



Meeting Location:

VIRTUAL MEETING

Date and Time:

Tuesday, 9 July 2024 at 7.00 pm

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Chief Executive:

Tony Clements

Committee Membership: Councillors

M Ahmed (Chair), A Jammu (Vice-Chair), A Kelly, P Anand, J Ball, J Gallant, G Shaw, R Baaklini, S Kohli, J Martin, F Mohamed, R Dheer, T Mahmood, K Nagpal and C Sharma

AGENDA

Open to Public and Press

Virtual Meeting

This meeting will be webcast live on the Council's You Tube channel and can be viewed by following this link:
[LINK HERE](#)

- 1 Apologies for Absence and Substitutions**
- 2 Urgent Matters**
- 3 Declarations of Interest**
- 4 Matters to be Considered in Private**
- 5 Minutes** **(Pages 3 - 8)**

To approve as a correct record the minutes of the meeting held on 20 February 2024.
- 6 Officer Report- Presentation from the Economic Regeneration Team** **(Pages 9 - 46)**
- 7 Licensing Report- Policy Renewal** **(Pages 47 - 228)**
- 8 Licensing Report- Enforcement** **(Pages 229 - 238)**
- 9 Licensing Committee Work Programme Report and Appendix 1 - 9 July 2024** **(Pages 239 - 246)**
- 10 Date of Next Meeting**

The next meeting will be held on Wednesday 9 October 2024.

Published: Monday, 1 July 2024

Minutes of the meeting of the Licensing Committee

Date: Tuesday, 20 February 2024

Venue: Virtual Meeting

Attendees: Councillors

A Kelly (Chair), A Jammu (Vice-Chair), P Anand, J Ball, J Gallant, G Shaw, M Ahmed, R Baaklini, P Driscoll, S Jassal, S Kohli, J Martin, F Mohamed and K Bains

Also present:

i) Council Officers

Joe Blanchard, Izabela Gregory, Alison Luff, Merkesha Grant and Cornelia Harding.
Item 6: Connor McDonagh, Andrea Laffey and Abel Archundia Espinosa

ii) Old Oak & Park Royal Development Corporation

Item 7: James Hughes

1 Apologies for Absence and Substitutions

There were no apologies.

2 Urgent Matters

There were none.

3 Declarations of Interest

There were none.

4 Matters to be Considered in Private

There were none.

5 Minutes

Cllr KK Bains informed committee that she had been on maternity leave and therefore did not attend the previous Licensing Committee Meeting.

Resolved:

That the minutes of the licensing committee meeting held on 28 November 2023 be approved by the Committee and signed by the Chair as a true and correct record.

6 Draft Engagement Plan on Ealing's New Evening & Night-Time Economy Strategy_Presented by the Economic Growth Team

This item was presented by both Connor McDonagh, assistant director for economic growth and Andrea Laffey, principal regeneration, investment and jobs officer. Both summarised the work that has been done for the Night Time Economy Strategy (NTES), their findings and future plans for the strategy. The following points were made:

The project was in the process of being mobilised. Officers had held conversations with key stakeholders and partners, such as with Amy Lamé from the GLA, London Borough of Wandsworth, Old Oak & Park Royal Development Corporation (OPDC), Heathrow Airport and the police. Key data and evidence were being collected and several responses had been received to the consultation on the strategy. Going forward, it was hoped the draft strategy would be completed in May 2024.

Andrea Laffey explained the key targets of the NTES. The key point being that the strategy aimed to be very inclusive and reach out to all audiences such as local residents, night-time workers and local businesses and employers. The NTES team have been rolling out surveys across the whole borough, with the objective that everyone would be fully engaged. The team were making best use of available channels to do so, such as events in the borough. Ms Laffey explained that meetings and focus group sessions had been set up with a number of stakeholders, and these findings would be fed into the strategy. NTES team have been using key networks to reach out to specific groups, such as individuals who would not necessarily respond to such strategies.

Ms Laffey then referred to the Late-Night Thursday Programme. This initiative had rolled out a series of events that appealed to a range of different demographics of people in Ealing. The programme aimed to test out new and different activities to see if they could take place on a long-term basis as well as using this as a tool to encourage residents and businesses in the borough to complete surveys. As set out in the report, two draft surveys had been created; one for residents and one for night-time workers and businesses. However, Ms Laffey noted that the team had reached the conclusion to undertake three surveys instead of two. This finding came as they felt that night-time workers were going to be asked more tailored and specific questions, which would not be relevant to businesses or visitors. Ms Laffey also highlighted the significance of having worked with young people by engaging with universities and colleges in the borough.

Whilst noting how pleased and interested they were with the engagement of the NTES, committee members raised concerns on the focus of the seven towns. Members wanted to ensure that the audits were not being conducted in specific towns, with others being left out. In response to this, Ms Luffey explained that her team were looking at areas with the biggest night-time economies. Areas such as Greenford, Northolt and Perivale, which were more industrial, would not be as strong in leisure areas and most definitely

not on the same scale as a metropolitan town. Ms Laffey did note that the team could look at other towns and conduct a more focused audit in those areas.

Mr McDonagh informed the committee that Ealing Council had put in a bid to the GLA for Ealing to become a night-time economic zone. The idea behind this was for the Ealing Metropolitan area to become a London destination. The chair mentioned that outreach in heavily curated areas such as Greenford Quay would be worth referencing.

With respect to whether there would be an increase in Temporary Event Notices (TENs) as a result of the Late Night Thursdays promotion, Ms Laffey said the strategy would bring forward projects to take key initiatives forward; the economic regeneration/growth team would liaise with the licensing team. It was intended that such promotions would be good for Ealing's Inward Investment Plan and would encourage new businesses to come to Ealing. Mr McDonagh added that it was hoped the night-time economy strategy would facilitate 10,000 new jobs within the borough which was a key metric to help decide what success would look like.

The committee were also pleased to see that a younger age profile was being considered. They highlighted that it was good to see a wider age demographic being noticed, specifically individuals in their early thirties who were not connected to any particular institutions and who might therefore be forgotten. In response to further questions from the committee, Ms Laffey made the point that her team would be talking with the cinemas in Ealing with respect to late evenings.

Mr McDonagh informed that the team were liaising with late night providers and existing landlords in the borough and were working hard to attract inward investment. The chair suggested the survey could ask people what they would like to see in the various town centres and what they would like to use, what would add value to them. Mr McDonagh agreed there was a link with the borough's overall cultural offer and noted there was a link with the borough's Cultural Infrastructure Plan and the Leisure team, headed by Chris Bunting.

Resolved:

That the licensing committee noted and commended the Draft Engagement Plan on Ealing's New Evening & Night-Time Economy Strategy report and presentation.

7 Old Oak & Park Royal Development Corporation (OPDC) update presentation on shisha lounges

The report on the Old Oak and Park Royal Development Cooperation was presented by James Hughes, head of planning enforcement and compliance at OPDC. Mr Hughes set out the work that was being done through the OPDC initiatives to combat unlawful smoking and the successes that had come with it. The following points were made:

Shisha lounges tended to have a lack of building regulations, lack of food safety regulations, as well as a lack of licensing such as for late night refreshment, and also a lack of planning permission. As such establishments were predominantly located in industrial areas, they also depleted the stock of industrial land. Such businesses also led to noise problems and anti-social behaviour. There had been experience of potential blockages of public transport and a further cause of the cluster effect of these businesses was essentially a shortage on public parking.

Mr Hughes gave a summary of the 2023/2024 enforcement actions. The OPDC managed to process the closure of Wish Lounge, in 2023. This was significant as it was a business that had been involved in a major accident, noted on multiple media platforms and news outlets. Another premises, Shiva Lounge, had also been closed. In total enforcement action had been brought against six venues and they were all planning to appeal. The closure of multiple shisha lounges, specifically on Coronation Road, had allowed for less noise. In correspondence, OPDC had therefore received a decreasing number of complaints from local residents.

Prompted by a question from the committee, Mr Hughes explained that it was particularly pertinent for his team to keep on monitoring shisha lounge operators closely to ensure that their businesses remained closed and re-opening was avoided. Notices were being worded generically against the sites as well as against the specific operators to allow for permanent closure. Councillors also noted that there were other hotspots for shisha lounges in the borough aside from the Park Royal area, however this particular cluster had been an issue for a number of years.

Following on from some further questions surrounding specific policy, Mr Hughes clarified that licensing decisions had to be taken in accordance with the licensing objectives and whether issues such as anti-social behaviour, risk of crime or other activities were a factor. There needed to be a clear distinction between what planning and licensing were intended to achieve. However, he did mention that if anti-social behaviour was present, licensing information could be used by the planning team for an appeal case.

The committee also questioned the level of fines being given to such operators and wondered whether there would be a scope to increase them. In response to this, Mr Hughes explained that if an operator was successfully prosecuted for a breach of planning control, fines could be unlimited, and premises could be closed for unauthorised use. In response to another question touching on specific policy from a committee member, Alison Luff, legal advisor advised the meeting that there were no separate parts for licensing purposes in the borough as there would be for planning purposes.

Resolved:

That the licensing committee noted and commended the update presentation from the Old Oak & Park Royal Development Corporation (OPDC) on shisha lounges.

8 Licensing Hearing and Enforcement update report & brief introduction to renewal of Ealing's Statement of Licensing Policy

The above agenda item was presented by Food Safety & Licensing Manager, Izabela Gregory, with contributions by Joe Blanchard, Head of Environmental Health & Trading Standards. Ms Gregory briefed the committee on the running of the policy and the work being conducted through making the following points;

The report covered a three month period entailing November 2023- January 2024. The team had received a large number of premises licence review applications and had deployed two notable streams of enforcement work. One being working with immigration officers in order to ensure licence holders were not employing illegal workers and also addressing the issues of street drinking in areas such as Southall.

Addressing the usefulness of implementing a special policy in areas such as Park Royal or Perivale, where there was some unauthorised use of premises, Ms Gregory highlighted that shisha was presently a non-licensable activity and there was a much higher threshold to designate an area as a special policy area; a lot of information would need to be gathered to evidence and justify the requirement for that.

The chair suggested that the data that could be required would include information from the London Fire Brigade, the London Ambulance, and the police. Joe Blanchard said the team were beginning to analyse such data, for example with respect to alcohol related assaults – which demographic, time of day and premises where this was most prevalent. Mr Blanchard added that with respect to shisha lounges, the aim was to bring premises into the regulation framework, officers wanted to be permissive within the Licensing Act 2003. However some applications may be objected to or licenses refused due to anti-social behaviour (ASB) or other issues. Smoking tobacco indoors could be regulated.

A member of the committee noted that there were health risks associated with smoking shisha and that regulating shisha smoking may need to be a national endeavour.

The committee members raised several points regarding the tackling of shisha businesses in the area. It was noted that the Council could work on making shisha smoking a licensable activity in order to reduce anti-social and alleged violent behaviours. Councillors hoped that a strategy that would enforce a better way of dealing with such premises could be introduced. Ms Gregory raised that there was a multi-agency operations approach involving parking, community safety, food safety and licensing. She said such a partnership approach was working in light of the following evidence;

- Pre-Covid, 65 shisha premises existed in Ealing. This number has been significantly reduced to 30. This therefore demonstrated the policy was working well.

The committee suggested that land owners as well as operators could be prosecuted in order to stop the opening of shisha lounges across Ealing.

Resolved:

That the licensing committee noted and commended the report and presentation on the Licensing Hearing and Enforcement update & brief introduction to renewal of Ealing's Statement of Licensing Policy.

9 Licensing Committee Work Programme Report and Appendix 1_20 February 2024

The chair noted the dates and outline agenda for the future meetings in the current municipal year and thanked the officers from the OPDC and from the council for attending.

Resolved:

That the Licensing Committee noted the February 2024 work program report and its appendix.

10 Date of Next Meeting

The Committee noted that the next Licensing Committee meeting was scheduled to take place on Tuesday 7 May 2024.

Meeting commenced: 7.03 pm

Meeting finished: 8.38 pm

Signed:

Dated: Tuesday, 9 July 2024

M Ahmed (Chair)

Ealings Economy after 6pm

May 2024

ECONOMY AND SUSTAINABILITY

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Foreword

Businesses operating after 6pm are an important part of Ealing's economy and account for a significant portion of jobs and local spend in the borough.

The evening and nighttime economy is sometimes misunderstood as being centred around alcohol. This is not the case in Ealing. Many of Ealing's major employers and workers in health, social care, transport and logistics are active after 6pm, including at Ealing Hospital and Heathrow Airport. These industries are critical to the health, safety, well-being and prosperity of Ealing residents 24-hours a day. However, these industries and workers are often overlooked, leading to stark inequalities in terms of pay and health outcomes for night-workers compared to daytime workers.

We want Ealing to be a more prosperous and inclusive place to live, work, visit and run a business during after 6pm. We want residents across Ealing's seven towns to have access to jobs, services and amenities after 6pm, ranging from local restaurants through to out-of-hours public services.

In our Council Plan, we promised to create new good jobs and ensure our residents received a decent living income. This strategy will help to create new jobs in evening and nighttime industries. It will support night-workers through improved access to facilities, including healthy food options.

We are committed to working with Ealing's diverse communities to shape the future of Ealing's economy after 6pm. Over 3,000 local people participated in an ambitious engagement and events programme to shape this strategy. We want to thank everyone who contributed, including the local organisations that delivered 'Create Lates' – a pilot event series which demonstrated a strong demand for more community activities across the borough after 6pm.

There will be continued opportunities to get involved. We look forward to working with public and private sector organisations, residents, businesses, and others to deliver the recommendations set out in this report.

Executive Summary

Introduction

The evening and nighttime economy describes economic activity that happens between 6pm – 6am. It is sometimes misunderstood as being about alcohol consumption. In fact, it covers a range of industries and activities, from 24-hour health and social care services through to supermarkets and local restaurants.

Evening, night and daytime economies are interlinked. These industries service and enable the daytime economy, and support the health, wellbeing and prosperity of residents 24-hours a day.

Ealing's existing economy after 6pm

Over a quarter of local spend¹ and 17% of Ealing's population² work in the evening and nighttime economy, including at major 24-hour employers such as Heathrow and Ealing Hospital. It also plays an important role in the social and cultural life of Ealing residents.

London's evening and nighttime economy is projected to grow by £2 billion/ year (GVA) by 2029³. Since 2017, the number of jobs in evening and nighttime industries has grown by 151,000 across the capital⁴. This strategy considers how to leverage this projected group to benefit residents and businesses across Ealing's seven towns.

¹ GLA, "Mastercard Spend Index: spend by day and night," Oct-Dec 2023.

² ONS, Inter-Departmental Business Register, 2012 to 2022.

³ Economic Value of London's 24-hour economy, 2021

⁴ London at Night, GLA Economics, 2024

Key challenges

- The rising **cost of doing business, labour shortages, changing consumers habits and cost of living crisis** are exacerbating pre-existing challenges faced by town centres and high streets after 6pm.
- Night workers are nearly twice as likely to be **paid less than London Living Wage**, and many experience a negative toll on their health and wellbeing⁵.
- Ealing needs a more **inclusive** and **diverse** offer after 6pm to better serve residents.
- **Safety and antisocial behaviour** are major concerns for many after dark, including women, businesses and night workers.
- Activity after 6pm must be robustly managed to minimise **nuisance and litter**.

