7. Operational CCTV (both internally, externally in beer garden and onto Bancroft and Portelet Road) in line and retained in accordance by Met. Police recommendations.
8. Strict no loitering/drinking outside exits by either Bancroft or Portelet road.
9. Use of plastic glasses and beer bottles.
10. Music system speaker in beer garden to be removed.
11. Cleaning team to clean-up outside the pub early Saturday and Sunday mornings.

Appendix



Figure 1. Broken glass, discarded bottles and nitrous oxide canisters



Figure 2. Patrons causing ASB on exit from Carlton Arms.



Figure 3. Patrons causing ASB, one can be seen clearly (during CCTV replay) on rear of resident's vehicle.



Figure 4. Patrons from The Carlton Arms wandering round Portelet road (visible on CCTV replay)

## Appendix 5

# Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

### POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

- 11.16 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.
- 11.18 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:  
to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
  - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
  - to suspend the licence for a period not exceeding three months;
  - to revoke the licence.
- 11.19 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

- 11.20 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.21 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.
- 11.22 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

## **REVIEWS ARISING IN CONNECTION WITH CRIME**

- 11.23 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.

11.24 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

11.25 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected; for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime



prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

- 11.28 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

### **Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003**

#### **Crime and Disorder Act 1998**

- 1.28 All local authorities must fulfil their obligations under section 17 of the Crime and Disorder Act 1998 when carrying out their functions as licensing authorities under the 2003 Act.
- 1.29 Section 17 is aimed at giving the vital work of crime and disorder reduction a focus across the wide range of local services and putting it at the heart of local decision-making. It places a duty on certain key authorities, including local authorities and police and fire and rescue authorities to do all they reasonably can to prevent crime and disorder in their area.
- 1.30 The Government believes that licensing authorities should, as a matter of good practice, involve Crime and Disorder Reduction Partnerships (CDRPs) in decision-making in order to ensure that statements of licensing policy include effective strategies that take full account of crime and disorder implications.

#### **Pool Conditions**

##### **Annex D**

##### **Conditions relating to the prevention of crime and disorder**

It should be noted in particular that it is unlawful under the 2003 Act:

- knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk
- knowingly to allow disorderly conduct on licensed premises
- for the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

**Conditions enforcing these arrangements are therefore unnecessary.**



## **CORE PRINCIPLES**

1. Licensing authorities and other responsible authorities (in considering applications) and applicants for premises licences and clubs premises certificates (in preparing their operating schedules) should consider whether the measures set out below are appropriate to promote the licensing objectives.
2. Any risk assessment to identify appropriate measures should consider the individual circumstances of the premises and the nature of the local area, and take into account a range of factors including:
  - the nature, type and location of the venue;
  - the activities being conducted there and the potential risk which these activities could pose to the local area;
  - the location (including the locality in which the premises are situated and knowledge of any local initiatives); and
  - the anticipated clientele.

**Under no circumstances should licensing authorities regard these conditions as standard conditions to be automatically imposed in all cases.**

3. Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate, they become enforceable under the law and breach could give rise to prosecution.
4. Licensing authorities should carefully consider conditions to ensure that they are not only appropriate but realistic, practical and achievable, so that they are capable of being met. Failure to comply with conditions attached to a licence or certificate could give rise to a prosecution, in particular, as the provision of unauthorised licensable activities under the 2003 Act, which, on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises. It is also important that conditions which are imprecise or difficult to enforce must be excluded.<sup>5</sup> It should be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members and that conditions enforcing offences under the Act are unnecessary.

## **CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER**

### **RADIO LINKS AND TELEPHONE COMMUNICATIONS**

Two-way radio links and telephone communications connecting staff of premises and clubs to local police and other premises can enable rapid responses to situations that may endanger the customers and staff on and around licensed premises. It is recommended that radio links or telephone communications systems should be considered for licensed premises in city and town centre leisure areas with a high density of premises selling alcohol. These conditions may also be appropriate in other areas. It is recommended that a condition requiring a radio or telephone link to the police should include the following requirements:

- the equipment is kept in working order (when licensable activities are taking place);
- the link is activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- relevant police instructions/directions are complied with where possible; and
- instances of crime or disorder are reported via the radio link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

### **DOOR SUPERVISORS**

Conditions relating to the provision of door supervisors and security teams may be valuable in relation to:

- keeping out individuals excluded by court bans or by the licence holder;
- searching those suspected of carrying illegal drugs, or carrying offensive weapons;
- assisting in the implementing of the premises' age verification policy; and
- ensuring that queues outside premises and departure of customers from premises do not undermine the licensing objectives.

