



**London Borough of Hounslow  
Statement of Licensing Policy  
2020-2025**

## Foreword



Councillor Katherine Dunne, Cabinet Member for Communities and Climate Emergency said:

“The review of our licencing policy as required under the Licencing Act 2003 is very important in upholding public order and safety and protecting the vulnerable in our communities.

“Our new policy includes some amendments that will enable us to safeguard our communities further with the use of our new or amended conditions. It has been great to hear from all the people that have responded prior to adoption, to ensure that our new policy is fit for purpose for the next five years.”



Councillor Richard Foote, Chair of Licensing Committee at Hounslow Council said:

"We are pleased to have consulted on the draft Licensing Policy and received such a good response to the consultation. The Licensing Policy seeks to provide clear guidance to both existing and new licensees about the council's approach to licensing and at the same time incorporates the relevant legislative changes since our last policy and introduces core hours for premises.

“In particular, we seek to balance the Borough’s desire to develop the variety and diversity of its licensed premises and to support the regeneration of our centres and neighbourhoods, whilst ensuring that we deliver on the Licensing Act 2003’s four licensing objectives.

This Policy should be read in conjunction with:

The Licensing Act 2003 (Available from [www.legislation.gov.uk](http://www.legislation.gov.uk))

Guidance under Section 182 of the Licensing Act 2003 (Available from [www.gov.uk](http://www.gov.uk))

Hounslow Council's guidance on making applications under the Licensing Act 2003  
(Available from Hounslow Council's Licensing Service on request from  
[licensing@hounslow.gov.uk](mailto:licensing@hounslow.gov.uk) and at our website: [www.hounslow.gov.uk](http://www.hounslow.gov.uk)).

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# 1 BACKGROUND

## 1.1 Purpose and scope

1. The purpose of this document is to set out the principles to be applied in considering applications under the [Licensing Act 2003](#) ('the Act').
2. This, Hounslow's fourth *Statement of Licensing Policy* ('the Policy'), has been prepared with regard to the [Guidance](#) issued by the Home Office under Section 182 of the Act. It is designed to reflect local circumstances and characteristics whilst promoting the four licensing objectives:
  - ) Prevention of crime and disorder
  - ) Public safety
  - ) Prevention of public nuisance
  - ) Protection of children from harm.
3. It should be noted that the four licensing objectives are of equal importance and therefore each of these should be considered with equal weight.
4. The London Borough of Hounslow, as the 'licensing authority', is responsible for the determination of the following under the Act:
  - ) Premises licences
  - ) Club premises certificates
  - ) Personal licences
  - ) Provisional statements
  - ) Review applications, and
  - ) Temporary event notices that receive objections.
5. The *Statement of Licensing Policy 2020-25* covers all premises in Hounslow where any of the following take place:
  - ) Sale or supply of alcohol
  - ) Regulated entertainment
  - ) The provision of late-night refreshment
  - ) Supply of alcohol in qualifying clubs.

## 1.2 Review of the 2015-20 Statement of Licensing Policy

6. The Act requires that the Council must review the Policy at least every 5 years. When reviewing the Policy, it must be consulted upon.
7. The Council recognises the important role that 'responsible authorities', the licensing trade, local residents and other stakeholders have to play in influencing this Policy.

8. Under s5 of the Act, consultation on the Policy must take place with:
  - ) The Police
  - ) The Fire Authority
  - ) The Director of Public Health
  - ) Such persons as the Council considers to be representative of holders of premises licences issued by the Council
  - ) Such persons as the Council considers to be representative of holders of club premises certificates issued by the Council
  - ) Such persons as the Council considers to be representative of holders of personal licences issued by the Council
  - ) Such persons as the Council considers to be representative of businesses and residents in its area.
  
9. The Council undertook a comprehensive consultation on the draft of the *Statement of Licensing Policy in June and July 2020*. It has given due weight to the views of those consulted and made appropriate amendments to the Policy accordingly.

## 1.3 Hounslow: The Borough

10. The London Borough of Hounslow is made up of an area of 56 square kilometres in which over 800 current licensed premises authorised under the Act, of which around 40 are club premises' certificates. Around 4,700 personal licences have been issued by the Council under the Licensing Act 2003.
11. According to the Office of National Statistics 2018 mid-year estimates, Hounslow's population stood at 270,782. It is the 26<sup>th</sup> most dense borough by population of the 317 authorities in England. This population is set to increase by a further 39,000 (14%) to 309,000 by 2035, as London's population expands, and further residential development takes place in Hounslow.
12. The five main towns in the Borough are Hounslow, Brentford, Chiswick, Isleworth and Feltham. The Borough has a number of smaller centres including Cranford, Heston, Hanworth and Bedfont. They all have different characteristics (in general terms and in terms of the number and type of licensed premises in each) and the Borough has set out its vision for the Borough's distinct places within its community strategy - [The Future Borough Strategy 2018-35](#).