Key opportunities

- Increased **home working** and new **development** is driving demand for services and amenities after 6pm.
- There is a **good night bus and evening tube network** across the borough, and **night tube** connections at Ealing and Acton.
- Local people want to see an improved **culture and leisure** offer after 6pm, including space for live music and comedy.
- Local people wanted to see **public realm improved** and activated for community use in the evening.
- Business Improvement Districts, Traders Associations, High Street Taskforce and resident groups can help **coordinate interventions** in the evening and nighttime economy.

⁵ [London at Night, GLA Economics, 2024](#)

A vision for Ealing

Ealing will be a more **prosperous and inclusive** place to live, work, visit and run a business after 6pm.

Ealing's **seven towns** will each have a unique and diverse offer after 6pm that meets local need. Residents will be able to access jobs, services and amenities after 6pm within a **20-minute round trip** from their homes, by walking or cycling. This will include local restaurants, community spaces, and out-of-hours public services.

There will be increased opportunities for **communities to come together** after 6pm.

Residents will be supported to access to **new and existing good jobs** in growth sectors in evening and nighttime industries. Night workers will have improved access to facilities to support their **health and wellbeing**.

Venues, public spaces and transport will **be safe and accessible** after 6pm.

There will be strong and community-led stewardship of activity after 6pm.

Seven towns

Each of Ealing's **seven towns** will have a unique offer after 6pm. We will:

- **Diversify** and protect the existing offer in Ealing town. Ealing will remain the primary cluster for jobs, services and amenities after 6pm. It will continue to serve residents and visitors, leveraging the excellent public transport connections.
- **Curate** and steer investment coming forward in Southall and Acton to provide an enhanced offer after 6pm. These locations will continue to serve residents and visitors, leveraging the good public transport connections and strong cultural heritage.
- **Nurture** an improved local offer, including new services and amenities, for residents in Hanwell, Northolt, Perivale, and Greenford after 6pm.

Action plan

Multiple actions are proposed to support Ealing's economy after 6pm, including:

- Work with Ealing's **London Living Wage** Action group to improve pay conditions for evening and night workers.
- Ensure **Learn Ealing and Work Ealing** supports evening and nighttime industries.
- Work with communities and businesses to **enable evening markets and community activities** to happen in the public realm.
- Collaborate with partners to deliver a **communications campaign** to showcase Ealing's offer after 6pm, ranging from local restaurants through to art exhibitions.
- Introduce a '**night test**' to ensure major public realm schemes positively impact Ealing's economy after 6pm.
- Increase business participation in **safety** schemes, charters and training.
- Embed the need to access jobs, services and amenities after 6pm into a **20-minute Neighbourhood Manual** to guide future developments.

Next steps

This is a draft publication, and we are seeking your feedback on the ideas presented.

You can find out more and share your comments by **22nd August 2024** at:

www.goodforealing.com

Introduction

What is the evening and nighttime economy?

The evening and nighttime economy describes economic activity that happen between 6pm – 6am. It covers 4 groups of industries:

- **Essential 24-hour health and social care services** such as hospitals, nursing homes and community services.
- **Activities which support the wider economy** such as manufacturing, wholesale, logistics, postal services and publishers.
- **Businesses and services which support activity after 6pm** such transport, supermarkets and convenience stores.
- **Local culture and leisure uses**, such as restaurants, sports facilities, cultural and community spaces, and hotels.

The evening and nighttime economy is sometimes misunderstood as being about alcohol consumption. In fact, many of Ealing's major businesses and workers in health, social care, transport and logistics are active after 6pm, including at Ealing Hospital and Heathrow Airport.

How will this help deliver the Council Plan?

- **Creating good jobs** – By supporting existing businesses and workers, and creating new jobs after 6pm.
- **Fighting inequality** – By ensuring residents across each of Ealing's seven towns can safely access jobs, services and amenities after 6pm.
- **Tackling the climate crisis** – By supporting use of sustainable transport 24-hours a day, and encouraging businesses to minimise their environmental impact after 6pm.

Why is this strategy needed?

Industries operating after 6pm are a major driver of Ealing's economy and jobs market. These industries need to be supported to be more resilient and leverage projected growth in the evening and nighttime economy to create new jobs, services and amenities for Ealing residents.

The key objectives for this strategy are to:

- Unlock **new good jobs** in the evening and nighttime economy and create pathways for Ealing's residents to access these.
- Support Ealing's **existing businesses** to thrive after 6pm.
- Attract **new growth sectors** that are active after 6pm to Ealing, including; creative, green economy, healthcare, construction, and hospitality.
- Increase **visitor spend** at Ealing's businesses after 6pm.
- Support the **health and wellbeing** of evening and night workers in Ealing.
- Encourage a range of activities that serve Ealing's **diverse communities** and facilitate community connection after 6pm, including an improved culture and leisure offer for local people.
- Ensure Ealing's **public spaces and transport are safe** and accessible during the evening and nighttime.
- Enable **robust and fair management** of activities after 6pm, minimising nuisance for residents.
- Build a **shared sense of stewardship** over jobs, services and amenities after 6pm.
- Develop a shared evidence base to support future **funding bids and galvanise investment** in Ealing's economy after 6pm.

This strategy supersedes Ealing's Nighttime Economy Strategy 2019-22.

How was this strategy prepared?

The following principles guided the development of this strategy:

- **Engage:** Actively listen to residents, visitors, workers and businesses.
- **Understand:** Draw on various data sources to best inform the strategy.
- **Collaborate:** Work with other agencies to ensure a joined-up approach.
- **Pilot:** Pilot evening events to inform the recommendations.
- **Co-deliver:** Many stakeholders will need to deliver the recommendations.

A full list of relevant policy and guidance documents can be found in Appendix 1. The recommendations in this strategy should be read alongside the Safer Ealing for Women Action Plan and Violence against Women and Girls Strategy. The recommendations in this strategy and Ealing's new Jobs and Skills Strategy form a joint-up approach to growing Ealing's economy.

Who has been involved so far?

Engagement took place from March – May 2024, including a survey, business visits, stakeholder meetings and Ealing's High Street Taskforce workshop. Opportunities to participate were promoted via social media, newsletters, posters and an Around Ealing Article.

Over 2,900 residents, visitors, workers, businesses, landowners and agencies participated in these activities. 48% of responses came from Black, Asian and Minority Ethnic groups, reflecting Ealing's diverse communities.

In addition, over 300 people attended the 'Create Lates' event programme which tested demand for new activities after 6pm, including music, dance, and crafts. It was curated by Daniel Mcgeady of Colourblind Ltd and 15 local organisations.

Further detail can be found in Appendix 2.

Themes

This strategy is structured around the following themes:

- **Economy:** Protect, enhance and diversify the range of businesses and jobs within the evening and nighttime economy.
- **Civic & public life:** Support cultural, civic and community uses after 6pm.
- **Public realm:** Ensure public spaces and transport are accessible, safe and inclusive after 6pm.
- **Stewardship and management:** Support good management of economic activity after 6pm to minimise environmental impacts and nuisance.
- **Communities, planning and governance:** Create a shared sense of responsibility over a 24-hour economy and delivery of this strategy.

The following additional cross-cutting themes were also identified:

- **20-minute neighbourhoods:** Ensure residents can access jobs, services and amenities after 6pm within a 20-minute round trip from their homes, by walking or cycling.
- **Connected communities:** Ensure that economic activity fosters increased social connection after 6pm, so that people can live happier and healthier lives and get what they need from each other.

Ealing Borough

Ealing's existing economy after 6pm

- **26.5% of local spend happens between 6pm-6am**, which is slightly higher than the London average of 25.4%.⁶
- **17% of residents work in the evening and nighttime economy** and this has stayed fairly consistent over the past decade.⁷
- Over 40% of evening and nighttime industries in Ealing are activities which support wider social and economic activities such as **manufacturing, wholesalers, and logistics**.
- Over a third of evening and nighttime industries in Ealing are in the **culture and leisure** sectors, including hotels, sports, hospitality.
- **99.87%** of Ealing's evening and nighttime businesses are **micro, small and medium** enterprises.⁸
- Ealing is home to **1,457 licensed venues**, the majority of which are in Ealing town (33%) and are small shops (20%).

The following pages summarises the community engagement feedback and wider findings.

⁶ GLA, "Mastercard Spend Index: spend by day and night," Oct-Dec 2023.

⁷ ONS, Inter-Departmental Business Register, 2012 to 2022.

⁸ GLA, "Business Counts by MSOA," created by ONS, March 2024

Economy

Challenges include:

- Increased **business costs** and **changing consumer habits** are making it harder to run a business (e.g. rents, business rates, online shopping). This burden is often felt most by micro, small and medium enterprises.
- In 2022, 20% of night workers in London were **paid below the London Living Wage**, compared to 11% of those in daytime industries.⁹
- Almost 6 out of 10 nighttime workers in London say that working at night has a toll on their **health and wellbeing**.¹⁰
- **Cost of living crisis** means people are opting for 'in-home' entertainment.
- Brexit is **reducing supply of workers** for hospitality and tourism sectors.

Opportunities include:

- Many of Ealing's **growth sectors** are active after 6pm, including: creative, green economy, healthcare, construction, and hospitality.
- Residents want to see more **independent businesses** active after 6pm.

"I would like more third spaces to hang out that are **free or low cost** or pay as you feel"

Survey Respondent

"Ealing needs to have a better **variety of independent** restaurants and bars"

Survey Respondent

"We need more evening and nighttime coffee shops to be open. The only place to have a **quick business meeting** over a cup of tea in Ealing Broadway after 6pm is McDonald's"

Survey Respondent

⁹ [London at Night, GLA Economics, 2024](#)

¹⁰ [London at Night Survey, GLA City Intelligence, 2023](#)

Civic and public life

Challenges include:

- Residents and businesses want to see a more **inclusive offer** after 6pm, such as cultural and community uses for all ages and price points. Some want to see more LGBTQ+ venues and spaces not focused on alcohol.
- Residents and businesses want a more **diverse and unique offer** after 6pm that encourages local spending. Much of the existing footfall after 6pm is people travelling through and not using local businesses.
- Residents and workers feel that **takeaway shops** dominate the offer after 6pm in some areas. They want to see more variety of food options.

Opportunities include:

- **Home working** is driving demand for amenities after 6pm on weekdays.
- Many would like more cultural venues that celebrate Ealing's heritage. There is growing **cultural and leisure infrastructure**, including the Regional Park and Cultural Enterprise Zone.

"An **affordable space for community activities**. The library open more for events"

Survey respondent

The top thing people would like to see more of or improved after 6pm was live **music or comedy** (53%) and **restaurants** (49%).

1222 resident and visitor survey responses

Lack of evening activities was the top reason (56%) people didn't visit Ealing's town centres, 6pm – midnight.

1181 resident and visitor survey responses

Public realm

Challenges include:

- Residents, visitors, workers and businesses felt that **antisocial behaviour** negatively impacted Ealing's offer after 6pm, including street drinking.
- Many would like to see better **lighting** and **police** presence after 6pm.
- Over two thirds of **women felt 'fairly unsafe' or 'very unsafe'** at night in Ealing, particularly in Southall, Northolt and Acton ¹¹.

Opportunities include:

- Good **night bus** connectivity across the borough.
- **Night tube** in Ealing and Acton. Tube services until 11pm across borough
- Residents want to see well-maintained and accessible public spaces that could host **community activities** after 6pm (e.g. markets, events).
- Some people felt that increased activity after 6pm would improve safety by increasing **passive surveillance**.

Over half of night-workers said they wanted to see better **lighting** and **improved police presence**

269 worker survey responses

Nearly a third of night workers said they had **experienced crime** after 6pm.

299 worker survey responses

47% said **that feeling unsafe** was the reason they didn't visit Ealing's town centres between 6pm – midnight.

1181 resident and visitor survey responses

¹¹ [Safer Ealing for Women, Ealing Council, 2022](#)

Stewardship and management

Challenges include:

- Activity after 6pm must be robustly and fairly managed to **minimise nuisance**. Residents want to see large scale events and noise in parks and public spaces after 6pm robustly managed.
- Some businesses said that **shoplifting** is a key issue for them after 6pm.
- Residents and businesses highlighted the need for **cleaner streets**. Many said that litter and graffiti make Ealing's town centres less appealing to visit after 6pm.

Opportunities include:

- There are existing **volunteer groups** that steward evening and nighttime activity, including 'PubWatch' groups in Northolt and Acton.
- Residents suggest implementing schemes to enhance **community involvement** in keeping town centres tidy and safe.

Over a third of night workers would like to see **cleaner streets** during evening and nighttime

269 worker survey responses

"General levels **of litter and graffiti** make the area feel run down and unsafe"

Survey respondent

Communities, planning and governance

Challenges include:

- Historically, there hasn't been a **clear vision or collaborative working** approach to curate economic activity holistically after 6pm.
- Residents and businesses want Ealing's offer after 6pm to be **better promoted**.

Opportunities include:

- Ealing's **Business Improvement Districts** and **Traders Associations** want to improve Ealing's economy after 6pm.
- Ealing's **High Street Taskforce** can help co-ordinate projects to support the evening and nighttime economy.
- **Your Voice, Your Town** events are a good platform to engage residents on future improvements to Ealing's evening and nighttime economy.
- Businesses suggested creating more **networking opportunities** for businesses to share information and tips for managing safety concerns after 6pm with each other.

"A call for **actionable plans** to enhance community amenities"

Survey respondent

"Better publicity for what's on offer... **bringing together publicity** for community events"

Survey respondent

"An **overarching plan** to improve the nighttime economy is needed."

Survey respondent

Vision for Ealing's economy after 6pm

Ealing will be a more prosperous and inclusive place to live, work, visit and run a business after 6pm.

Each of **Ealing's seven towns** will have a unique and diverse offer after 6pm that meets local need.

As part of a network of **20-minute neighbourhoods**, residents will be able to access jobs, services and amenities after 6pm within a 20-minute round trip from their homes, by walking or cycling. This will include local restaurants, community spaces, culture venues, and out-of-hours public services.

Residents will be supported to access to **new and existing good jobs** in **growth sectors** within the evening and nighttime economy. **Night workers** will have improved access to facilities to improve their **health and wellbeing**.

Venues, public spaces and transport across the borough will be **safe and accessible** after 6pm.

Ealing will have more **connected communities** through increased opportunities for communities to come together after 6pm.

There will be **strong stewardship** of activity after 6pm and local people and businesses will feel ownership over this process.

Seven towns

Ealing's seven towns are categorised as follows:

Diversify: Areas with a strong existing offer in terms of jobs, services and amenities for residents, visitors and workers after 6pm. Interventions will diversify and compliment the existing offer to establish a more inclusive and resilient economy after 6pm.

Curate: Areas with a good existing offer in terms of jobs, services and amenities for residents, visitors and workers after 6pm. There is emerging investment in infrastructure and development in these areas. Interventions will ensure this future investment contributes to a more inclusive and diverse economy after 6pm.

Nurture: Areas with a limited existing offer in terms of jobs, services and amenities for residents and workers after 6pm. Interventions will help to establish a local offer that meets community need after 6pm.