Where the presence of door supervisors conducting security activities is to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, it may also be appropriate for conditions to stipulate:

- That a sufficient number of supervisors be available (possibly requiring both male and female supervisors);
- the displaying of name badges;
- the carrying of proof of registration; and
- where, and at what times, they should be in operation.

Door supervisors also have a role to play in ensuring public safety (see Part 2) and the prevention of public nuisance (see Part 4).

### **RESTRICTING ACCESS TO GLASSWARE**

Traditional glassware and bottles may be used as weapons or result in accidents and can cause very serious injuries. Conditions can prevent sales of drinks in glass for consumption on the premises. This should be expressed in clear terms and can include the following elements:

- no glassware, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar; or

- no customers carrying glassware shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place).

In appropriate circumstances, the condition could include exceptions, for example, as follows:

- but bottles containing wine may be given to customers for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

The banning of glass may also be a relevant and appropriate measure to promote public safety (see Part 2).

### **ALTERNATIVES TO TRADITIONAL GLASSWARE**

Where appropriate, consideration should therefore be given to conditions requiring the use of safer alternatives to prevent crime and disorder, and in the interests of public safety. Location and style of the venue and the activities carried on there are particularly important in assessing whether a condition is appropriate. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of alternatives to traditional glassware may be an appropriate condition during the showing of televised live sporting events, such as international football matches, when there may be high states of excitement and emotion.

### **OPEN CONTAINERS NOT TO BE TAKEN FROM THE PREMISES**

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. This is lawful where premises are licensed for the sale of alcohol for consumption off the premises. However, consideration should be given to a condition preventing customers from taking alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles) for example, by requiring the use of bottle bins on the premises. This may again be appropriate to prevent the use of these containers as offensive weapons, or to prevent consumption of alcohol, in surrounding streets after individuals have left the premises. Restrictions on taking open containers from the premises may also be appropriate measures to prevent public nuisance (see Part 4).

### **CCTV**

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise location of each camera, the requirement to maintain cameras in working order, to retain recordings for an appropriate period of time and produce images from the system in a required format immediately to the police and local authority. The police should provide individuals conducting risk assessments as part of preparing their operating schedules with advice on the use of CCTV to prevent crime.

### **RESTRICTIONS ON DRINKING AREAS**

It may be appropriate to restrict the areas of the premises where alcoholic drinks may be consumed after they have been purchased. An example would be at a sports ground where it is appropriate to prevent the consumption of alcohol on the terracing during particular sports events. Conditions should not only specify these areas, but indicate the circumstances and times during which the ban would apply.

Restrictions on drinking areas may also be relevant and appropriate measures to prevent public nuisance (see Part 4).

## **CAPACITY LIMITS**

Capacity limits are most commonly made a condition of a licence on public safety grounds (see Part 2), but can also be considered for licensed premises or clubs where overcrowding may lead to disorder and violence. If such a condition is appropriate, door supervisors may be required to ensure that the numbers are appropriately controlled (see above).

## **PROOF OF AGE CARDS**

It is unlawful for persons aged under 18 years to buy or attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent the commission of these criminal offences, the mandatory conditions require licensed premises to ensure that they have in place an age verification policy. This requires the production of age verification (which must meet defined criteria) before alcohol is served to persons who appear to staff at the premises to be under 18 (or other minimum age set by premises).

Such verification must include the individual's photograph, date of birth and a holographic mark e.g. driving licence, passport, military ID. Given the value and importance of such personal documents, and because not everyone aged 18 years or over necessarily has such documents, the Government endorses the use of ID cards which bear the PASS (Proof of Age Standards Scheme) hologram. PASS is the UK's national proof of age accreditation scheme which sets and maintains minimum criteria for proof of age card issuers to meet. The inclusion of the PASS hologram on accredited cards, together with the verification made by card issuers regarding the personal details

of an applicant, gives the retailer the assurance that the holder is of relevant age to buy or be served age-restricted goods. PASS cards are available to people under the age of 18 for other purposes such as access to 15 rated films at cinema theatres so care must be taken to check that the individual is over 18 when attempting to purchase or being served alcohol.

## **CRIME PREVENTION NOTICES**

It may be appropriate at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to voluntarily display such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the display of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be appropriate for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

## **DRINKS PROMOTIONS**

Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. It is also likely to be unlawful for licensing authorities or the police to promote generalised voluntary schemes or codes of practice in relation to price discounts on alcoholic drinks, 'happy hours' or drinks promotions. The mandatory licensing conditions (see chapter 10 of the statutory guidance) ban defined types of behaviour referred to as 'irresponsible promotions'.