## 1.4 Hounslow's vision and the *Future Borough Strategy*

13. The Council's vision as set out in its *Future Borough Strategy* is as follows:

*“The borough of Hounslow will be a destination where people choose to live, remain, work, play and visit. It will remain a Borough made up of distinct and prosperous places, each retaining its own unique character, function and history. Our communities and the individuals within will be safe, healthy, happy, connected and able to achieve their ambitions by being in the Borough.”*
14. In consultation with the community and its partners, Hounslow has developed and adopted a number of strategies, policies and plans that set out how it intends to achieve this vision.
15. Regard should therefore be given to the data, findings, shared vision and plans informing Hounslow's *Future Borough Strategy*. The Strategy sets out the Council's overarching vision for Hounslow as it grows and changes over the next decade. It will provide a backdrop for all decision making throughout this period and a focus for working in partnership with residents, businesses, the voluntary and community sector and statutory agencies.
16. The *Future Borough Strategy* builds on what residents, businesses and other stakeholders have told the Council about the challenges and opportunities presented to those who live, work and play in the Borough. It is broken down into three main themes. *Place; People and Relationships*. Licensing has an impact on all of these themes.

17. The *Future Borough Strategy* will help the Council respond to residents' experience of living in the Borough, thinking about how the Council will co-ordinate activity and collaborate with partners to think about the whole place, rather than just running individual services. This will help put the needs of the whole community at the heart of what the Council does through a time of continued change.
18. Regard has also been given to the responsibilities the Council must discharge as the local planning authority which is to be found most importantly in the Borough's [Hounslow Local Plan 2015-2030](#). This is the key strategic planning document which establishes a place-based vision and the detailed planning policies to direct and guide development in Hounslow for the next decade. The plan is critical in ensuring that the right amount of development is built in the right place at the right time so that the future needs of the borough are met.
19. The local plan includes the types and locations of licensed premises, the improvement of the evening and night-time economy and the wider regeneration of the Borough and its town centres. The Council welcomes investment into existing and new licensed premises that will provide for our existing and new residents, whilst enhancing and diversifying the evening and night-time offer. In particular, the Council welcomes venues that are food-led, family entertainment, arts and culture. However, regardless of the kind of venue, licence applications must still be able to show how they are able to promote the four licensing objectives and will not add to the existing problems the Borough faces, particularly around the cumulative impact of licensed premises in certain parts of Hounslow.
20. In strict legal terms the planning system is separate to that of the licensing system. However, it is increasingly important that they work together if the Council is to deliver the *Future Borough Strategy*. The Council therefore encourages applicants to consider carefully the Borough's *Local Plan 2015-2030* and LP5 later in this Policy when formulating their licence application.
21. In devising this Statement of Licensing Policy, regard has also been given to the findings of the [Joint Community Safety Strategic Assessment and Community Safety Strategy 2017-2020](#) and the Hounslow Joint Strategic Needs Assessment 2017. These identify the need to further tackle alcohol-related crime and disorder, domestic abuse and public nuisance and the role that well-run licensed premises can play in helping deliver these objectives.
22. A key element of the *Future Borough Strategy* and is that, wherever possible, all of Hounslow's communities enjoy access to the Borough's facilities, activities and opportunities. To this end this *Statement of Licensing Policy 2020-25* has been examined in an Equalities Impact Assessment in order to identify how it can best meet the Council's duties under the [Equalities Act 2010](#).



23. This stressed the importance of reminding licence applicants in turn of their duties under the Equalities Act 2010 in respect of those with protected characteristics, such as age, sex, race. Whilst each licence application must be considered on its own merits, the Council encourages applicants to consider how they can best ensure that they are meeting their equalities duties in the design and management of their licensed premises. Examples could include (but are not limited to), ensuring the accessibility of premises and where this is limited, considering alternatives; ensuring door policies are non-discriminatory.

## **1.5 Partnership working**

24. Whilst it is acknowledged that the licensed economy (and in particular the evening and night-time economy) contributes to the vitality and vibrancy of life in town centres by providing social activities for locals and attracting visitors and investment into the Borough, the Council believes they should not unduly detract from the local residential amenity. The Council will continue to work in partnership with the Police, local residents, businesses, licensees and community and regulatory agencies, such as children's safeguarding, towards safeguarding the quality of life for residents, and the creation of a safer and more pleasant environment for all.
25. Council department and partners, such as neighbourhood enforcement, community safety, trading standards, public health, planning enforcement, as well as the Metropolitan Police and London Fire Brigade all work together to address any negative impacts of licensed premises and the night-time economy through their regular intelligence meetings as well as multi-agency joint enforcement operations.

## **1.6 The protection of children**

26. In certain circumstances, where children will be present at a licensed premises, the Council expects responsible adults to be present to ensure their safety. Where relevant and appropriate, applicants must demonstrate how they will reasonably protect children from harm, not just by preventing underage sales but also how they will ensure that, whilst on the premises, children are not involved in crime and disorder, drugs or drug taking, entertainment of an adult nature or any other activity that may cause them harm.
27. There are a range of alternatives which the Council will consider for limiting the access of children which include, but are not limited to:
- ) a limit on the hours when children may be present;
  - ) a limitation or exclusion when certain activities are taking place;
  - ) the requirement to be accompanied by an adult;
  - ) limited access to parts of the premises; and