Ealing Town

- **Population:** c. 91,000¹²
- **London Plan:** NT2 classification (An area of regional/sub-regional significance)
- **476 Licensed Premises** (Ranking 1st out of the 7 x Towns) - 37% Restaurants/ Cafes, 20% Small Shops, 11% Retail.
- **Employment:** Lowest proportion (6.3%) of Working Age Population claiming out of work benefits across the 7 towns.
- **Examples of existing uses after 6pm:** Cinema, bars, restaurants.
- **Public Transport:** Night tube and night bus availability.
- **Safety:** Ealing Broadway is generally considered safe. Around the station and Haven Green is identified as a 'hotspot' where people felt particularly unsafe. West Ealing suffers from safety concerns and break ins, particularly at the western end. Businesses expressed need for more police presence.
- **Crime:** There were 8,112 total notable offences in Ealing Town in 2022 which is lower than the borough average.

"Would love to see more **artistic and creative** style venues too - evening craft courses ... pottery, sewing. Just to bring in a more diverse crowd to the area too."

Survey Respondent

"**Coffee shops open late** so that there are other options to grab a drink / snack in the evening rather than just pubs."

Survey Respondent

"Preferably open up quality and **healthy food** offerings and integrate these public spaces to create nice bustle. It's mostly an area to pass through after 6pm"

Survey Respondent

¹² [National Census, ONS, 2021](#)

Vision

Ealing town will remain the **primary cluster** for services, amenities and jobs after 6pm in the borough and wider region.

It will remain a **destination for residents and visitors** from across the capital and beyond, capitalising on the strong evening and nighttime public transport connectivity.

New culture, community and leisure uses will compliment the existing retail, food, and beverage offer, building on the success of Pitzhanger Manor Thursday Lates.

We will work with landowners to re-imagine the 'office corridor' to **create a more inclusive offer** after 6pm, including activities that do not involve alcohol.

Holistic public realm improvements, particularly in West Ealing, will ensure the town centre is **safe, inclusive and accessible to all**.

We will work with the existing BIDS, local community and businesses to gain **'Nighttime Enterprise Zone'** status for the town centre, as a catalyst for community-led change.

Pitshanger Lane, South Ealing, and Northfields will continue to provide a local offer after 6pm.

Acton

- **Population:** c. 67,500¹³
- **London Plan:** NT3 classification (An area of more than local significance)
- **Local Plan:** East Acton Neighbourhood Centre suitable for post 6pm uses.
- **341 Licensed Premises** (Ranking 2nd out of the 7 x Towns) - 28% Small Shops, 19% Restaurants/ Cafes, 12% Retail.
- **Employment:** 2nd lowest proportion (8%) of Working Age Population claiming out of work benefits across the 7 towns.
- **Examples of existing uses after 6pm:** Climbing wall, cinema, bars, restaurants, shisha, creative industries, manufacturing and logistics.
- **Public Transport:** Night tube and night bus availability.
- **Safety:** One top 3 towns people felt most unsafe after dark. The Mount identified as 'hotspot' where people felt particularly unsafe. Businesses want more security, lighting, police presence and community engagement.
- **Crime:** There were 6,045 total notable offences in Acton in 2022 which is higher than the borough average.

"With the Elizabeth line we have it easy going to Soho but there should be a **decent nighttime economy in the heart of the borough.**"

Survey Respondent

"Lots of **students** in ealing and nowhere for us to go so we go into central London"

Survey Respondent

"More **social spaces** for people to visit- maybe some pop cafes, restaurants and arts or music events."

Survey Respondent

¹³ [National Census, ONS, 2021](#)

Vision

Acton town will remain **a major cluster** for services, amenities and jobs after 6pm in the borough and West London.

It will continue to be a **destination for residents, students, and visitors**, capitalising on the strong evening and nighttime public transport connectivity. Growth around the new HS2 Terminus and Old Oak Park Royal will increase demand for amenities and services after 6pm.

We will work with the existing BID, local community and businesses to encourage a **more inclusive** offer after 6pm particularly at Acton District Centre and East Acton Neighbourhood Centre.

The existing **Creative Enterprise Zone** at Park Royal will help to drive forward cultural activation of the wider town.

We will work with the key stakeholders to reimagine **North Acton Square** as a key opportunity for evening amenities, capitalising on station and commuter footfall, in both the 'meanwhile' and future development phases.

Holistic public realm improvements will ensure the town centre and industrial areas are **safe, inclusive and accessible to all**.

Southall

- **Population:** c. 80,500¹⁴
- **London Plan:** NT3 classification (An area of more than local significance)
- **231 Licensed Premises** (Ranking 3rd out of the 7 x Towns) - 43% Small Shops, 19% Restaurants/ Cafes, 11% Retail.
- **Employment:** 2nd highest proportion (9.65%) of Working Age Population claiming out of work benefits across the 7 towns.
- **Examples of existing uses after 6pm:** Food manufacturers, restaurants, faith institutions.
- **Public Transport:** Night bus availability.
- **Safety:** One top 3 towns people felt most unsafe after dark. Area along the Broadway identified as 'hotspot' where many people felt particularly unsafe. Notable issue on safety in the high street areas, with multiple break-ins, rough sleeping, and public drunkenness. Businesses want more support to address break-ins, rough sleeping and public drunkenness.
- **Crime:** There were 8,012 total notable offences in Southall in 2022 which is higher than the borough average.

"If there were **retail shop options** that were open a little bit later it would be convenient for people after work."

Survey Respondent

"More general **open social spaces** to provide a forum for live discussions, group meetings, catch-ups etc, other than say in a pub/bar."

Survey Respondent

"Community clubs and societies...these are a great, **affordable way of getting people to socialise** in the evening but again would benefit from affordable space to meet"

Survey Respondent

¹⁴ [National Census, ONS, 2021](#)

Vision

Southall town will remain a **major cluster** for services, amenities and jobs after 6pm in the borough and West London.

It will continue to be a **destination for residents and visitors**, capitalising on the strong evening and nighttime public transport connectivity. Emerging development sites will increase demand for amenities and services after 6pm.

We will work with **faith institutions and the local community** to encourage a more diverse evening offer, particularly in areas with good existing footfall after 6pm, including Southall Town Centre and King Street.

Southall's strong **diversity and cultural heritage** will be celebrated through this activity, including more inclusive spaces for community uses after 6pm.

The existing **night worker footfall** linked to Heathrow and Ealing Hospital will be supported through improved access to facilities and food options.

Holistic public realm improvements will ensure the town centre and industrial areas are **safe, inclusive and accessible** to all.

Greenford

- **Population:** c. 46,000¹⁵
- **Local Plan:** Greenford District Centre / Greenford Station suitable for post 6pm uses.
- **194 Licensed Premises** (Ranking 4th out of the 7 x Towns) - 38% Small Shops, 14% Restaurants/ Cafes, 16% Retail.
- **Employment:** 3rd lowest proportion (8.2%) of Working Age Population claiming out of work benefits across the 7 towns.
- **Examples of existing uses after 6pm:** 24hr logistics, food distribution, food manufacturers and wholesalers, take-aways, supermarkets, bars.
- **Public Transport:** Night bus availability
- **Crime:** There were 3,517 total notable offences in Greenford in 2022 which is lower than the borough average.

"Organizing **cultural events** and hosting art exhibitions would enrich the community. Improved **dining options** and more eating areas would cater to diverse tastes"

Survey Respondent

"Evening activities at the **library** are scarce compared to Alperton Library, which hosts cinema nights and book clubs."

Survey Respondent

"Having a **quality family restaurant**"

Survey Respondent

It will serve the diverse needs of all residents, in particular providing opportunities for families to spend time in the town centre after 6pm in a safe and welcoming environment.

We will work with the local businesses and community to encourage a more diverse offer after 6pm at **Greenford District Centre and Greenford Station**, including a stronger food, culture and community offer. Oldfield circus will continue to provide a local offer after 6pm.

Holistic public realm improvements, including around Greenford Station, will ensure the area is **safe, inclusive and accessible** to all.

¹⁵ [National Census, ONS, 2021](#)

Hanwell

- **Population:** c. 28,500 residents¹⁶
- **121 Licensed Premises** (Ranking 5th out of the 7 x Towns) - 24% Small Shops, 15% Restaurants/ Cafes, 17% Retail.
- **Employment:** 3rd highest proportion (8.9%) of Working Age Population claiming out of work benefits across the 7 towns
- **Examples of existing uses after 6pm:** Bars, cultural events (e.g. Hanwell Hootie)
- **Public Transport:** Night bus availability.
- **Safety:** Area around the clocktower identified as 'hotspot' where many people felt particularly unsafe.
- **Crime:** There were 2,232 total notable offences in Hanwell in 2022 which is lower than the borough average.

"More **comedy, music, contemporary dance,** cookery classes, music recitals, choirs, plays, book readings with authors"

Survey Respondent

"In Hanwell Town centre there are very limited options for evening entertainment. It would be great to get some **restaurants, cafes, shops, pubs**"

Survey Respondent

"More areas **without alcohol,** late night coffee bars with events like comedy nights etc."

Survey Respondent

will meet the diverse needs of residents and visitors.

We will work with the local businesses and community to encourage a more diverse evening and nighttime offer at **Hanwell District Centre**, capitalising on the **existing food and beverage offer**. This will include a focus on **independent businesses and community-led activities**, building on the success of the Hanwell Hootie.

Hanwell's rich **historical assets** will be celebrated. Holistic public realm improvements, including around the Clocktower, will ensure the area is **safe, inclusive and accessible** to all.

¹⁶ [National Census, ONS, 2021](#)

Northolt

- **Population:** c. 30,000¹⁷
- **Local Plan:** Northolt and Northolt White Hart Neighbourhood Centres suitable for post 6pm uses.
- **55 Licensed Premises** (Ranking 6th out of the 7 x Towns) - 34% Small Shops, 21% Retail, 4% Restaurants/ Cafes.
- **Employment:** Highest proportion (9.6%) of Working Age Population claiming out of work benefits across the 7 towns.
- **Examples of existing uses after 6pm:** Wholesalers, takeaways, pub.
- **Public Transport:** Night bus availability.
- **Safety:** One of the top 3 towns people felt most unsafe after dark.
- **Crime:** There were 2,792 total notable offences in Northolt in 2022 which is lower than the Ealing average.

"More social venues and activities for older **teenagers**, age 16-18. There is nowhere to go and nothing for them to do in the evenings."

Survey Respondent

"A mix of **good restaurants covering various price points**, less chains, less takeaways and more places to go out and meet friends and family."

Survey Respondent

"I always have to go to White City to do fun things. I would like to be able to do them around here."

Survey Respondent

¹⁷ [National Census, ONS, 2021](#)

Vision

Northolt town will provide **local services, amenities and jobs** after 6pm. It will serve the diverse needs of residents and support improved community cohesion of all ages.

We will work with the local businesses and community to encourage a more diverse offer after 6pm around **Northolt Station** and **White Hart**, particularly in terms of food and beverage.

The existing **night worker footfall** linked to Heathrow will be supported through improved access to facilities and food options.

Holistic public realm improvements along Ealing, Church and Mandeville Roads will ensure the area is **safe, inclusive and accessible** to all.

Perivale

- **Population:** 16,000
- **38 Licensed Premises** (Ranking 7th out of the 7 x Towns) - 47% Small Shops, 16% Retail, 10% Restaurants/ Cafes.
- **Household income:** Median household income estimates per year in Perivale is £32,207.
- **Employment:** 4th highest proportion (8.4%) of Working Age Population claiming out of work benefits across the 7 towns.
- **Examples of existing uses after 6pm:** 24hr logistics, media, supermarkets, take-aways, bars.
- **Public Transport:** Night bus availability.
- **Crime:** There were 1,491 total notable offences in Perivale in 2022 which is lower than the borough average.

"Good **quality restaurants** with a variety of cuisines and later opening hours will draw more people to the area."

Survey Respondent

"I would like to see more **art, culture and entertainment** activities."

Survey Respondent

"**More evening classes**"

Survey Respondent

Vision

Perivale town will provide **local services, amenities and jobs** after 6pm. It will serve the diverse needs of residents.

We will work with the local businesses and community to encourage a more diverse offer after 6pm around **Perivale Station**, particularly in terms of food, culture and community uses.

Holistic public realm improvements, including around Perivale Station and Bilton Road, will ensure the area is **safe, inclusive and accessible** to all.

Action Plan

Economy

- **London Living Wage:** Expand membership of Ealing's London Living Wage Action Group to include representation from evening and nighttime industries. Deliver targeted communications to evening and nighttime employers to promote the benefits of London Living Wage and business incentives.
- **Understanding the pay gap:** Partner with a research institution to evidence the low pay and ethnicity pay gap across Ealing's economy, including evening and nighttime industries where these challenges are particularly prevalent.
- **Training and skills:** As part of the Learn Ealing brand, website and prospectus refresh, provide a clear training offer for residents to access good jobs in the evening and nighttime economy.
- **Recruitment support:** As part of the Work Ealing brand and website refresh, provide a clear support offer for evening and nighttime industries paying London Living Wage looking to recruit locally.
- **Ealing Careers Fair:** Work with existing evening and nighttime employers to increase representation at the Ealing Careers Fair and ensure residents are aware of employment opportunities in evening and nighttime industries.
- **Affordable workspace:** Ensure workspace provision provides flexibility for those operating outside of daytime hours where appropriate.
- **Growth sector forums:** Ensure emerging growth sector forums include representation from evening and nighttime industries within these sectors.
- **Industrial areas:** Through emerging masterplans for industrial areas, where industrial and residential co-location is proposed and appropriate, consider the need for services and amenities after 6pm to support these new and nearby existing residents.
- **Strengthen strategic partnerships:** Continue to strengthen our partnership arrangements with HS2, OPDC and Heathrow as major existing and emerging

drivers of evening and nighttime jobs in Ealing. Secure commitments from these partners to ensure Ealing's residents and businesses benefit from forecast jobs and supply chain opportunities in the evening and nighttime economy.

Civic and public life

- **Promotion:** Work with businesses to launch a promotion campaign to showcase and share information about Ealing's offer after 6pm. This would include video content on each of the seven towns.
- **Online directory:** Establish an online directory of venues suitable for evening activity. This would include working with existing culture and leisure venues to bring new uses into their spaces, such as live performances, comedy and music.
- **Libraries after hours:** Work with communities and businesses to activate libraries and other council spaces with out-of-hour community services and activities, including at Community Hubs in Southall, Northolt and Acton.
- **Trial extended opening hours:** Provide guidance and support for businesses to apply for temporary event notices to trial extended opening hours in appropriate locations. This could include extending existing daytime operations as well as encouraging secondary uses or nested uses into larger spaces to maximise utilisation of commercial floorspace after 6pm. In particular, work with daytime businesses to extend their offer beyond 6pm to better serve night-workers and provide an offer after 6pm that is less centred around alcohol.
- **Cultural activity:** Work with local creatives, residents, communities and anchor institutions to encourage increased cultural activity after 6pm, such as exhibitions, murals and markets.
- **Connected Communities Manual:** Embed evening and nighttime infrastructure needs into an Ealing Connected Communities Manual that will set out how development proposals and capital projects must contribute to the implementation of 20-Minute Neighbourhoods.
- **Regional Park:** Capitalise on the emerging Regional Park as a destination and driver of footfall. Ensure new facilities bolster the boroughs evening and nighttime offer, such as an outdoor cultural venue.

- **Meanwhile uses:** Work with partners to test new community and cultural activities after 6pm, informing the business case for new spaces in future development, with a particular focus on Southall and North Acton.