## **SIGNAGE**

It may be appropriate that the hours at which licensable activities are permitted to take place are displayed on or immediately outside the premises so that it is clear if breaches of these terms are taking place. Similarly, it may be appropriate for any restrictions on the admission of children to be displayed on or immediately outside the premises to deter those who might seek admission in breach of those conditions.

### **LARGE CAPACITY VENUES USED EXCLUSIVELY OR PRIMARILY FOR THE "VERTICAL" CONSUMPTION OF ALCOHOL (HVVDs)**

Large capacity "vertical drinking" premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises that have exceptionally high capacities, are used primarily or exclusively for the sale and consumption of alcohol, and provide little or no seating for their customers.

Where appropriate, conditions can be attached to licences for these premises which require adherence to:

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and

the presence of security staff holding the appropriate SIA licence or exemption (see Chapter 10 to control entry for the purpose of compliance with the capacity limit.

## **Licensing Policy Adopted by the London Borough of Tower Hamlets**

- 5.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
  
- 5.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonable can to prevent crime and disorder in the Borough.

## **Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003**

### **CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE**

It should be noted that provisions of the Environmental Protection Act 1990, the Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 provide some protection to the general public from public nuisance, including noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are appropriate for the prevention of public nuisance.

#### **HOURS**

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted for the prevention of public nuisance. Licensing authorities are best placed to determine what hours are appropriate. However, the four licensing objectives should be paramount considerations at all times.

Restrictions could be appropriate on the times when certain licensable activities take place even though the premises may be open to the public as such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue. Or the playing of recorded music might only be permitted after a certain time where conditions have been attached to the licence or certificate to ensure that any potential nuisance is satisfactorily prevented.

Restrictions might also be appropriate on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

In premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to the following conditions.

#### **NOISE AND VIBRATION**

In determining which conditions are appropriate, licensing authorities should be aware of the need to avoid disproportionate measures that could deter the holding of events that are valuable to the community, such as live music.

Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. The following conditions may be considered:

Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by one or more of the following conditions:

- a simple requirement to keep doors and windows at the premises closed;
- limiting live music to a particular area of the building;

- moving the location and direction of speakers away from external walls or walls that abut private premises;
- installation of acoustic curtains;
- fitting of rubber seals to doorways;
- installation of rubber speaker mounts;
- requiring the licence holder to take measures to ensure that music will not be audible above background level at the nearest noise sensitive location;
- require licence holder to undertake routine monitoring to ensure external levels of music are not excessive and take action where appropriate;
- noise limiters on amplification equipment used at the premises (if other measures have been unsuccessful);
- prominent, clear and legible notices to be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- the placing of refuse – such as bottles – into receptacles outside the premises to take place at times that will minimise the disturbance to nearby properties.

#### **NOXIOUS SMELLS**

Noxious smells from the premises are not permitted to cause a nuisance to nearby properties; and the premises are properly vented.

#### **LIGHT POLLUTION**

Flashing or particularly bright lights at the premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

#### **OTHER MEASURES**

Other measures previously mentioned in relation to the crime prevention objective may also be relevant as appropriate to prevent public nuisance. These might include the provision of door supervisors, open containers not to be taken from the premises, and restrictions on drinking areas (see Part 1 for further detail).



### London Borough of Tower Hamlets Policy in relation to the Prevention of Public Nuisance

#### Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (See Sections 8.1 of the Licensing Policy).

While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (See Section 12.11).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (See Section 8.2 of the Licensing Policy).

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. (See Appendix 2 Annex D of the Licensing Policy). In particular Members may wish to consider (this list is not exhaustive):

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a "beer garden", or restricted in their use)
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly
- Conditions controlling the use of explosives, pyrotechnics and fireworks
- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

## Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs. A premises causing a nuisance resulting from noise emanating from the premises.

## Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.34)

Licence conditions should not duplicate other legislation (1.17).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.37) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.39).

## Other Legislation

The Environmental Protection Act 1990, Part 111 gives Environmental Health Officers the power to deal with statutory nuisances.

The Anti-social Behaviour Act 2003, Sections 40 and 41 give Environmental Health Officers the power of closure up to 24 hours in certain circumstances.

## **Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003**

### **CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM**

An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely. This would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

#### **Access for children to licensed premises – in general**

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for individual licensing authorities.

The Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- for any premises with known associations (having been presented with evidence) with or likely to give rise to:
  - heavy or binge or underage drinking;
  - drugs;
  - significant gambling; or
  - 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 at all for children under 18 years.
  
- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time.

Applicants wishing to allow access under the above circumstances, should when preparing new operating schedules or club operating schedules or variations of those schedules:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case the Secretary of State recommends that, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act

### **Age Restrictions – specific**

Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities will need to consider:

- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- types of event or activity that are unlikely to require age restrictions, for example:
  - family entertainment; or
  - non-alcohol events for young age groups, such as under 18s dances,
- types of event or activity which give rise to a more acute need for age restrictions than normal, for example:
  - during "Happy Hours" or on drinks promotion nights;
  - during activities outlined in the first bullet point in the first paragraph above.

### **Age restrictions – cinemas**

The British Board of Film Classification classifies films in accordance with its published Guidelines which are based on extensive research into public opinion and professional advice. The Secretary of State therefore recommends that licensing authorities should not duplicate this effort by choosing to classify films themselves. The classifications recommended by the Board should be those normally applied unless there are very good local reasons for a licensing authority to adopt this role. Licensing authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film.

Licensing authorities should be aware that the BBFC currently classifies films in the following way:

- U Universal – suitable for audiences aged four years and over
- PG – Parental Guidance. Some scenes may be unsuitable for young children.
- 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
- 15 – Passed only for viewing by persons aged 15 years and over.
- 18 – Passed only for viewing by persons aged 18 years and over.

Licensing authorities should note that these classifications may be subject to occasional change and consult the BBFC's website at [www.bbfc.co.uk](http://www.bbfc.co.uk) before applying relevant conditions.

The Secretary of State considers that, in addition to the mandatory condition imposed by section 20, conditions restricting the admission of children to film exhibitions should include that:

- where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film;
- when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

"Where a programme includes a film recommended by the licensing authority as falling into an age restrictive category no person appearing to be under the age specified shall be admitted to any part of the programme; where a programme includes a film recommended by the licensing authority as falling into a category requiring any persons under a specified age to be accompanied by an adult no person appearing to be under the age specified shall be admitted to any part of the programme unaccompanied by an adult, and the licence holder shall display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. For example:

**PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE]  
CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME**

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person's parent or legal guardian has first been obtained."

## **Theatres**

The admission of children to theatres, as with other licensed premises, is not expected to be restricted normally unless it is necessary to promote the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play should normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached.

However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children during any emergency (See Part 3).

## **Performances especially for children**

Where performances are presented especially for unaccompanied children in theatres and cinemas, licensing authorities will also wish to consider conditions to specify that:

- an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Licensing authorities should also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

## **Children in performances**

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show. Licensing authorities should familiarise themselves with these Regulations and not duplicate any of these requirements. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority should consider the matters outlined below.

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.

- **Special effects** – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- **Care of children** – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

### **The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks**

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.

Consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

### **Proof of Age cards**

Proof of age cards are discussed under Part 1 in connection with the prevention of crime and disorder. However, a requirement for the production of proof of age cards before any sale or supply of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm.

Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the "Challenge 21" or other similar initiatives.

Under the "Challenge 21" initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making such a purchase.



## London Borough of Tower Hamlets Policy in relation to the Protection of Children from Harm

### Licensing Policy

The Policy recognises the wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or Entertainment. The Act does not prohibit children from having access to any licensed premises, the Council recognises that limitations may have to be considered where it appears necessary to protect children from harm. **(See Section 9 of the Licensing Policy).**

The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises **(See Section 9.4 of Licensing Policy).**

The Licensing Authority recommends applicants to consult with the Area Child Protection Committee or such other body, as they consider appropriate. **(See Section 9.3 of the Licensing Policy).**

The Licensing Authority will consider attaching conditions to protect children from harm and these may include Conditions drawn from the Model Poll of Conditions relating to the Protection of Children from Harm. **(See Appendix 2 Annex H of the Licensing Policy).** In particular Members may wish to consider a range of conditions that are to be tailored to the particular premises and their activities (this list is not exhaustive):

- Limiting access of children to premises
- Limitations on the hours when children maybe present
- Limitations or exclusions when certain activities are taking place
- for any premises with known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or 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 at all for children under 18 years.
- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 23:00, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time
- Notices on premises displaying age restrictions
- Conditions requiring sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency
- Requirements of staff supervision in areas occupied by children
- Whether conditions appropriate for restricting use of special effects around children
- Adequate chaperones for children

- Requirement for production of proof of age cards

### Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs when there is, or is likely imminently to be, disorder on, or in the vicinity of and related to, the premises and their closure is necessary in the interests of public safety.