- ) excluding persons who are under 18 years from the premises when any licensable activities are taking place.
28. However, the authority will not seek to limit the access of children to any premises unless it is appropriate for the prevention of physical, moral or psychological harm. In all other cases it will be left to the discretion of the licensee.
  29. The Council will expect cinemas to stipulate that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification. Similarly, theatre productions should be suitable for the audience present with consideration given in advance to the content and nature of the production.
  30. Where an authorisation for the sale or supply of alcohol is in place, there is a requirement for the mandatory condition in relation to age verification to be attached. The Council supports the promotion of 'Challenge 25' schemes, but also recommends additional measures be put in place. For example, regular documented staff training, relevant notices to be displayed and the use of a register to record refusals of alcohol sales.
  31. In recent years, incidents of child sexual exploitation (CSE) and child criminal exploitation (CCE) taking place in or around licensed premises have been of particular concern across the country. Whilst there has been no specific intelligence suggesting incidents have taken place in Hounslow, the Council will work via existing partnerships, including the licensed trade, to ensure that any concerns in relation to CSE and CCE can be tackled and addressed appropriately.
  32. A resource that applicants should consider in the preparation of their applications, risk assessments and operating schedules are the materials produced by the Home Office on CSE and CCE, including its [Child Exploitation Disruption Kit](#). Further advice and training materials for licence applicants can be accessed via Hounslow Safeguarding Children Board's 'Virtual College' facility.

## 1.7 Public health as a responsible authority

33. Many people enjoy consuming alcohol safely and in moderation. However, the increase in harm caused by alcohol misuse is rapid and widespread, both in health terms and community safety. Nationally, alcohol-related deaths have doubled since 1992, a rate unheard of in almost all other illnesses. Among men aged between 15 and 59, alcohol is the leading risk factor for premature death. Alcohol-related harm is not confined to a minority of very heavy drinkers who experience acute problems. The greatest harm overall is suffered by the large population of regular drinkers whose exposure to alcohol has long-term consequences for their health.

34. The Local Alcohol Profile for Hounslow shows that the Borough has significantly higher alcohol-specific hospital admissions for men than the national and London average. Evidence also demonstrates that alcohol also drives inequalities: people from more deprived groups suffer far greater harm from alcohol than people in higher socio-economic groups.
35. The promotion of public health is not currently one of the four licensing objectives in England and Wales. However, alcohol is a significant contributor to the local levels of hospital admissions, injury and domestic violence (licensing objective: *crime and disorder*). The consumption of alcohol by children and young people also negatively impacts upon their health as well as other aspects of their lives, such as educational attainment and future employability (licensing objective: *the protection of children from harm*).
36. As such, Public Health has been made a 'responsible authority' which must be consulted on the Policy and licence applications. Public Health will therefore contribute to the development and review of this Policy, which will help the Council exercise its functions under the 2003 Act.
37. Public Health will also:
  - ) identify and interpret health data and evidence to support the Policy,
  - ) make relevant representations to the Council relating to new applications and major licence variations,
  - ) request that the Council review an existing licence should there be concerns that it will negatively affect the public health aspect of one or more of the licensing objectives,
  - ) make representations to the Council regarding the potential cumulative impact of an application,
  - ) provide information to help identify any areas of emerging cumulative impact.

## 1.8 The licensing authority as a responsible authority

38. The Act enables the council to function as both a 'licensing authority' and to act as 'responsible authority' in its own right. These powers have been delegated to officers within the Council's licensing service. Officers may choose to intervene where they consider it appropriate for the promotion of the licensing objectives without having to wait for representations from other responsible authorities.
39. For example, where an application is in a cumulative impact area and officers have concerns about additional harm, they may make a representations to that effect. Also, where an application is received in respect of a premises which has a history of

complaints which mean that additional activity may undermine the licensing objectives.

40. The Council's licensing service has taken steps to achieve a line of separation between those officers processing applications and those making representations. The officer presenting any application to a Licensing Sub-Committee will also be different from the officer acting as the responsible authority.

## 2 POLICY CONSIDERATIONS

### 2.1 Background

41. The Policy does not prevent an applicant's right to apply under the Act for a variety of permissions; nor does it override the right of any person to make representations on an application or seek a review of a licence or certificate.
42. The Council cannot reject an application for a licence or certificate, or impose conditions, unless relevant representations have been made. This also applies to premises in a Cumulative Impact Area.
43. The measures to be taken should be proportionate to the level of risk; for example, a nightclub will be expected to take far more precautions than a small local restaurant.
44. Where insufficient detail is provided in the application to satisfy responsible authorities and other persons, this is likely to lead to representations being made.
45. The Act requires certain [mandatory conditions](#) to be attached to licences. The mandatory conditions override any pre-existing conditions and do not have to be specifically included on licences authorising the sale of alcohol for consumption on the premises. The most recent version of these mandatory conditions can be found in the appendices to this document.
46. The Council must be satisfied that it is appropriate to attach conditions, other than those volunteered under the operating schedule or by mandatory conditions where its discretion has been triggered by a representation.
47. The Council will not implement standard conditions and will as far as possible avoid the attachment of conditions that duplicate other regulatory regimes.
48. Where appropriate, the Council will attach individual and tailored conditions on an authorisation that are reasonable, proportionate, and yet not over-burdensome. These must be robust enough to promote the licensing objectives and will be related only to those matters under the direct control of the licence holder.