Public realm

- **Night-test:** Introduce a 'night test' for all major public realm schemes delivered by Ealing Council to assess the impact of proposals on Ealing's economy after 6pm, aligned to TfL Healthy Streets indicators.
- **Public realm as a venue:** Work with communities and businesses to scope and consult on locations where temporary road closures after 6pm could support community events, including markets. Work with operators to activate underutilised public spaces with a daytime offer that extends into the evening, including North Acton Square.
- **Partnership working:** Continue to work with the Metropolitan Police and other organisations through Ealing's High Street Task Force to take a place-based and partnership approach towards identifying crime hotspots and implementing practical solutions to improve safety.
- **Safety schemes:** Work with business networks to promote and increase participation in Ealing's welfare and vulnerability engagement programme. This supports licensed premises to prevent and reduce sexual violence, vulnerability, and other harms by equipping staff with knowledge, skills and confidence.
- **Womens night safety charter:** Work with business networks to promote and increase sign-ups to the Mayor's Women's Night Safety Charter. Encourage venues serving alcohol to commit to this when making a new or variation Licensing Application.
- **Safe Havens:** Work with business networks to promote and increase sign-ups to the Safe Haven network. Encourage venues serving alcohol to commit to this when making a new or variation Licensing Application.

Stewardship and management

- **Licensing agreements:** Refresh Licensing Agreements to include an updated framework for best practice management of evening and nighttime activity and workers. Where appropriate, revise and enhance Licensing Agreements to incorporate measures aimed at curbing anti-social behaviour and supporting businesses.
- **Celebrate good management:** As part of a communications campaign, publish 'spotlights' on existing businesses that are already demonstrating best practice management of evening and nighttime activity and workers.
- **Support volunteers:** As part of a communications campaign, celebrate and grow Ealing's network of voluntary groups supporting the management of Ealing's economy after 6pm (e.g. PubWatch, Street Pastors).
- **Good management through Planning:** As per the London Plan and Ealing's Regulation 19 Local Plan, continue to work with developers to ensure new development positively contributes to Ealing's economy after 6pm and that appropriate management is considered early on, including considerations around noise mitigation, crime, health and safety.

Communities, planning and governance

- **Expand the role of Ealing's High Street Taskforce:** Work with the taskforce to develop and adopt a business plan that places increased emphasis on supporting Ealing's economy after 6pm. Expand taskforce membership to represent evening and nighttime industries.
- **Encourage inclusivity:** As part of a communications campaign, work with representatives from protected characteristic groups to encourage evening and nighttime premises to be inclusive and accessible to all.
- **LGBTQ+ Venues Charter:** As part of a communications campaign, promote and increase sign-ups to the Mayor's LGBTQ+ Venues Charter.

- **Ealing Metropolitan Forum:** Set up an Ealing Metropolitan Developer, Business and Landowners Forum to work in partnership to improve the vitality and viability of this town centre, including an offer after 6pm.
- **Community-led Regeneration Charter:** Ensure this emerging charter includes targeted guidance on how we expect developers to engage with local communities on proposals for new evening and nighttime uses.
- **Representation across our seven towns:** Provide guidance and support for new business groups to form that could deliver initiatives to support Ealing's economy after 6pm.
- **Community Review Panel:** Work with this existing panel to equip members with the skills needed to fully assess the impact of development proposals on Ealing's economy after 6pm.

Next Steps

This is a draft publication and we are seeking your feedback on the ideas presented.

You can find out more and **share your comments by 22nd August 2024** at:

www.goodforealing.com

Following this consultation, the final strategy will be amended to reflect any comments received and adopted in Autumn 2024.

Monitoring

Progress will be monitored at Ealing's High Street Taskforce meetings on a quarterly basis and reported on the council website. The High Street Taskforce will develop a set of key performance indicators to measure the impact of this strategy.

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Report for:
INFORMATION ONLY

Item Number:

Contains Confidential or Exempt Information	No
Title	Licensing Policy update
Responsible Officer(s)	Nicky Fiedler, Strategic Director, Housing & Environment
Author(s)	Izabela Gregory, Food, Safety and Licensing Manager Joe Blanchard, Head of Environmental Health & Trading Standards
Portfolio(s)	Councillor Louise Brett, Decent Living Incomes
For Consideration By	Licensing Committee
Date to be Considered	09 July 2024
Implementation Date if Not Called In	Not Applicable
Affected Wards	All
Keywords/Index	Licensing policy,

PURPOSE OF REPORT

To provide Members of the Licensing Committee with an update on the commencement of work to review the Statement of Licensing Policy and cumulative impact assessment areas, prior to these becoming effective in 2025.

1. Recommendations

There are no formal recommendations set out in this report. This report is for informative purposes, in order to provide the Licensing Committee with an update on the work to review the Statement of Licensing Policy and the undertaking of a cumulative impact assessment review.

2. Reason for decision and options considered

The report is for information only.

3. Key implications

3.1. Statement of Licensing Policy

- 3.1.1. The Statement of Licensing Policy (“SLP”) provides local authorities with an opportunity to take a strategic look across all of the licensable activities and set out a vision for them.
- 3.1.2. SLP reflects the legislation, national guidance and best practice, and details the Council’s approach to licensing. It provides a framework for licensing decisions which influence area’s economy, public health and safety.
- 3.1.3. The Licensing Act 2003 (“Act”) requires all licensing authorities to publish a Statement of Licensing Policy (“SLP”) and to review it at least every five years. The current SLP came into effect on 27 July 2020 and therefore is due for a review by July 2025.
- 3.1.4. The Act and the associated Home Office Guidance issued under section 182 of Act (the “Guidance”), specify considerations that licensing authorities must have regard to when drafting and implement the SLP.
- 3.1.5. The proposed updated timeline for SLP renewal provided in Appendix 2 gives an overview of key actions to ensure that the Policy follows the requirements of the Act and the Guidance. This updated timelines outline key actions including aligning with other Council policies and strategies, specifically the Night Time Economy Strategy.
- 3.1.6. Failure to have a policy is not only unlawful but would also mean that any decisions made by the Licensing Sub-Committee may not be valid and will be open to legal challenge.

4. Overview of proposed changes to the Policy

4.1. Statement of Licensing Policy

4.1.1. Formatting changes

- The current Licensing Policy document, included in Appendix 1 includes three Policies:

1) Licensing Policy 2020: Licensing Act 2003

2) Gambling Licensing Policy 2020: Gambling Act 2005 (revised 2023).

3) Sex Establishment Licensing Policy 2020: Local Government (Miscellaneous Provisions) Act 1982 as amended.

- In line with the separation of the Gambling Licensing Policy in 2023, the Licensing Act 2003 Policy will now stand independent to other Policies.

4.1.2. Content changes

- The existing Policy will be simplified to incorporate various sections under easily identifiable headings. The content of the Policy will be expanded, and no deletions of existing information are anticipated, except for references to other licensing schemes. The updated Policy will include new sections to reflect changes in the licensing landscape and best practices.
- Appendices 3 and 4 provide an overview of anticipated changes and developments.

4.1.3. Special Policy Areas determination

- Special Policy Areas (SPAs) exist in areas where there are already a large number of licensed premises and there is deemed to be a cumulative impact on local residents. The purpose of SPAs is to help the authority limit the licences that it grants in areas where there is evidence to show that the number or density of licensed premises may be contributing to problems that are undermining licensing objectives.

- A Cumulative Impact Assessment (CIA) must be included as part of the Authority's Statement of Licensing Policy. Where the Authority has published CIA (as in LBE case), it must review that assessment every 3 years, and decide whether it is still required.
- There are currently five SPAs as seen in table 1 below.

Table 1: Special Policy Areas in Ealing.

Special Policy area	Date designated & reason
Ealing Town Centre	2015 – area disproportionately affected by criminality, nuisance and alcohol related London Ambulance Service (LAS) call outs compared to other parts of the borough. 2019 – retained due to anti-social behaviour and harm elements
Acton Town Centre	As above
Southall Town Centre	As above
Elthorne	2019 – negative contribution of off licensed premises to street drinking
Greenford Broadway	2019 – negative contribution of off licensed premises to street drinking

- It is therefore, proposed to carry out a full review of the SPAs at the same time as the review of the Licensing Policy.
- The determination of SPAs will be made after a thorough analysis of CIA (currently being compiled) and public consultation.

5. Financial

5.1. No financial implications arising from this report.

6. Legal

6.1. No legal implications arising from this report at this stage.

7. Value for Money

7.1. Not applicable.

8. Sustainability Impact Appraisal

8.1. Not applicable.

9. Risk Management

9.1. None.

10. Community Safety

10.1. The Council's Statement of Licensing Policy (2020) details how the Council's objectives in relation to Community Safety are promoted by the licensing regime.

11. Links to the 3 Key Priorities for the Borough

11.1. The Council's Statement of Licensing Policy (2020) details how the licensing regime ensures that licensed businesses in Ealing comply with the minimum statutory and legal standards of operation. This encourages reputable businesses, discourages disreputable businesses and business practices thereby fighting inequality and creating good jobs.

12. Equalities, Human Rights and Community Cohesion

12.1. Not applicable.

13. Staffing/Workforce and Accommodation implications

13.1. None.

14. Property and Assets

14.1. No property implications arising from this report.

15. Any other implications

15.1. No other implications arising from this report.

16. Consultation

16.1. Not applicable at this stage.

17. Timetable for Implementation

17.1. Not applicable.

18. Appendices

Appendix 1: Current Licensing Policy: Licensing Policies 2020.

Appendix 2: Statement of Licensing Policy timelines.

Appendix 3: Overview of current licensing Policy sections.

Appendix 4: Overview of the proposed new Policy sections.

19. Background Information

19.1. Ealing Council's Statement of Licensing Policy 2020, Gambling
Licensing Policy 2020 and Sexual Entertainment Venue Licensing
Policy 2020 -
https://www.ealing.gov.uk/info/201017/licences_and_street_trading/1007/licensing_policy/1

Background Information

Copies of all reports and decisions underpinning this report are available for inspection on the Council's website.

Consultation

Name of Consultee	Post held and Department	Date sent to consultee	Date received from consultee	Comments appear in report paragraph:
Internal				
Nicky Fiedler	Strategic Director, Housing & Environment		18/06/2024	

Report History

Decision type:		Urgency item?
Non-key decision		No
Report no.:	Report author and contact for queries: Izabela Gregory, Regulatory Operations Manager (acting) piterai@ealing.gov.uk	

Licensing Policies 2020

- Licensing Policy 2020
Licensing Act 2003
- Gambling Licensing Policy 2020
Gambling Act 2005
- Sex Establishment Licensing Policy 2020
Local Government (Miscellaneous Provisions)
Act 1982 as amended

LONDON BOROUGH OF EALING

These policies are made by Ealing Council under the following statutes:

- Licensing Act 2003 (Licensing Policy)
- Gambling Act 2005 (Gambling Licensing Policy)
- Local Government (Miscellaneous Provisions) Act 1982 as amended

The policies provide frameworks for the operation of the licensing regimes, assist applicants when making applications and guide the council and relevant committees when making licensing decisions. Revisions to the policies and their publication were approved by the council on 21 July 2020. These policies are operative from 27 July 2020.

Section 1 – Licensing Background and Approach in Ealing

The policies have been refreshed for 2020 and take into account the current profile of Ealing and the future aspirations and development plans for the Borough. These elements have informed parts of the policy.

Section 2 – Licensing Policy 2020

The Licensing Policy 2020 is the council's statement of principles under Section 5 of the Licensing Act 2003 which it will apply when exercising its functions under the Act.

Section 3 - Gambling Licensing Policy 2020

The Gambling Licensing Policy 2020 is the council's statement of principles under section 349 of the Gambling Act 2005 which it will apply when exercising its functions under the Act.

Section 4 - Sex Establishment Licensing Policy 2020

The Sex Establishment Licensing Policy 2020 is the council's statement of principles which it will apply when exercising such functions under the Local Government (Miscellaneous Provisions) Act 1982 as amended.

For any queries regarding these policies please contact the Licensing Team via licensing@ealing.gov.uk, Licensing Team, Ealing Council, Perceval house, 14-16 Uxbridge Road, Ealing , W5 2HL, or 020 8825 6655.

Foreword

The proposed 2020 London Borough of Ealing Licensing Policies enable the responsible licensing authority to influence the shape of our neighbourhoods and town centres. Informed by local needs, changing developments and circumstances we aim to enhance and sustain our local environments.

The communities in Ealing are one of the most diverse in the UK. This is reflected in a wide offer of activities from licensed premises. The policies will enable opportunities for developments and investment across the borough.

Following professional sector research, statutory public consultation and stakeholder engagement significant new and revised policies in the London Borough of Ealing are proposed including:

- Newly designated and extended Special Area Policy locations for off-licensed premises which will permit the licensing authority to consider appropriate applications and conditions for licensed premises predicated on statutory licensing objectives.
- Promotion of an enhanced art and culture led licensable activities.
- Determination that the appropriate number of licensed sexual entertainment establishments be set at zero.

The licensing policies promote opportunities, flexibility, and freedoms whilst creating an accountable and responsible policy framework for operators to provide a suitable offer that will have a minimal negative impact on thriving neighbourhoods.

Our ambition is to balance the needs of residents which may conflict with business operators and growth. We promote people's right to peace and quiet in their homes and neighbourhoods free from criminal and antisocial behaviours.

The open implementation of these policies support all the licensing regimes' statutory duties and will benefit all interests across the borough.

Councillor Anthony Kelly, Chair, Licensing Committee

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1.0 INTRODUCTION

Integrating the Council's Plans to adopt a Strategic Approach

1.1 These licensing policies for 2020 integrate with the Council's strategies for the development of Ealing's economy and town centres and fit with the Council's overall strategic vision for Ealing as a great place to live, work and visit. Applicants are encouraged to make applications which will further this strategic vision, and support achievement of the objectives of the Council's key strategies.

1.2 Strategies and Plans with which this Licensing Policy integrates include (but are not limited to) the following:

- The Council's Corporate Plan 2018-2022 sets out how elected Members' policy commitments will be delivered and is available on the Council's website at https://www.ealing.gov.uk/info/201033/council_and_local_decisions/300/council_plan .
- The Night Time Economy Strategy, which is in its first draft, focuses on strengthening and enabling a vibrant and resilient night time economy, for the benefit of residents, visitors and local businesses.
- The Safer Ealing Partnership Strategy focuses on keeping residents safe, preventing harm and addressing crime and anti-social behaviour and is available on the Council's website at https://www.ealing.gov.uk/info/201046/decision_making/350/local_strategic_partnership/6 .

Shaping an Effective Night Time Economy in Ealing

1.3 One of the key Strategies which has helped to shape and inform the refresh of the policies is Ealing's Night Time Economy (NTE) Strategy (2019). The Ealing NTE

Strategy sets a strategic direction for the future shape and development of the borough's night-time offer. The four main objectives of the Strategy are 1) to help enable a thriving local Night Time Economy, 2) to deliver Members' policy commitments relating to the NTE and connected policy areas, 3) to fulfil the Council's duties to keep residents safe, 4) to make Ealing a better place to live and visit and enrich community life.

1.4 The NTE Strategy sets out some strategic principles designed to inform and shape decision-making and strategic commissioning, as well as the approach to regeneration, enforcement and partnership working. Those principles are designed to help facilitate and enable the development of a Night Time Economy in Ealing which is family friendly, flexible, future-focused and fair to communities, residents, visitors and local businesses.

1.5 It is important that the objectives of these policies and the goals of the Ealing NTE Strategy are aligned. To help achieve this alignment, the same extensive evidence review used to help shape the goals and objectives of the NTE Strategy has also fed into the refresh of the 2020 licensing policies.