Section 169A(2) of the Licensing Act 2003 enables a senior police officer (or inspector of weights and measures) to close premises for maximum of 48 hours to prohibit the sale of alcohol for repeatedly selling alcohol to underage persons.

### Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (13.20 and Annex D).

The protection of children from harm includes the protection of children from moral, psychological and physical harm (2.41)

In the context of many licensed premises such as pubs, restaurants, café bars and hotels, it should be noted that the Secretary of State recommends that the development of family-friendly environments should not be frustrated by overly restrictive conditions in relation to children. (2.42)

Licence conditions should not duplicate other legislation (1.16).

Conditions, where they are necessary, should reflect the licensable activities taking place on the premises (2.47)

The Secretary of State considers that representations made by the child protection bodies and the police in respect of individual applications should be given considerable weight when they address necessary issues regarding the admission of children. (2.48)

### Other Legislation

#### Violent Crime Reduction Act 2006

The Act introduces new measures to ensure that police and local communities have the powers they need to tackle guns, knives and alcohol-related violence.

#### Confiscation of Alcohol (Young Persons) Act 1997

Alcohol Confiscation – any person in a public place or trespassing if any **under 18** have drunk or likely to drink. Dispose on the spot unless local instructions direct otherwise.

### **Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Planning and Building Control**

#### **PLANNING AND BUILDING CONTROL**

- 13.64 The statement of licensing policy should indicate that planning, building control and licensing regimes will be properly separated 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 any relevant planning permission has been sought or granted by the planning authority.
- 13.65 The planning and licensing regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. As such licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee. Licensing committees are not bound by decisions made by a planning committee, and vice versa.
- 13.66 The granting by the licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.
- 13.67 There are also circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.
- 13.68 Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This would enable the planning committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap. A planning authority may also make representations as a responsible authority as long as they relate to the licensing objectives.

# Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

## CONDITIONS RELATING TO PUBLIC SAFETY

In most premises existing legislation will provide adequately for the safety of the public or club members and guests. However, where this is not the case, consideration might be given to the following conditions.

### Safety checks

- Safety checks are carried out before the admission of the public.
- Details of such checks are kept in a Log-book.

### Escape routes

- Exits are kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified.
- Where chairs and tables are provided in restaurants and other premises, internal gangways are kept unobstructed.
- All exits doors are easily openable without the use of a key, card, code or similar means.
- Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept.
- Any removable security fastenings are removed whenever the premises are open to the public or occupied by staff.
- The edges of the treads of steps and stairways are maintained so as to be conspicuous.

### Disabled people

- When disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and disabled people on the premises are made aware of those arrangements.

### Lighting

- In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present.
- Emergency lighting is not altered.
- Emergency lighting batteries are fully charged before the admission of the public, members or guests.
- In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

### **Curtains, hangings, decorations and upholstery**

- Curtains, hangings and temporary decorations are arranged so as not to obstruct exits
- temporary decorations are not used without prior notification to the licensing authority/relevant responsible authority.

### **Capacity limits**

- Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate is not exceeded.
- The licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

### **Access for emergency vehicles**

- Access for emergency vehicles is kept clear and free from obstruction.

### **First aid**

- Adequate and appropriate supply of first aid equipment and materials is available on the premises.
- If necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

### **Temporary electrical installations**

- Temporary electrical wiring and distribution systems are not provided without notification to the licensing authority at least ten days before commencement of the work and/or prior inspection by a suitable qualified electrician.
- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909.
- Where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

With regard to the first bullet above, it should be recognised that ten days notice may not be possible where performances are supported by outside technical teams. For example, where temporary electrical installations are made in theatres for television show performances. In such circumstances, the key requirement is that conditions should ensure that temporary electrical installations are only undertaken by competent qualified persons, for example, employed by the television company.

### **Indoor sports entertainments**

- If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- Any ring is constructed and supported by a competent person and inspected by a competent authority.

- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring.
- At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

### **Special effects**

The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff. Further details and guidance are given in Part 3.

### **Alterations to the premises**

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence to delete the relevant public safety condition. The applicant will need to propose how they intend to take alternative steps to promote the public safety objective in a new operating schedule reflecting the proposed alteration to the premises. The application for variation will enable the responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

### **Other measures**

Other measures in relation to the Prevention of Crime and Disorder may also be relevant as necessary to promote public safety. These might include the provision of door supervisors, bottle bans, and requirements to use plastic or toughened glass containers.