### 2.2 Model Conditions

49. For the first time, the Council has introduced model conditions. Licence applicants, Responsible Authorities and the Licensing Authority, when preparing or considering applications, should refer to the pool of Model Conditions which form a separate appendix. Whilst not mandatory, the appropriate and selective use of the model conditions can assist in demonstrating how the operation of any licence will not undermine the licensing objectives.
50. The pool of Model Conditions and any other relevant appendices contained within the policy will be updated, as appropriate, to assist in the application process.

## Business and Planning Act 2020

In response to the Covid 19 pandemic and its negative impact on business, during the public consultation process for this Policy the Government published the Business and Planning Bill which became an Act of Parliament on 22nd July 2020. The Act covers a number of areas of licensing relaxation. These apply to all relevant licensed premises, subject to safeguards which the Government considers appropriate to ensure there are no negative impacts on the four licensing objectives. These changes are time limited, although they may be extended, and fall outside of the Licensing Act 2003. However, they materially affect the way licensed premises operate in the borough. The relevant provisions in the Business and Planning Act 2020 are as follows:

i. The provision of a time-limited **off sales extension** on all days until 23:00hrs up to the 30th September 2021 for all premises that have an existing licence to sell alcohol. This includes those premises that do not currently have any off sales provision or who do have off sales provision but not until 23:00hrs. The licence holder does not have to apply to the council so it cannot be refused. A licence can however be reviewed should its operation contravene any of the licensing objectives.

The only 'disqualifying events' that would mean a licensee could *not* take advantage of these new provisions would be if the Council had refused to grant a premises licence authorising off sales, or to vary a licence to include off sales, or if the licence was varied to explicitly exclude off sales in the past three years.

ii. The second relevant provision in the Act covers **pavement seating** for alfresco drinking and dining. Licensees, whether or not they already hold a tables and chairs / pavement licence, may apply for a pavement licence to the local authority. This is effectively a 'fast track' application process for pubs, bars, drinking establishments or other premises used for the sale of food or drink for consumption on or off the premises.

The fee cannot exceed £100 and requires details of the furniture to which the application relates together with other information or material as the local authority may require. There is a public consultation period of 7 days. This begins the day after the day on which the application is made. If the council does not make a decision within seven days, then the application is deemed to be granted for 12 months.

The Council may grant the application subject to criteria (e.g. ensuring that non-vehicular traffic can still use the highway, that needs of disabled people have been considered and that reasonable provisions have been made for an outdoor 'smoke-free' area).

A pavement licence granted under the Act can last until 30 September 2021 or such time as the Council specifies in the licence, although that cannot be less than 3 months.

The Council may publish conditions to apply to the pavement licence which may be different to their standard conditions which relate to tables and chairs licences. Equally, it can apply to revoke the licence if it considers that the conditions have been breached or serve notice on the licence holder requiring remedial action.

## 2.3 General principles

51. The general principles will normally be applied in each case where the Council is considering an application for a premises licence, club premises certificate, variations to those or a provisional statement.
52. Wherever possible, and through both the licensing and planning systems, the Council increasingly wants to deliver a range of diverse activities within the evening and night-time economy, as well as across its town centres more generally. Applications for activities where alcohol consumption is not the primary feature, and which focus on the provision of food, culture, entertainment, events and community uses, will generally be welcomed so as to broaden the appeal to a wider range of consumers. This encouragement of operational diversity will also support the Council's ambition to create a healthier borough.
53. Applicants should note that operating schedules that are lacking in detail are more likely to be refused, have hours restricted, or have conditions attached to them by the Licensing Authority or by Responsible Authorities.

### **LP1 General Principles**

The Council expects applicants to demonstrate:

- (a) That they have an understanding of the nature of the locality in which the premises are located and that this has been taken into consideration whilst preparing the operating schedule.
- (b) Where the application is for evening and night-time activity, that the proposal reflects the Council's aspiration to diversify the offer, whilst at the same time promoting the licensing objectives.

## 2.4 Licensing objectives

54. Each of the four licensing objectives are of equal importance and therefore each needs to be considered with equal weight.
55. The Council expects applicants to risk assess their proposals and put forward measures aimed at promoting the licensing objectives.

## **LP2 The Four Licensing Objectives**

### **1. Prevention of Crime and Disorder**

Whether the proposal includes satisfactory measures to mitigate any risk of the proposed operation making an unacceptable contribution to levels of crime and disorder in the locality.

### **2. Public Safety**

Whether the necessary and satisfactory risk assessments have been undertaken, the management procedures put in place and the relevant certification produced to demonstrate that the public will be kept safe both within and in close proximity to the premises.

### **3. Prevention of Public Nuisance**

Whether the applicant has addressed the potential for nuisance arising from the characteristics and style of the proposed activity and identified the appropriate steps to reduce the risk of public nuisance occurring.

### **4. Protection of Children from Harm**

Whether the applicant has identified and addressed any risks with the aim of protecting children from harm when on the premises or in close proximity to the premises.