1.6 One of the areas of policy concern shared between the NTE Strategy and the objectives of the council as Licensing Act 2003 Licensing Authority is that in relation to licensing premises to sell alcohol. Alcohol-led pubs and clubs in town centres have traditionally attracted younger customers, generally between the ages of 18 to 25. It is recognised that these premises can make a valuable contribution to the vitality and viability of town centres: they provide places for people to meet, interact and enjoy themselves in the borough. However, they have the potential to cause problems such as anti-social behaviour, crime, noise and the detriment of the street environment. It is the shared goal of the Licensing Authority and the Council in delivering its NTE Strategy to help enhance the benefits of a vibrant night time offer, including the benefits brought by pubs and clubs, whilst minimising the potential negative effects on the local population, including potential alcohol-related harm, crime and anti-social behaviour.

1.7 The Ealing Night Time Economy Strategy (2019) aims to enhance the vibrancy of Ealing at night, whilst minimising the issues that can occur in premises where alcohol is sold, there is therefore a preference in this refreshed Policy for license applications for seated premises where food and drink is consumed by table service such as restaurants and street cafes. This is to encourage a wider age range and attract older people and families with young children into the town centres late at night. Experience has shown that the presence of a wider age mix can help to reduce antisocial behaviour and improve people's perception of safety when out late at night.

1.8 Ealing is a borough with many cultural strengths these need to be built on to raise the profile of Ealing as a creative centre, increase opportunities for residents and visitors and stimulate the local economy. In line with the objectives of the NTE Strategy, the Licensing Authority will work to help build on and enhance Ealing's current arts, culture and leisure offer. Ealing's summer festival in Walpole Park attracts over 125,000 people and features a range of events such as Jazz, Blues, Opera, world music and culture, comedy as well as various fringe events. The London 'Mela' in Southall Park is also held in Ealing and provides a mix of contemporary, classical and new music, arts and dance and a children's area. It is a celebration of South Asian culture.

1.9 The Council has already licensed its own local town halls in Ealing, Acton and Greenford, some of its community centres and a significant number of parks and open spaces. This has helped to promote opportunities for a diverse programme of entertainment and leisure activities organised by both the Council's own events team and by private hire of these facilities to a wide range of groups. The Council is keen to encourage cultural and family friendly events allowing all ages to be catered for.

1.10 The Ealing Night Time Economy Strategy (2019) sets out clear objectives to promote a stronger arts and cultural focus and is keen to promote the growth of theatre, cinema and leisure events. To help support achievement of this objective, there is therefore a preference in this refreshed Policy for applications for licences

from businesses and premises which help to enable a thriving arts, culture and leisure offer in the borough.

1.11 The Licensing Authority will monitor the impact of Licensing on regulated entertainment particularly live music and dancing. See 2.159 for details of how this will be carried out. If there is an indication that such events are being unreasonably deterred by Licensing requirements, the Policy will be revisited with a view to addressing this.

Regeneration and Planning, and Ealing's Local Plan

1.12 The Planning and Compulsory Purchase Act 2004 requires the Council to prepare a development plan for the borough. This is called the Local Plan. The Local Plan is a collection of documents that sets out how the borough will develop up to 2026. It must be in conformity with the London Plan that is produced by Mayor of London. The existing development plan for Ealing currently comprises the following documents, together with an associated Adopted Policies Map:

- London Plan
- Development (or Core Strategy) DPD, April 2012
- Development Sites DPD, December 2013
- Development Management DPD, December 2013
- Joint West London Waste Plan, July 2015
- Planning for Schools DPD, May 2016

The Local Plan encourages Policies which seek to support and promote successful and vibrant town centres where a variety of uses. Specific planning policies in Ealing's Development Management documentation also seek to avoid over-concentration of a particular use type where this use may erode local amenity by nature of that concentration. This includes reference to night time uses. Advice from licensing officers will be taken as a primary source of evidence of overconcentration for all types of licensed uses and premises that are subject to planning applications. The London Plan and Local Plan will be taken into account when determining planning applications relating to such

uses submitted to the Council. The full Local Plan and associated Development Management documentation can be found at:

https://www.ealing.gov.uk/info/201164/local_plans

- 1.13 The Licensing Authority will monitor the impact of Licensing on regulated entertainment particularly live music and dancing. See 2.159 for details of how this will be carried out. If there is an indication that such events are being unreasonably deterred by Licensing requirements, the Policy will be revisited with a view to addressing this.

The Safer Ealing Partnership (SEP) Strategy

- 1.14 The Licensing Authority works in strategic partnership with several statutory bodies, business and voluntary sector organisations to help make Ealing a better place to live, work and visit. As stated in the Community Strategy for the borough, “Ealing will be a borough of opportunity, where people enjoy living in clean, green and cohesive neighbourhoods, as part of a community where they are able to be safe, healthy and prosperous”.

- 1.15 The Licensing Authority works in close partnership with members of the borough’s statutory Crime and Disorder Reduction Partnership, the Safer Ealing Partnership (SEP). The SEP works to deliver the Safer Ealing Partnership Strategy, which sets out 4 strategic priorities for reducing crime and anti-social behaviour in the borough. One of these key strategy priorities focuses on tackling drugs, alcohol and substance misuse. Representatives from the SEP will report on progress with delivery of the SEP strategic priorities on a regular basis to meetings of the Licensing Committee. These reports help to form part of the Licensing Authority’s approach to monitoring the impact of its Policies.

Ealing’s Alcohol Strategy

- 1.16 The Licensing Authority works in close partnership with members of the borough’s statutory Crime and Disorder Reduction Partnership, the Safer Ealing Partnership (SEP). The SEP works to deliver the Safer Ealing Partnership Strategy,

which sets out 4 strategic priorities for reducing crime and anti-social behaviour in the borough. One of these key strategy priorities focuses on tackling drugs, alcohol and substance misuse. Representatives from the SEP will report on progress with delivery of the SEP strategic priorities on a regular basis to meetings of the Licensing Committee. These reports help to form part of the Licensing Authority's approach to monitoring the impact of its Policies.

1.17 The combined impact of the Ealing Alcohol Strategy, and the SEP's strategic approach to tackling harm, crime and anti-social behaviour arising from problematic alcohol consumption has helped to inform the refresh of this Policy, particularly in relation to assessment of Cumulative Impact areas, and recommendations around extension of Special Policy Areas.

1.18 The review of data sets referred to in paragraph 1.29 supports retention of Special Policies in Ealing, Acton and Southall established in 2015, and implementation of additional Special Policies in Elthorne, Greenford Broadway and an extension of the SPA established in Acton.

1.19 Following a review of current and trend data relating to alcohol-related crime and anti-social behaviour, public perceptions of safety and well-being, and ambulance call-outs for alcohol-related harm, moving forward the Licensing Authority will now adopt Special Policies in the following Areas:

- Ealing Town Centre (existing)
- Acton Town Centre (existing)
- Southall Town Centre (existing)
- Elthorne (new)
- Greenford Broadway (new)

The specific geographical boundaries showing where the Special Policies will apply are shown in Figures 3 to 7.

1.20 The effect of adopting a Special Policy is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally

be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.

1.21 This presumption does not relieve responsible authorities (or any other persons) of the need to make a relevant representation, referring to information which had been before the licensing authority when it developed its statement of licensing policy, before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

Figure 1: Map showing the 23 wards of the Borough



Borough Demographics

1.22 Ealing is made up of seven areas: Acton, Ealing, Greenford, Hanwell, Northolt, Perivale and Southall. Together, they make a vibrant and diverse community; and

provide a wide array of shopping, housing and stunning parks. The borough has more than 13,000 businesses and excellent and growing transport links - Heathrow Airport and central London are minutes away.

1.23 There are 19 major open space areas in Ealing, which are designated green belt or metropolitan open land areas and a total of 8.4 square kilometres of parks and green spaces. (15% of the total borough area) There are 10 miles of canals in the borough as well as the rivers Brent and Crane and other smaller rivers and streams. The Council has designated 30 conservation areas, whilst over 500 buildings are listed as having special architectural or historic interest.

1.24 The estimated population for Ealing was 342,000 in 2018. Ealing is the fourth largest of London's 32 boroughs and the City of London in terms of population and, like much of London it is densely populated and busy. Ealing has the characteristics of both inner London to the east of the borough and outer London towards the west of the borough. Ealing has one of the most diverse populations in the country, with over 50% of its population belonging to BAME groups. Identified communities include Afghan, Indian, Japanese, Pakistani, Portuguese, Polish, Somali amongst others; it also has the fifth highest child population in London. Ealing also has a slightly younger than average population, a slightly more males than females.

1.25 Despite having many areas of affluence within the borough, Ealing has proportionally more deprived areas than the England average, including parts of Southall, Acton and Northolt. There are typically significant inequalities in health outcomes between affluent and deprived communities. For example, deprived areas suffer relatively higher levels of premature mortality, hospital admissions, teenage pregnancy and road traffic accidents linked to greater levels of alcohol consumption.

Profile of Night-time economy in Ealing

1.26 Some parts of Ealing already have reasonably vibrant night time economies. Businesses operating at night in Ealing, Acton and Southall town centres offer a range of food, drink and entertainment venues. By contrast, the north of the

Borough (particularly Northolt, Greenford and Perivale) features mainly residential suburban areas with lower concentrations of pubs, bars and restaurants, but some instances, relatively higher prevalence of off-licences. Venues which operate cater more for local communities typically have earlier closing times.

1.27 As part of the development of Ealing's Night Time Economy (NTE) Strategy (2019), research and consultation was carried out to gain a better understanding of the current composition of Ealing's Night Time Economy, relative to that of comparable areas in London. The research carried out showed that:

- Ealing's Night Time Economy has grown considerably in recent years, and the borough currently has the 3rd largest number of businesses operating at night across all sectors and industries, excluding Westminster and Camden
- Growth in employment in night time culture and leisure has been lower in Ealing than in London as a whole. However,
- Growth in night time activities which enable access to culture, leisure and wider night time activities has been greater in Ealing than in London as a whole, and
- Growth in the number of employees working in 24-hour health and personal social services has been greater in Ealing than in London as a whole.
- A smaller proportion of Ealing's NTE is made up of "*night time culture and leisure activities*" than the London average
- In Ealing, night time culture and leisure are a smaller proportion of the NTE than for all other West London neighbours' NTEs (except Hounslow, and Brent, which has a roughly comparable proportion)
- Ealing's NTE is driven by a higher proportion of "*activities that enable wider night time social and economic activities*" than the London average

1.28 Ealing's NTE expansion over the last ten years has been greater than the average for London but in sectors and activities which enable access to a range of NTE activities. These "enabling activities" mainly focus on transport, logistics, industries which supply businesses operating at night. At the same time, Ealing's growth in night time culture and leisure employment has been significantly lower than for London as a whole. Taken together, these results could indicate that

Ealing's NTE is enabling access to night time culture and leisure services in other parts of London. These findings have helped to shape the Ealing Night Time Economy Strategy, which sets priorities for the future direction and growth of the borough's Night Time Economy.

Profile of Licensed (Licensing Act 2003) Premises in Ealing

1.29 There are around 1060 licensed premises in Ealing, which applies to licences for alcohol sales, entertainment (such as music, dancing, sport, films and theatre), and late-night refreshment (the sale of hot food/ drink between 11pm – 5am). This covers premises such as; pubs, nightclubs, off-licences, restaurants, late night take-a-ways, shisha bars, convenience stores and supermarkets.

Table 1: Licensed Premises in Ealing Borough: types and volume (April 2019)

Premises	Number
Cinema/ Theatre/ Performance	8
Hotels	22
Large Off-licences/ Supermarkets	53
Late night Takeaway	64
Members Clubs/ Sports grounds/ Parks	59
Pubs and Nightclubs	115
Restaurants/ Café	236
Schools/ Churches/ Halls	6
Services catering/ distribution/ manufacturing	17
Small Off-licences/ Convenience stores	367
Other/ Unknown	119

1.30 The number of licensed premises has increased by around 12% since the policy was last reviewed in October 2015. There have also been noticeable changes in the numbers of premises by type. The largest increase by type of premises is Restaurants and Cafes (30%). Late-Night Takeaways and Pubs and Nightclubs have decreased by 26% and 17% respectively.

1.31 The number of off-licence premises has increased significantly since the Licensing Policy was last reviewed in 2015, from 385 to 482. Figure 1 below shows the total breakdown of the number of off-licences across the borough:

Figure 2: Off-licences in Ealing Borough (2019)

Ward	Number of Off Licenses (2019)	2018 pop projections	Quotient	Rate per 1000 residents	Square Kilometres	No of off licenses per sqkm
Acton Central	31	15804	15.804	1.961529	1.775	17.4648
Cleveland	14	14901	14.901	0.939534	2.232	6.2724
Dormers Wells	11	14229	14.229	0.773069	2.259	4.86941
Ealing Broadway	29	15546	15.546	1.865432	1.857	15.6166
Ealing Common	10	14071	14.071	0.710682	2.14	4.6729
East Acton	36	19660	19.66	1.831129	4.272	8.42697
Elthorne	29	16058	16.058	1.805953	2	14.5
Greenford Broadway	36	18340	18.34	1.962923	2.522	14.2744
Greenford Green	29	14546	14.546	1.993675	3.381	8.57734
Hanger Hill	15	16022	16.022	0.936213	3.274	4.58155
Hobbayne	10	14376	14.376	0.695604	2.208	4.52899
Lady Margaret	13	13733	13.733	0.946625	1.539	8.44704
North Greenford	22	14897	14.897	1.476807	3.248	6.7734
Northfield	23	13671	13.671	1.682393	1.535	14.9837
Northolt Mandeville	13	15533	15.533	0.836928	2.752	4.72384
Northolt West End	17	14898	14.898	1.141093	3.548	4.79143
Norwood Green	14	14473	14.473	0.967318	3.794	3.69004
Perivale	17	15586	15.586	1.090722	3.365	5.05201
South Acton	21	17417	17.417	1.205719	1.719	12.2164
Southall Broadway	20	13584	13.584	1.47232	1.622	12.3305
Southall Green	32	16290	16.29	1.964395	1.585	20.1893
Southfield	18	13754	13.754	1.30871	1.435	12.5436
Walpole	18	13394	13.394	1.343885	1.466	12.2783
(blank)	4					
Grand Total	482					

Figure 2 shows that the seven areas in the Borough with the highest numbers of off-licences are:

- Greenford Broadway (36)
- East Acton (36)
- Southall Green (32)
- Acton Central (31)
- Greenford Green (29)
- Ealing Broadway (29)
- Elthorne (29)

1.32 In terms of concentration of off-licence premises per square km, the highest concentrations are as follows:

- Southall Green (20 off-licence premises per sqkm)
- Acton Central (17 off-licence premises per sqkm)
- Ealing Broadway (15 off-licence premises per sqkm)

- Northfield (14.9 off-licence premises per sqkm)
- Elthorne (14.5 off-licence premises per sqkm)

Review of Evidence Relating to Special Policy Areas

1.33 Government Guidance defines ‘cumulative impact’ as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. This is considered to be a proper matter for a Licensing Authority to consider in developing its Licensing Policy statement.

1.34 Based on the evidence which informed the previous Licensing Policy, the Licensing Authority adopted in 2015 a Special Policy relating to cumulative impact in the following areas:

- Ealing Town Centre
- Acton Town Centre
- Southall Town centre

1.35 Special Policies Areas were adopted in the established areas because those areas are being disproportionately affected by criminality, nuisance and alcohol related London Ambulance Service (LAS) call outs compared to other parts of the borough.

1.36 In reviewing the borough’s Special Policy Areas, the local authority has conducted a comprehensive review of cumulative impact across the borough. Qualitative and quantitative data and evidence from several sources has been analysed in order to assess cumulative impact and identify areas that merit application of a Special Area Policy. Data and evidence sources include:

- Met Police – data in relation to crime and antisocial behaviour in the borough
- London Ambulance Service – particularly data in relation to call-outs owing to alcohol and substance misuse
- Other NHS and Public Health data – including the Borough Public Health Profile quantifies issues such as alcohol-related harm and hospital admissions relative to UK and London averages

- Night Time Economy (NTE) Strategy dataset – a specially commissioned dataset which helps to define and measure the borough’s NTE, which can be referenced to ensure the policy supports and considers the vision and objectives set out within the Night Time Economy Strategy
- Park Guard data – used to help profile issues relating to crime and anti-social behaviour in parks and open spaces including crime and ASB which can be attributed to excessive alcohol consumption and substance misuse
- Locally held data by regulatory services – in order to identify and track the volume and location of licensed premises, any issues with licensed premises, help assess cumulative impact
- PSPO dataset – composite dataset including outcomes from the extensive public PSPO consultation carried out in 2019
- Additional public consultation data relating to the draft Licensing Policy

1.37 It is clear from a review of the evidence and datasets that alcohol-related crime, anti-social behaviour and harm is of concern to residents across Ealing Borough. It is the aim of this Licensing Policy to adopt an approach moving forward which addresses these concerns robustly, and in a manner which does not cut across but enhances the objectives of the Night Time Economy Strategy.

1.38 According to the Evidence Base for the Night Time Economy Strategy (2019), there has been an increase between 2017 and 2018 in the number of crime incidences at night occurring in certain licensed premises including Pubs (53.3% increase) and Supermarkets (20.8%). Further to the development of the NTE Strategy, and as part of the refresh of this Licensing Policy, the pattern and prevalence of off-licences in the borough has been reviewed. The number of off-licence premises has increased significantly since the Licensing Policy was last reviewed in 2015, from 385 to 482. Studies have shown that the number of off-licences in an area is a factor in prevalence of street drinking. Local data shows that there are incidences of alcohol-related crime and ASB occurring in parks and open spaces in the borough in close proximity to off-licence premises.

1.39 Between April 2018 and March 2019, Park Guard data shows that 233 incidents classified as “street drinking” took place across the borough’s parks and open spaces. This accounts for 160 cases without further incident beyond street drinking and 73 cases in which further incident occurred. Table 2 below shows the geographical profile of these incidents.

Table 2: Reported street drinking incidents across Ealing borough’s parks and open spaces April 2018 – March 2019

Town	Cases with further incident	Cases without further incident
Acton	1	11
Borough	4	2
Ealing	0	4
Greenford	10	22
Hanwell	7	15
Northolt	0	2
Southall	45	85
West Ealing	6	19
Grand Total	73	160

1.40 The data shows that the towns in which street drinking related incidents in parks and open spaces is most prevalent in:

- a. Southall (130)
- b. Greenford (32)
- c. West Ealing (25)
- d. Hanwell (22)
- e. Acton (12)

1.41 Across Ealing Borough there are currently 958 premises licences, which authorise the sale of alcohol. Amongst this figure, off-licences account for 51% (488 premises). Since 2012 there has been an average increase of 24% in the number of off-licences across the borough. The top five wards across the borough with the highest concentration of off-license premises are:

- Southall Green (20.2 per km²)
- Acton Central (18.6 per km²)
- Ealing Broadway (15.6 per km²)
- Elthorne (15.0 per km²)
- Northfield (15.0 per km²)

Greenford Broadway shows the highest total number of off-license premises (36) with a concentration of (14.3 per km²)

1.43 When reviewing the concentration of premises by Lower Super Output Area (LSOA), six areas showed as having a concentration greater than 50 premises per km².

- Two areas were found in Acton, both overlapping with the previously established Acton SPA.
- One area within Southall Broadway and located within the previously established Southall SPA
- Three areas found within Hanwell, Walpole Ward and West Ealing - not within any of the SPAs established prior to this Policy.

1.44 2018/19 crime data shows that 464 alcohol related offences were reported to the police. 73% (340) occurred during the night (6pm to 5:59am) and 40% (186) over the weekend.

1.45 When mapping the crime data across the borough, the greatest prevalence of alcohol related offences take place within the Ealing, Acton and Southall SPAs established previously. Most prominently in Southall and Ealing, although additional areas of prevalence can be seen in Walpole, Elthorne and Lady Margaret.

1.46 2018/19 London Ambulance data shows a total of 2641 ambulance vehicle attendances for alcohol related incidents. When considering the concentration of attendances, six areas had more than 250 per km²:

- South Acton (608.59 per km²)
- Acton (587.93 per km²)

- Elthorne (401.50 per km²)
- Southall Broadway (290.86 per km²)
- Southall Green (260.70 per km²)
- Ealing Broadway (251.81 per km²)

1.47 A comprehensive review of all relevant available data sets relating to the greatest concentrations of alcohol-related crime, ASB, public nuisance, public safety and well-being suggest a concentration of issues in the following areas:

- Ealing Broadway
- Acton central (including parts of South Acton)
- Southall Broadway (including parts of Southall Green)
- Elthorne
- Greenford Broadway (including parts of Lady Margaret and Greenford Green)

Consultation on a Borough-Wide Public Spaces Protection Order (PSPO)

1.48 The Licensing Authority recognises that SPAs alone do not provide a long-term solution to anti-social outdoor drinking. For this reason, consultation has recently completed on a borough-wide Public Spaces Protection Order (PSPO), which if implemented will enable the Licensing Authority to take a reasonable, proportionate and targeted approach to any issues relating to alcohol-related crime and ASB wherever they occur across the borough.

1.49 The Council conducted a public consultation for a borough wide PSPO in July 2019. This consultation surveyed a total of 1420 responses. When cross referenced with areas highlighted within other data sets, there were a high number of responses in Central Ealing (highest at 356), Acton, Greenford, Hanwell and West Ealing. Southall showed as having to lowest number of responses (65).

1.50 When asked as to which behaviours they feel is a problem in their local area, only 4% of respondents did not believe that anti-social street drinking was a problem in their local area, with 52% experiencing this behaviour at least one per

week. 70% of respondents described “street drinking while engaged in anti-social behaviour” as either a “very big problem” (40%) or “fairly big problem” (30%). When surveyed as to whether they feel safe within their local area, 58% of respondents felt safe during the day, whilst 57% felt unsafe during the night.

- 1.51 Outcomes from the 2019 review of evidence relating to SPAs established in 2015, including outcomes from the public consultation on establishment of a borough-wide PSPO, have informed the changes made in this Licensing Policy. Details are set out in Section 2: The Licensing Policies.

Figure 3. Map of Ealing Special Policy Area

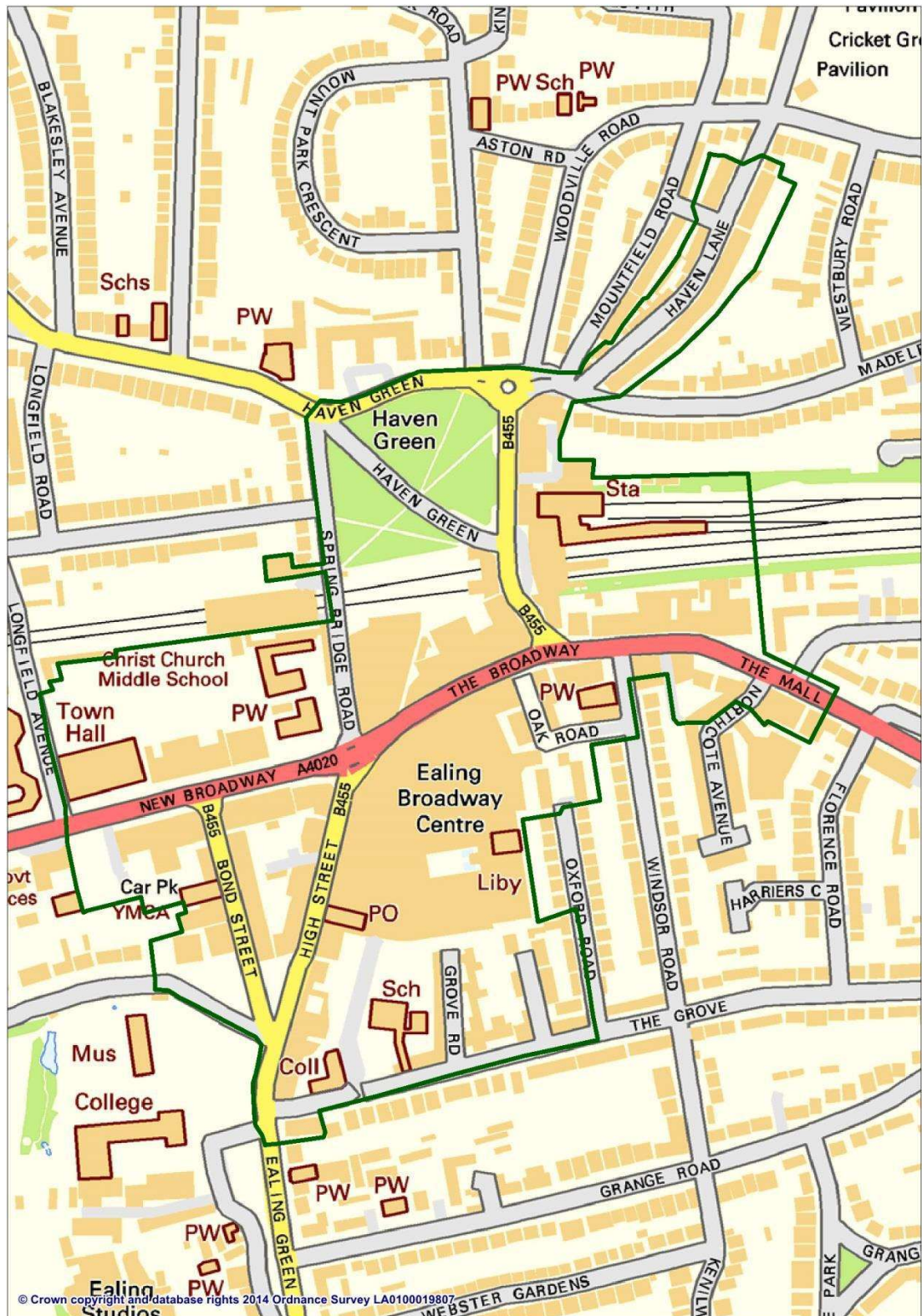


Figure 4. Map of Acton Special Policy Area

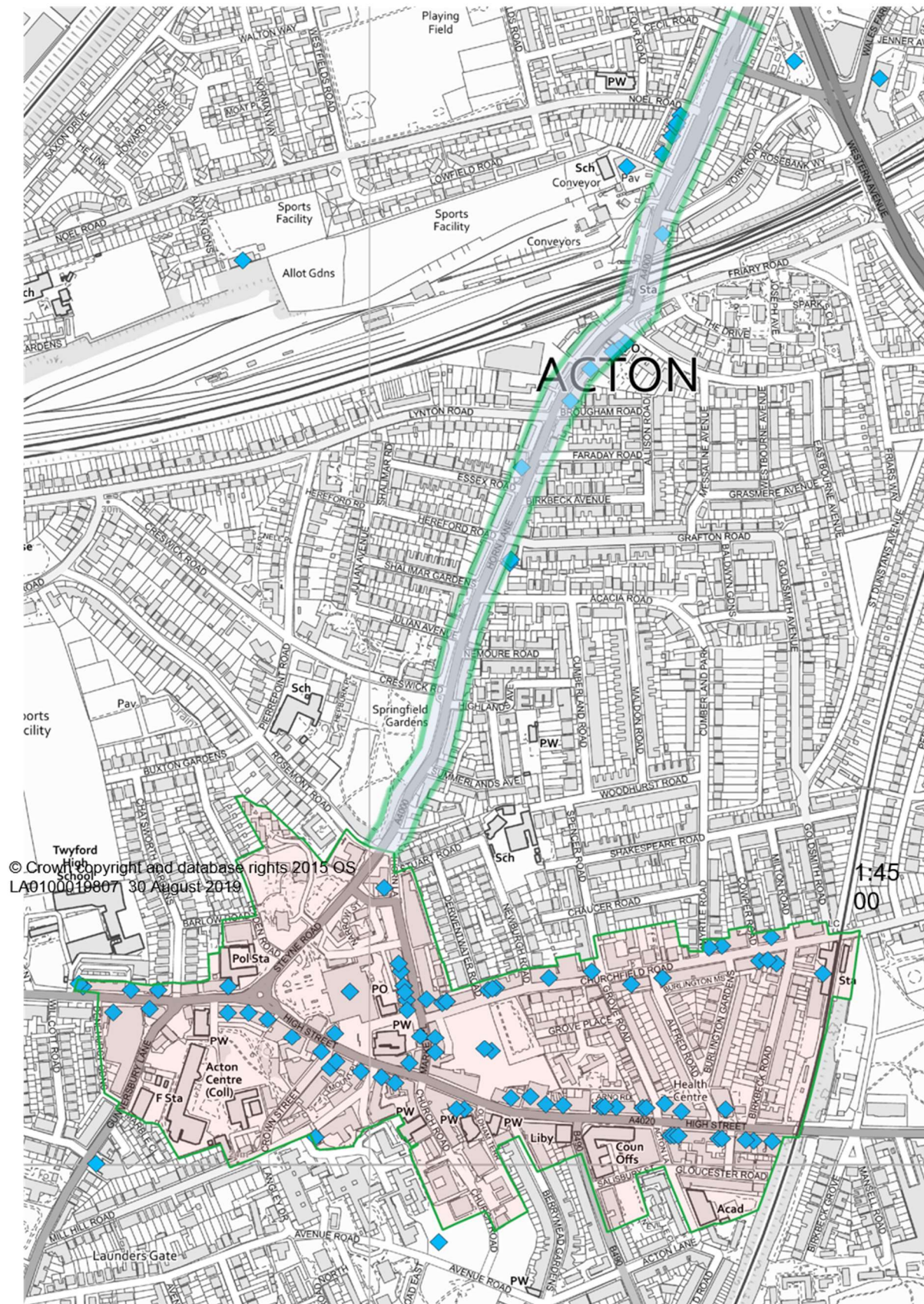


Figure 5. Map of Southall Town Centre Special Policy Area.