## **2.5 Core licensing hours**

56. The Council supports the principle of flexibility in its approach to licensing hours and will consider the merits of each individual application. The hours for licensable activity will always reflect the individual merits of the application any relevant representations received as well as the requirement to promote the licensing objectives.
57. However, the Council is also mindful that the Borough is one of the most densely populated in the country with large numbers of residential premises often close to areas of commercial activity as well as other mixed-use neighbourhoods. The Council will therefore take an approach to licensing hours that seeks to balance the needs of the licensed trade whilst protecting residential amenity in order to promote the licensing objectives.
58. The Core Hours have been designed to be generally aligned with hours of activity that have been deregulated by other legislative measures, such as the Live Music Act 2012 and the Deregulation Act 2015. The hours are also based on the Council's



own experience since the commencement of the Act as activities during these times are generally considered to be acceptable.

59. Applicants seeking a licence outside of the core hours will need to provide evidence as to how their application will not harm the licensing objectives.
60. For example, there is evidence that the Borough suffers from considerable public nuisance linked to street drinking and this often takes place early in the morning. As such, a premises, for example an off-licence, wishing to sell alcohol before the core hours would need to provide a compelling case why it would not compromise the licensing objectives.
61. Another example would be if a request is made for later hours on the basis that the premises will be operating as a restaurant. In this case the Council would expect the premises to be that of a genuine restaurant, with background music only and with alcohol being ancillary to a full table meal with seated waiter/waitress table service. It is expected that the premises will have a dedicated floor space for a kitchen and food preparation.
62. However, it should be noted that some activity and any associated hours may be deemed inappropriate in certain circumstances and in certain areas of the Borough as nuisance to residents is more likely to occur at night and earlier in the morning.

### **LP3 Core Hours**

Hours for licensable activity will generally be authorised, subject to demonstrating LP 1 and LP2, as follows:

- ) Monday to Thursday 09:00 to 23:00
- ) Friday and Saturday 09:00 to 00:00
- ) Sunday 10:00 to 22:30

Hours may be more restrictive dependent on the character of the area and if the individual circumstances require it.

Later hours may be considered where the applicant has identified any risk that may undermine the promotion of the licensing objectives and has put in place robust measures to mitigate those risks.

It should be noted that this policy does not apply to those who are making an application within a Cumulative Impact Area (see section 3) unless they have been able to demonstrate that the proposed activity or operation of the premises will not add to the cumulative impact that is already being experienced.

## 2.6 Alcohol sales for consumption off the premises

63. Evidence from the police and public health suggests that the availability of alcohol from premises authorised to sell alcohol for consumption off the premises has had a negative impact on the promotion of the licensing objectives in the Borough, particularly in areas where there are clusters of such premises.
64. There are particular concerns that alcohol sales of this nature are more likely to lead to the harmful misuse of alcohol and to incidents of anti-social behaviour, such as street drinking, littering, public place urination, vomit and harassment of other public space users.
65. Research commissioned by the Council showed that the Borough appears to have a large number of convenience stores/supermarkets that are licensed to sell alcohol until the early hours of the morning. Many of these are located in hotspots for drinking paraphernalia and cleansing 'grotspots'.
66. The study also found that patrons have access to relatively cheap off-sales alcohol from local stores to supplement the alcohol purchased and consumed in the 'on-trade'.

### **LP4 'Off' Sales of Alcohol**

Hours for the supply of alcohol will generally be restricted to between 09:00 and 23:00.

## 2.7 Planning status

67. The Council recognises that the licensing process should not be seen as a re-run of any planning process and that there should be separation between the planning and licensing regimes to avoid duplication and inefficiency.
68. Applicants for a premises licence need to be aware that the granting of a licence under the Act does not negate the need to obtain planning permission. Premises operating in breach of planning permission may be liable to prosecution or other enforcement measures under planning law. Applicants are therefore recommended to obtain the correct planning use for the type of premises they seek to operate.
69. There will be circumstances when as a condition of planning permission, a 'terminal hour' has been set for the premises. Where these hours differ from the hours granted under Licensing, the operator will need to abide by the earlier closing time.

### **LP5 Planning Status**

Licence applications should normally be from premises where:

- (a) The activity to be authorised by the licence is a lawful planning use or is a deemed permitted development pursuant to the General Permitted Development Order (1995) as amended.
- (b) The hours sought do not exceed those authorised by any planning permission.

The Licensing Authority may take into account the lack of planning permission or an established lawful use in deciding whether there is likely to be any harm to the licensing objectives.

## **2.8 External areas and outdoor events**

- 70. The Council is aware of the popularity of external areas and outdoor events. These include beer gardens, terraces, street parties, events in car parks and industrial spaces, pop-ups or activity on private land awaiting development. These activities can further add to Hounslow's rich cultural heritage, diversity and help bring our communities together.
- 71. Hounslow Council already holds premises licences which authorise regulated entertainment in several of its parks and open spaces. These licences have been granted with control measures attached, including limited hours of activity, restricted numbers of events annually and other steps appropriate for the promotion of the licensing objectives. These are further supported by the work of the Events Team where the events take place on Hounslow owned or operated land.
- 72. However, by their very nature, outdoor activity can often be the source of nuisance as a result of noise and disturbance. The Licensing Authority will expect applicants and/or premises users to have assessed the impact that any proposed external areas or outdoor activity may have on any of the licensing objectives and identify the measures they will put in place to mitigate this impact.