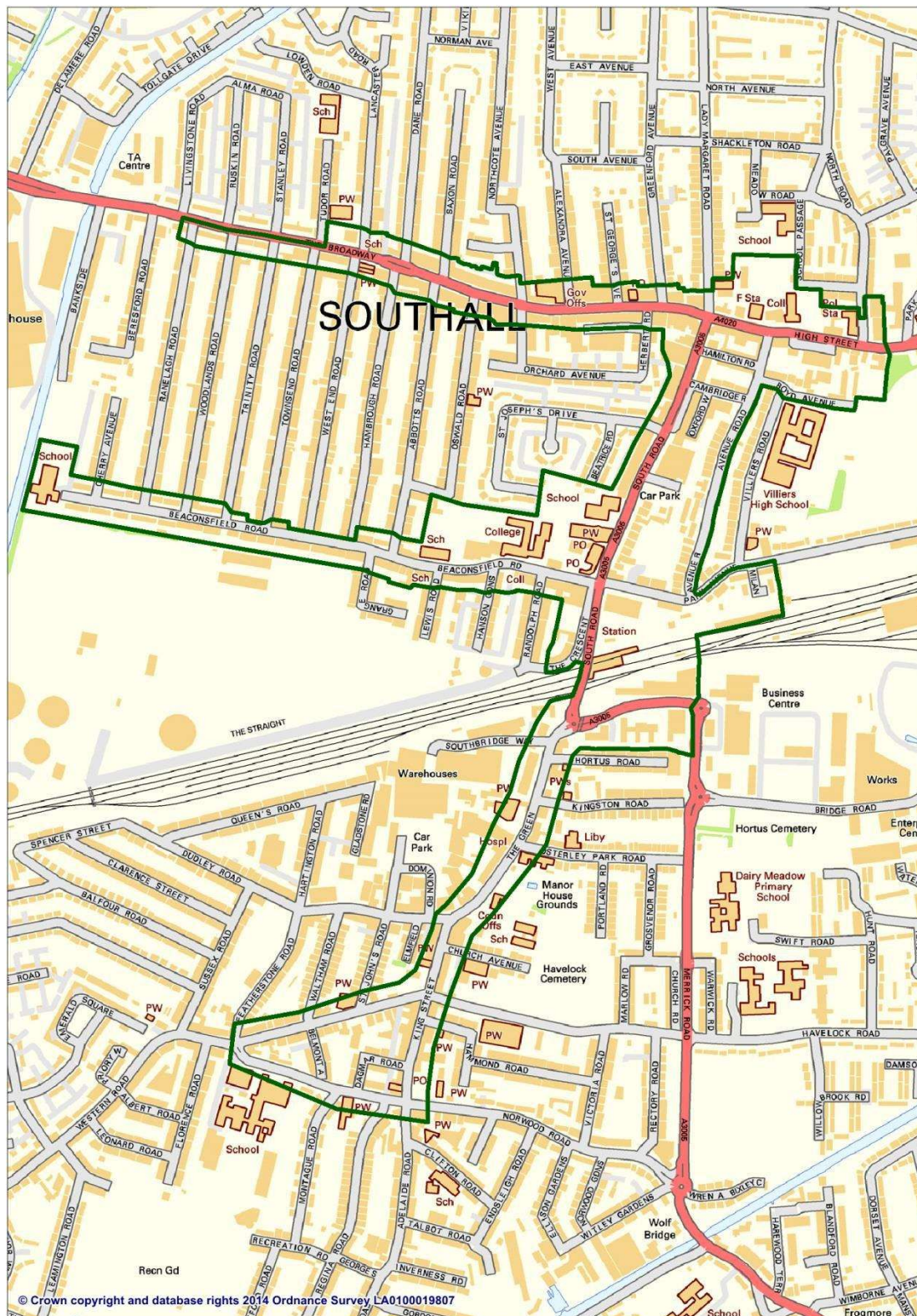


Figure 6. Map of Elthorne Special Policy Area

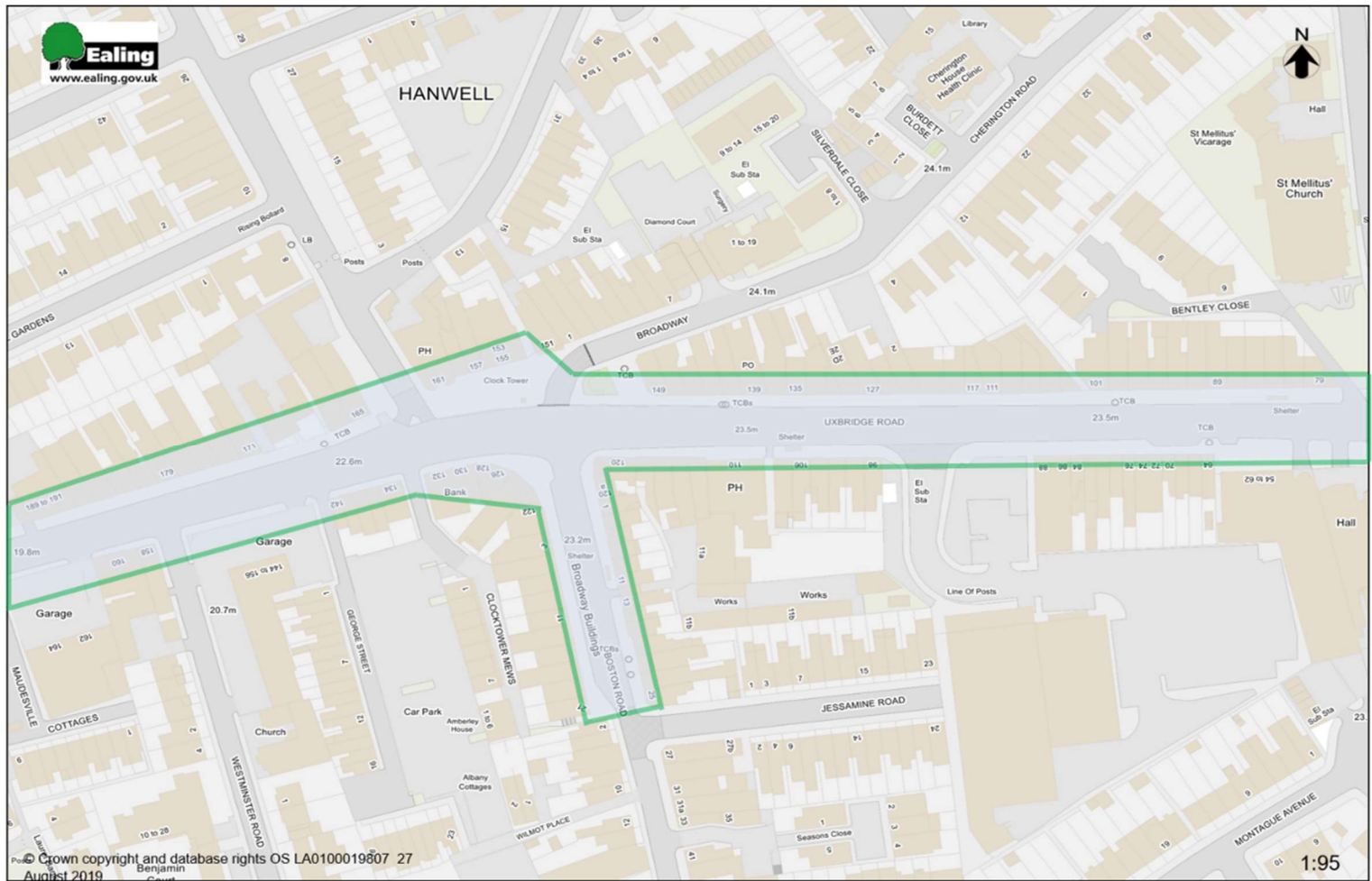
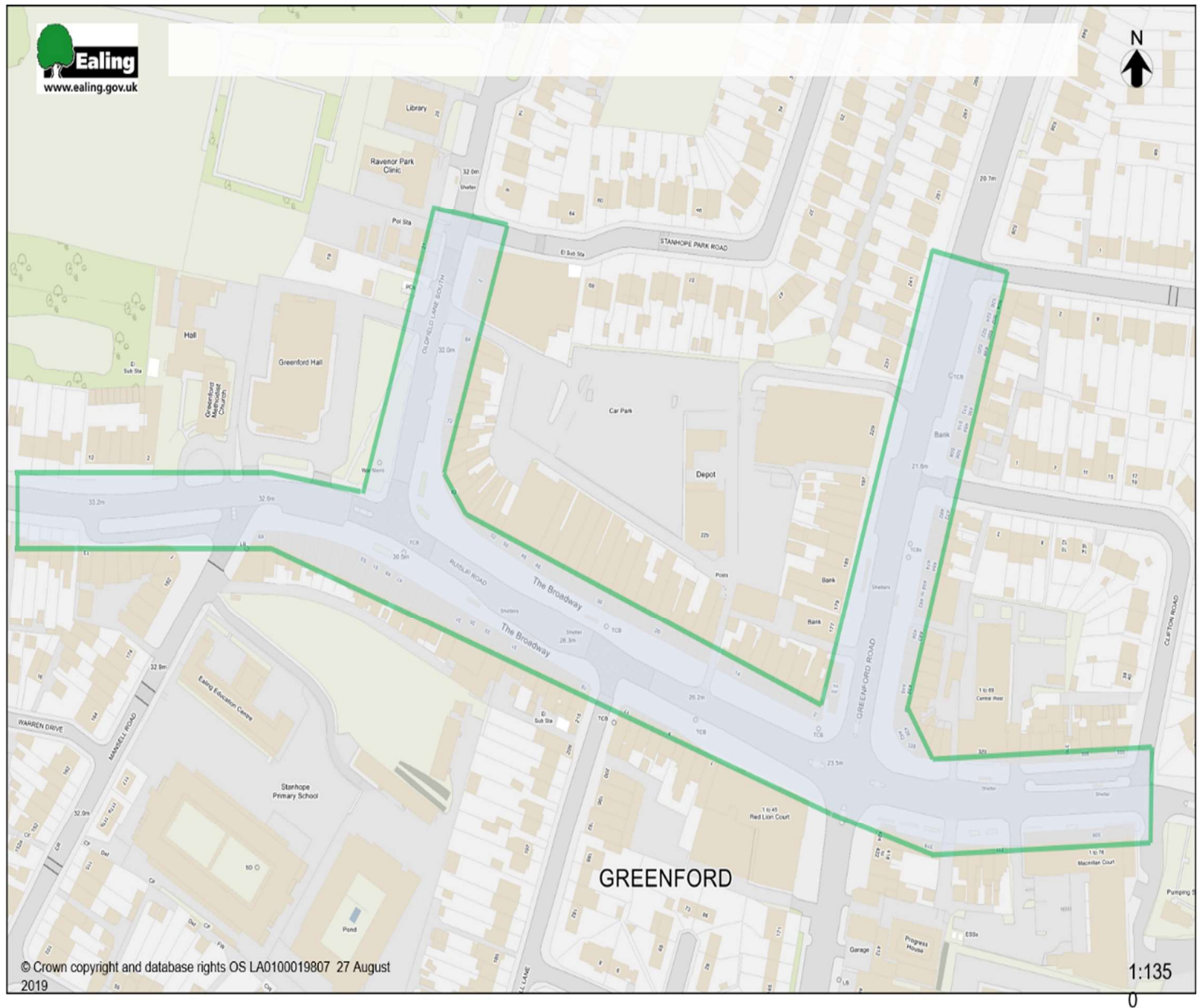


Figure 7. Map of Greenford Broadway Special Policy Area



Gambling Premises Local Profiles: hotspots of recorded crime, vulnerable people and vulnerable places

1.52 In the London Borough of Ealing there are currently 82 betting shops, 6 Adult Gaming Centres and 1 Bingo Hall (see Appendix 5). These premises pose potential risks to those who reside and work within the borough, in terms of associated crime and also in terms of 'problem gambling'. Problem gambling is commonly defined as gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits.

1.53 Using national estimates of the population who are likely to be problem gamblers and research carried out in February 2019 by the Gambling Commission, it can be estimated that some 2,400 Ealing Borough residents may have an explicit and significant problem with gambling. The demographics of the Borough residents indicate that the true number of problem gamblers may be higher than the national average, as there is a higher than average number of people in specific groups more likely (at the national level, according to research) to have problems with gambling. For example, in Ealing, by comparison with the average, there are:

- Slightly higher proportions of people with violent episodes of mental health problems
- Higher proportions of single men and
- Higher proportions of people with BAME backgrounds.

1.54 There are also associations between gambling and homelessness and debt; the number of homeless households is over-represented in Ealing Borough and the total value of Ealing County Court judgements is relatively high. It is therefore probable that Ealing Borough residents are at a greater risk of experiencing problem gambling than average.

1.55 Various types of gambling behaviour are associated with problem gambling. Problem gamblers are likely to participate in a range of gambling forms, and most likely to participate in spread betting; poker in pubs or clubs; betting exchanges;

and to use machines in bookmakers. Information about the prevalence of problem gambling amongst people who use adult gaming centres is not currently available. However, 7.2% of those who use machines in bookmakers are estimated to be problem gamblers against just 3.4% of those who play bingo. Around 5.8% of those betting on sports events (not online) are estimated to be problem gamblers.

1.56 Gambling premises crime hotspots are evident around West Ealing; Broadway; Acton High Street; around the junction of Greenford Road and Ruislip Road; and around Ealing Broadway tube station. There are also hotspots on the junction of Southall Broadway and South Road; Kings Street in Southall.

1.57 Approximately one third of all the crime in gambling premises is classified as *Violence against the Person* (257, 36%), with a further third (243, 34%) being *Criminal Damage*. The remainder is *Theft and Handling* (12%), *Robbery* (6%), *Burglary* (3%) and *Drugs/ Fraud or Forgery/ Other* (9%). Violence and drug related crime is however a higher proportion of all recorded gambling premises crime in Southall.

1.58 This Authority expects applicants to fully explain in their applications how their proposal will not exacerbate any problems to individuals living in the vicinity or exacerbate any ASB problems within the vicinity generally. Applicants will be expected to tailor their application, and have policies, procedures and control measures to mitigate any risks. They should have the appropriate numbers of trained staff, and propose licence conditions, to cater for the local area in which they propose to run their business.

1.59 Applicants should also be aware of areas with concentrations of hostels and other types of accommodation for vulnerable people. Where they propose to make an application for the new grant of a premises licence, or a variation to an existing licence, in such areas they should explain fully in their risk assessments how they will mitigate any risks of operating gambling premises in close proximity to concentrations of housing for vulnerable people.