### **LP6 External Areas and Outdoor Events**

The Licensing Authority will normally restrict external areas and outdoor activity to between 08:00 and 22:00 unless the applicant can demonstrate that comprehensive control measures have been implemented that ensure the promotion of the licensing objectives, in particular the public nuisance objective. Notwithstanding any proposed control measures, the Licensing Authority may restrict the hours and/or activity even further.

## 2.9 Minor variations

73. The minor variations process allows applicants to benefit from a simplified variation process. An application for a minor variation requires a white coloured site notice to be displayed on the premises for ten days working days after the application has been submitted to the Council and there is also no requirement to advertise in a newspaper or consult with responsible authorities or the public.
74. For an application to be considered under this simplified process, the Council must be of the opinion that the variation(s) does not adversely impact on the licensing objectives.

### LP7 Minor Variations

The Council expects applications for minor variations to be made in the following circumstances only:

- ) Small changes in the layout/structure of the premises
- ) The addition of voluntary/agreed conditions
- ) Removal of conditions that are dated and have no impact on the operation of the premises
- ) Reduction of hours for any licensable activity.

## 2.10 Temporary event notices (TENs)

75. Temporary events notices are a light-touch method by which licensable activities can be authorised to take place without the need for a premises licence or club premises certificate. Advance notice must be given to the Metropolitan Police, Environmental Protection and the Licensing Authority.
76. The Police and Environmental Health are the only parties that can object to a TEN. Whilst both parties are able to object on the grounds of any of the licensing objectives, the Police will tend to focus on matters in relation to *crime and disorder* and *protection of children from harm*, the Environmental Health service will be minded to object where there is a risk to the promotion of the *public nuisance* and *public safety* objectives.
77. The role of the Council as Licensing Authority is to ensure that the statutory limits for the giving of TENs in a calendar year by an individual and the restriction of the number of TENs in respect of a particular premises are not exceeded. The Police and Council remain the enforcement authorities and may monitor any event. Details on the numbers of TENs that can be given in respect of premises, individuals and calendar years can be found on the Council's website.

78. The Licensing Authority expects premises users to provide advance notice of events at least four weeks prior to the start date of the activity.

### **LP8 Temporary Event Notices**

When considering an objection to a TEN the Council will:

- J Expect that any existing conditions will be maintained (where relevant) in circumstances where an event is to take place at a premises that has an existing authorisation.
- J Assess any history of complaints as a result of licensable activity that may or may not have been authorised by a TEN.
- J Consider the track record of the premises' user
- J Consider any other control measures proposed to mitigate the objection.

## **2.11 Personal licences**

79. The supply of alcohol under a premises licence must be made by, or authorised by, a person who holds a personal licence. The Act requires any sale made when the personal licence holder is not present to have been authorised by a personal licence holder.
80. Where an applicant has been convicted of a relevant offence, foreign offence, immigration offence or has been required to pay an immigration penalty, the Police will be provided with a copy of the application. If the Police object to the grant of the licence, the matter will be referred to a Licensing Sub-Committee for determination.

### **LP9 Personal Licences**

- (a) The Council will consider whether a refusal of the licence is appropriate for the promotion of the crime prevention objective and will consider the:
- i. Seriousness and relevance of any conviction(s)
  - ii. The period that has elapsed since committing the offence(s)
  - iii. Any mitigating circumstances that assist in demonstrating that the prevention of crime and disorder objective will not be undermined.

## 3 CUMULATIVE IMPACT

### 3.1 Background

81. The Council recognises that in areas where the number, type and density of premises selling alcohol are high or exceptional, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from the licensed premises.
82. Guidance under the Act sets out that the ‘cumulative impact’ of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider within its licensing policy and that local authorities may as a consequence adopt special local ‘saturation’ policies. There should always be an evidential basis for a decision to include a cumulative impact policy within the statement of licensing policy.
83. In summary, the steps to be followed in considering whether to adopt a cumulative impact policy within the Borough are:
  - ) Identification of concern about crime and disorder, or public safety or public nuisance or protection of children from harm
  - ) Consideration of whether there is good evidence that crime and disorder or nuisance are occurring; or whether there are activities which pose a threat to public safety or the protection of children from harm
  - ) If such problems are occurring, identify whether these problems are being caused by customers of licensed premises, or that the risk of cumulative impact is imminent
  - ) Identifying the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise)
  - ) Consultation with those individuals or groups specified within section 5(3) of the Act and subject to the outcome of the consultation, include and publish details of the cumulative impact policy in the licensing policy statement
84. The effect of adopting a cumulative impact policy, is to create a ‘rebuttable presumption’, so that applications for new premises licences and club premises certificates or variations of these authorisations, which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations being made.
85. As such, the applicant will need to demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives in order to rebut any such presumption.

86. Applicants are advised to give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives as well as showing how they will mitigate any potential negative harms in their application.
87. Applicants are also reminded that less weight is likely to be attached to any arguments relating to there being no complaints from existing premises when seeking a variation or renewal of an authorisation within a cumulative impact policy area. This is because, given the nature of the area and concentration of licensed premises, it can be difficult to attribute complaints and problems to any particular premises, especially with regards to nuisance being caused in outside areas.
88. This presumption still requires at least one of the responsible authorities or other persons to make a relevant representation before the Council may lawfully consider giving effect to its cumulative impact policy. This can be done by simply referring to the Cumulative Impact Assessment which was used by the licensing authority when it developed this Policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.
89. It should be noted that special policies are not absolute. The individual circumstances of each application will be considered on its merits. The Council will grant applications where the applicant has demonstrated that the operation of the premises is unlikely to add to the cumulative impact that is already being experienced in the area.
90. The Council will not consider the issue of “need” in determining any licence application, as this is a matter for planning control and the market. Therefore, the Council will not seek to impose quotas of premises, licences or certificates.
91. Analysis of the licensed economy in the Borough has been undertaken which shows an increase in the number of off-licence and takeaway premises in the area between Isleworth and West Hounslow and in Heston particular. There are also real concerns about the impact on the physical environment, the safety of visitors and residents, and the environmental disturbance to residents arising from the users of licensed premises in this area. If an applicant can demonstrate that they will not add to the cumulative impact in their operating schedule and at any hearing, then the Core Hours Policy within LP3 will apply. The map for this CIP area can be found in the Appendices.
92. The key evidential findings for the Borough’s cumulative impact policy areas are set out within the appendices. This full Cumulative Impact Assessment document is contained and updated separately every three years on behalf of the Council

### **LP10 Special Policy Areas – Hounslow, Isleworth and Heston**

It is the Council's policy that where a relevant representation is made to any application within the **Hounslow, Isleworth and Heston CIP area**, the applicant will need to demonstrate that the proposed activity and the operation of the premises will **not** add to the cumulative impact that is currently being experienced in these areas. This policy is to be strictly applied.

It should also be noted that the:

- ) quality and track record of the management
- ) good character of the applicant, and
- ) extent of any variation sought,

may not be in itself sufficient.

It should be noted that if an applicant can demonstrate that they will not add to the cumulative impact in their operating schedule and at any hearing, then the Core Hours Policy within LP3 will apply.

## **3.2 Cumulative impact – General**

93. The Council also notes the advice in the Guidance that the absence of a special cumulative impact policy does not prevent representations being made in relation to negative cumulative impact on one or more of the licensing objectives. However, if a representation is to be made with regards to negative cumulative impact, the Council expects suitable and relevant evidence (statistical or otherwise) to be provided to demonstrate the licensing objectives are already being undermined due to negative cumulative impact.

### **LP11 Cumulative Impact – General**

The Council will give due regard to any relevant representations received where concerns are raised and supported around the negative cumulative impact the proposed application has on one or more of the licensing objectives.



## 4 OPERATIONAL CONSIDERATIONS

### 4.1 Deregulation of entertainment

94. The Legislative Reform (Entertainment Licensing) Order 2014 and Deregulation Act 2015 deregulated some of the licensable activities under the Licensing Act 2003 in addition to the deregulation created by the Live Music Act 2012.
95. Some of the activities which may no longer require authorisation are:
- ) exhibitions of films where they are incidental to another activity which is exempt from licensing
  - ) 'not-for-profit' film exhibitions between 08:00 and 23:00 on any day held in community premises provided that the audience size is no more than 500 and the organiser gets consent from the person who is responsible for the premises and ensures that age classification ratings are complied with
  - ) a performance of amplified live music or playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on the premises provided that the audience size is no more than 500
  - ) a performance of amplified live music or playing of recorded music between 08:00 and 23:00 on any day in a church hall, community hall, or other similar community premises, that is not licensed to sell alcohol, provided that the audience size is no more than 500 and the organiser gets consent from the person responsible for the premises
  - ) a performance of amplified live music or playing of recorded music between 08:00 and 23:00 on any day at the non-residential premises of a local authority, a school or a hospital provided that the audience size is no more than 500 and the organiser gets consent from the local authority or the school or the health care provider for the hospital.

### 4.2 Immigration

96. The commencement of the Immigration Act 2016 made it a requirement for licensing authorities to be satisfied that an applicant has the right to work in the UK. An application made by someone who is not entitled to work in the UK must be rejected.
97. Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity.
98. A premises or personal licence issued in respect of an application made on or after 6 April 2017 will lapse if the holder's permission to live or work in the UK comes to an end.

### **4.3 Late Night Levy**

99. The Late Night Levy (“the levy”) is a discretionary power enabling licensing authorities to charge an additional fee to persons who are licensed to sell or supply alcohol late at night as a means of raising a contribution towards the costs of policing the night-time economy. Any net revenue from the levy must be split between the licensing authority and the Police, with at least 70% of the ‘net’ levy paid to the Police.
100. The legislative provisions relating to the levy are not part of the Licensing Act 2003 but are contained in Sections 125 to 139 of the Police Reform and Social Responsibility Act 2011. The provisions came into force on 31 October 2012.
101. The Council has considered the merits and de-merits of introducing a late-night levy but at this time decided not to proceed with the levy.

### **4.4 Early Morning Restrictions Orders**

102. Early Morning Restrictions Orders (EMROs) are a discretionary power enabling licensing authorities to restrict sales of alcohol with the aim of tackling high levels of alcohol related crime and disorder, nuisance and anti-social behaviour. The EMRO may be applied to the whole or part of the licensing authority area and, if relevant, on 21 specific days and at specific times. A statutory process must be undertaken before it is introduced, and the licensing authority must be satisfied that such an order would be appropriate to promote the licensing objectives.
103. At present the Council has considered the use of EMROs but feels that it is not an appropriate policy tool for the Borough to deploy at this time. However, it will keep its position on EMROs under review.

### **4.5 Sexual entertainment**

104. On 29 November 2011 the Council resolved to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009. This applies to the area of the London Borough of Hounslow and came into force on the same date.
105. Any person wishing to operate a sex establishment (sex shop, sexual entertainment venue or sex cinema) will require a sex establishment licence.
106. The Council has previously evaluated this area and has judged that there will be a quota of nil for the number of sexual establishments in Hounslow and that each licence application will be judged on its own merit.

107. Please refer to the Council's separate *Statement Of Licensing Policy For Sex Establishments And Sexual Entertainment Venues*, which is available from the Licensing Service.

## 4.6 Enforcement

108. The Council is an enforcement authority for the purpose of exercising many of its statutory and regulatory functions. Hounslow aims to offer a graduated approach to enforcement.
109. The Council has developed an Enforcement Policy across all environmental enforcement functions, including licensing. It seeks to provide a corporate regulatory framework that identifies the key principles and factors for enforcement action. It develops partnership working both within the Council and with external agencies. The Council relies on intelligence and data from a wide range of sources but in particular welcomes information from residents and business that can help it identify premises that are creating issues related to the licensing objectives so it can engage proactively before problems escalate.
110. The Council will also inspect premises using a targeted risk-based approach. For example, inspections should not always be undertaken routinely but when and if they are judged necessary. This is to ensure that resources are used efficiently and can be effectively concentrated on premises most likely to lead to problems.

## 4.7 Reviews of licences and certificates

111. Responsible authorities and other persons can apply to the Council to review a premises licence where problems are arising at the premises in relation to any of the licensing objectives.
112. A review can be applied for at any stage following the grant of a premises licence or club premises certificate. In every case, an evidential basis for the allegations made will need to be submitted to the Council.
113. However, in the first instance, the Council is required to consider whether the representation made is irrelevant to the licensing objectives, or is frivolous, vexatious or repetitious. The S.182 Guidance recommends that more than one review on similar grounds originating from other persons should not be permitted within a twelve-month period, except in exceptional or compelling circumstances, or where it arises following a closure order.
114. In addition, a review will normally follow:
- a) Any action by the Police to close down the premises for up to 24 hours on grounds of disorder, or noise nuisance, and
  - b) Any formal enforcement action by the Council, or

c) Any action taken by the Immigration Authority.

115. The Licensing Authority can exercise a range of powers when dealing with a review (see S.182 guidance notes). In cases where the crime prevention objective is being seriously undermined it is expected that revocation of the premises licence, even in the first instance, will be seriously considered.

## **4.8 Summary reviews**

116. Where a licensed premises is considered to be associated with serious crime or serious disorder or both, the Police can apply for a summary, or expedited, review of the premises licence. Within 48 hours of receipt of that application the Council must consider whether it is appropriate to take interim steps pending the determination of a review of the premises licence. Within 28 days after the day of its receipt, a full review hearing must be held.

117. Interim steps can include:

- ) the modification of the conditions of the premises licence,
- ) the exclusion of the sale of alcohol by retail from the scope of the licence,
- ) the removal of the designated premises supervisor from the licence; and/or
- ) the suspension of the licence.

118. If the holder of the premises licence makes, and does not withdraw, representations against any interim steps taken by the Council, it must, within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.

## **4.9 Wholesale of alcohol**

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

## **4.10 Internet and mail order sales**

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

## **4.11 Administration, exercise and delegations of functions**

121. One of the major principles underlying the Act is that the licensing functions should be delegated to an appropriate level so as to ensure efficient determination of applications. The Council has arranged for its licensing functions to be discharged in

accordance with the Act and the Guidance. Where a function is delegated to an officer, they will be responsible for determining the matter without the need for it to go before a Licensing Sub-Committee.

122. Where a matter is referred to the Licensing Sub-Committee, it will determine each case on its individual merits whilst taking into consideration the Act, the Guidance, the Policy and any evidence presented by the parties concerned in support of their cases.

## 5 APPENDICES

### 5.1 Background

123. The appendices to the *Statement of Licensing Policy 2020-25* can also be found on the Council's website and should be read alongside the Policy.

- ) Appendix 1.Cumulative Impact Area map (included)
- ) Appendix 2 Cumulative Impact Assessment (separate document – see council website)
- ) Appendix 3.Model Conditions (separate document - see council website)
- ) Appendix 4.Mandatory Conditions (separate document - see council website).

## 5.2 Appendix 1. Cumulative Impact Area – Map

124. Below is the Cumulative Impact Policy area map 2020, showing the Heston area added to the main area in 2020. For the avoidance of confusion, the cumulative impact policy applies equally to both areas. The two areas are shown differently so that readers can see how the policy area has now changed to include Heston

125. The Cumulative Impact Policy must be reviewed within three years of the policy's commencement. The Council commits to undertaking this review in line with the legislation but may, if evidence emerges locally, review this sooner.

126. For avoidance of doubt, where a boundary falls along a road, **both** sides of that road are included in the Cumulative Impact Policy area. Where a boundary falls through a building, the **whole** of that building is included in the Cumulative Impact Policy area.