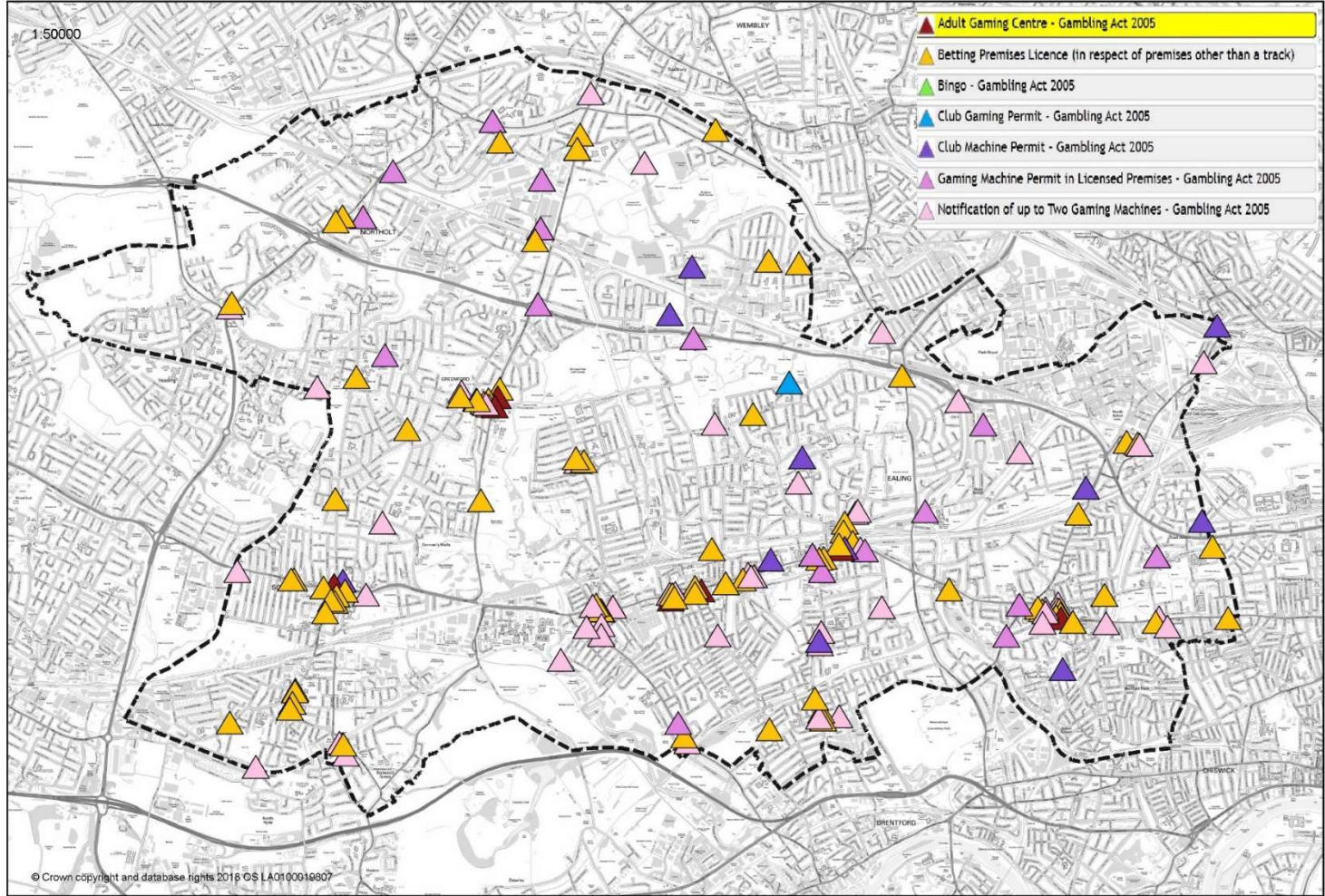
1.60 Applicants should use the information in Appendix 4 together with interactive

maps which layer information about the profile. Some publicly available sources of information to assist in operators completing a Local Area Profile include:

- a) The Crime Mapping website <https://www.police.uk/> ;
- b) Neighbourhood Statistics websites including <https://www.ons.gov.uk/help/localstatistics> ;
- c) Websites or publications by local responsible authorities <https://www.ealing.gov.uk> ;
- d) Deprivation in Ealing: A report on the English Indices of Deprivation 2015 https://www.ealing.gov.uk/downloads/download/1015/indices_of_deprivation_for_ealing ;

1.61 Applicants for the new grant of, or variation to an existing, licence must include full details of their risk assessment in compliance with the Gambling Commission's Licence conditions and codes of practice (LCCP) Social Responsibility (SR) code 10.1.1 and Ordinary code provision 10.1.2 (both effective as from 6 April 2016)

Figure 8: Map of Licensed Gambling Premises



“Character of the Area” Profile - Sex Establishment Licensing

1.62 The Character of the Area Profile considers the factors that might go into a revised policy on the application of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) paragraph 12(3)(d)(i) and (ii). This legislation allows refusal of a Sex Establishment (SE) licence if the grant or renewal would be inappropriate, having regard—

- (i) to the character of the relevant locality; or
- (ii) to the use to which any premises in the vicinity are put.

1.63 There are various documents which together make up the Local Plan. Perhaps the most relevant for the SE policy is the Development Core Strategy DPD a very helpful and authoritative source of data with which to assess the SE policy. In terms of retail hierarchy, Ealing town centre has the status of a metropolitan centre in the London Plan (meaning it serves a wide catchment including a non-local population), Southall is noted as a major centre and Acton, Greenford and Hanwell are noted as district centres. Under the Local Plan, residential and business development is primarily to be concentrated in the Crossrail and A40 corridors, in Ealing, Acton, Greenford and Southall town centres, around mainline stations and in the regeneration of council estates.

1.64 The Local Plan makes clear that the redevelopment of Ealing town centre is to be encouraged and makes specific policies relating to extension of residential, office and retail space. The existence of a strong evening economy is noted in the Local Plan. Ealing has NT2 status in the London Plan meaning it is seen as an important regional centre for the night time economy. The London Plan encourages development of the night time economy. Ealing’s draft NTE strategy for 2018 to 2022 also encourages growth of a night time economy. However, in relation to Ealing Town Centre, that NTE strategy specifically states that the council wants to see less sexual entertainment. The NTE strategy also emphasises that the borough’s offering should be family-friendly and should prioritise safety of residents. The Local Plan highlights the difficult relationship

between late night social activities and the safety of townspeople is specifically noted.

1.65 The council is not required to define the relevant locality, but it is entitled to do so if it chooses. There is little reason to think that an SE would serve only a local market. It is a somewhat niche leisure activity, premises are not widespread across London and it is therefore likely that customers will travel some distance to visit an SE. This gives rise to additional harms beyond the immediate local effect and it would seem reasonable to take these effects into account in addition to the effect on the immediate local area. As mentioned, the Local Plan defines 8 areas.

1.66 While the basis for choosing 8 areas is not specified, it seems to be largely based on a level of self-identification by those who live and work in these areas. It would therefore seem appropriate that the SE policy should follow the Local Plan in looking individually at these areas. However, it would also seem appropriate to differentiate town centres from residential areas; what might be wholly unacceptable in a residential neighbourhood may be more acceptable in a town centre with an existing entertainment and late night economy. Finally, it would be appropriate to consider the overall effect of SEs on the borough as a whole given that their potential effects are not merely local.

Character of the borough's neighbourhoods

1.67 A largely residential area would ordinarily be an inappropriate place for an SE. The need to protect family life, the need to safeguard children, the need to minimise noise, odours, disturbance, nuisance and crime and the need for privacy are at their greatest where people live. There is little scope, therefore, for SE presence in residential areas.

1.68 The DPD describes **Hanwell, Greenford, Northolt** and **Perivale** as largely residential and suburban in character. While there are commercial activities, they are largely concentrated in defined industrial areas. There is little in the way of a late-night entertainment or culture in these areas. It would therefore seem appropriate to exclude these areas entirely as suitable areas for SEs.

1.69 The DPD describes **Park Royal** as largely an industrial area with a range of manufacturing and distribution activities. There is no official late-night entertainment offering in this area, and there is little in the way of retail offering outside retail parks concentrated along the A40/A406. Much of the area is covered by the Old Oak Common and Park Royal Development Corporation which is tasked with regenerating the area on the back of its new Crossrail station. While, to some extent, the lack of residential use might favour this area for SEs, other potential harms mitigate against SEs in this area. These include the potential for unchecked crime, the safety of users and performers in areas which are not well-frequented late at night, the need to protect important business and employment uses and the lack of public transport. For this reason, Park Royal would not seem to be a suitable area for SEs.

1.70 **Southall** is the most ethnically diverse area in the borough and is home to large Muslim, Hindu and Sikh populations. In future, the Southall Gas Works site will provide a new mixed use community with a high quality mainstream retail offering. Southall town centre is due to be reconfigured to become a major shopping centre and the Asian retail offering around the Broadway is to be encouraged. However, these developments are some way off. At the moment, Southall is a largely residential borough and its town centre is very mixed. In addition, the number and importance of local religious centres is likely to mean that any proposal for an SE would face stiff opposition. For this reason, Southall does not seem to be an appropriate area for SEs.

1.71 **Acton** was home to an existing SE which has now closed. However, as a neighbourhood, it is largely residential and its town centre has a similar status to Greenford and Hanwell. There is perhaps more late-night economy in the town centre than Greenford and Hanwell and Acton has NT3 status under the London Plan which the others do not. For this reason, Acton town centre is not ruled out by reason of its character. There are, however, sensitive uses in Acton town centre including 4 churches, a mosque and Islamic cultural centre. There are 6 schools in, or in close proximity to the town centre, including an Islamic School. There is a public library and an Islamic library in the town centre. It would be

appropriate to require evidence of impact on other sensitive uses in relation to any application within Acton town centre.

1.72 **Ealing** as an area is largely residential. However, as mentioned, its town centre has the status of a metropolitan centre. It was home to an existing SE, though that is currently closed. The appropriateness of the town centre therefore needs to be considered carefully. As mentioned, there is policy support from the London Plan and Ealing's draft NTE strategy (though not the DPD as such) for further development of a late-night economy. The current town centre mix, and the mix which the DPD seeks to encourage could be characterised as general retail or family retail orientated. Certainly, the shopping centres are aimed at general retail and seek to encourage use by families. There is (in the context of a metropolitan centre) a relatively low number of pubs and other drinking establishments. Cafes and daytime uses are widespread and night-time use is largely orientated to restaurants. The new Filmworks development will result in a town centre cinema opening, which might be thought likely to attract children and families. The NTE strategy specifically highlights a desire to see less sexual entertainment in Ealing town centre, suggesting policymakers regard the town centre as inappropriate for such activities. There are other sensitive uses in the town centre area. There are three schools in close proximity to the town centre, a primary, a CE secondary and a private prep school; there are also afterschool education establishments. There are three churches in the town centre, and several more in close proximity. Ealing central library is in the town centre area. There is a large park immediately to the south of the town centre area. Each of these might be thought to be areas where children and families might be expected. The residential part of the mix in the town centre is increasing with Dickens Yard and the forthcoming Filmworks mixed use development and with a requirement in the Local Plan for a further substantial increase in both residential and commercial floorspace. The effect of the increase in residential uses in the town centre is not simply a numbers issue. The location of new developments is such that the flow and concentrations of people is likely to change in the near future. Already, there is substantially more pedestrian traffic at the Western end of the town centre and to the south of Uxbridge Road; this will only increase with new development. This is not to say that Ealing town centre is necessarily unsuitable. There are at least 2 night clubs in the town centre area.

Late night transport links are relatively good. There is a local police presence. Rather, it means that applications for a SE licence will need to include detailed evidence on effect on the current mixed character of the area and on sensitive uses in the immediate locality.

1.73 Planning policy and SE policy are, of course, different. However, part of the reason for seeking to control development by means of planning policy is an attempt to balance interests which do not easily co-exist. Planning policy can therefore offer some guidance as to which uses are not expected to co-exist happily and the reasons for friction. A SE use would be a sui generis use meaning that planning permission will be required for any new SE. It might therefore be appropriate to require that any new application for an SE licence should be for premises which have already obtained planning permission or can demonstrate a realistic likelihood of obtaining it for the proposed use(s).

Licensing Policy 2020

LONDON BOROUGH OF EALING

Statement of principles

2.1 The Licensing Act 2003 (“the Act”) requires Licensing Authorities to prepare and publish a ‘statement of its licensing policy’ (“licensing policy”) at least every five years. This policy was prepared in accordance with the provisions of the Act and having regard to the amended Government Guidance issued under Section 182 of the Act (April 2018) (“Government Guidance”). Appropriate weight has also been given to the views of consultees. The policy has been developed specifically to address the needs of the Council and consequently may differ from the policies of other authorities.

2.2 The London Borough of Ealing (“the Council”) is the Licensing Authority (“the Authority”) under the provisions of the Act responsible for determining applications for premises licences, club premises certificates, temporary events notices and personal licences within the borough.

2.3 The Authority must seek to promote the four licensing objectives contained in the Act when carrying out its licensing functions. These objectives are:

- The prevention of crime and disorder
- The promotion of public safety
- The prevention of public nuisance
- The protection of children from harm

2.4 The Act regulates the following activities, which are covered by this licensing policy:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club, or to the order of a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment

Licensing Policy 2020 and Ealing's Key Strategies: an integrated approach

2.5 This Licensing Policy integrates with other Council strategies for the development of Ealing's economy and town centres, which fit with the Council's overall strategic vision for Ealing as a great place to live, work and visit. Applicants for licences are encouraged to make applications which will further this strategic vision, and support achievement of the objectives of the Council's key strategies.

2.6 There is a preference in this refreshed Policy for licence applications for seated premises where food and drink is consumed by table service such as restaurants and street cafes. This is to encourage a wider age range and attract older people and families with young children into the town centres late at night. Experience has shown that the presence of a wider age mix can help to reduce antisocial behaviour and improve people's perception of safety when out late at night.

2.7 There is a preference in this refreshed Policy for applications for licences from businesses and premises which help to enable a thriving arts, culture and leisure offer in the borough. This is to promote a stronger arts and cultural focus and to promote the growth of theatre, cinema and leisure events.

2.8 For premises within any of the five Special Policy Areas there exists a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.

2.9 This presumption does not relieve responsible authorities (or any other persons) of the need to make a relevant representation, referring to information which had been before the licensing authority when it developed its statement of licensing policy, before a licensing authority may lawfully consider giving effect to its special

policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

2.10 Licence applications that are considered likely to add to the existing Cumulative Impact are where there will be:

- The introduction of new licensable activities
- An increase in the capacity of premises
- An extension in hours of operation
- An extension of last entry or re-entry times
- Introducing opportunities to consume alcohol other than ancillary to table meals
- Introducing opportunities to take food or alcohol away from premises
- Introducing dance floors or other similar facilities
- Introducing promoted regulated entertainment events in premises
- Introducing or increasing external areas or activities
- Introduction of home delivery services

2.11 The list set out in 2.26 is not definitive and other circumstances may also give rise to material changes or the introduction of new activities that will add to the cumulative impact.

2.12 This policy is intended to be strictly applied. Exceptions must be genuinely exceptional. There is no definitive list of circumstances where exceptions may be granted, however an exception might arise where the application proposes to:

- substitute one premises for another, where the size and location of the second premises is less likely to cause detrimental impact and will promote the licensing objectives
- substitute a licensable activity at the premises with an activity that would have less impact on the area and would be more likely to further the licensing objectives
- effect a real reduction in capacity
- effect a reduction in hours
- replace vertical drinking with seated consumption and waiter service

- Where the committee is satisfied the application genuinely supports the ambition set out as part of Ealing's 2019 Late Night Economy Strategy.

2.13 Exceptions are unlikely to be made on the grounds that:

- the premises have been well managed, and the applicant is of good character. We would expect this conduct of all licensed premises
- there are no dwellings nearby. The nature of cumulative impact is that it is cumulative and affects not only the immediate vicinity of the premises, but a wider area.

2.14 The Authority will always consider the individual merits of each application. Moreover, where licences are unlikely to add significantly to the cumulative impact on the licensing objectives, the licence will be granted.

2.15 Ealing's planning policies support and encourage a variety of uses. Main town centre uses are defined in the National Planning Policy Framework (NPPF) and include all forms of retail, office, recreation, and arts and culture uses.

2.16 The Licensing Authority will monitor and review its Licensing Policy to assess its continuing necessity or need for expansion and ways in which the Licensing Objectives can best be achieved within the area concerned.

2.17 The Council will continue to explore and use other mechanisms as well as Special Policy use, in an endeavour to control cumulative impact. For example, extensive CCTV coverage, transport initiatives, use of Public Spaces Protection Orders (PSPO's), integrated partnership enforcement, use of closure and review procedures for individual premises, Early Morning Alcohol Restriction Orders and planning controls.

2.18 The Council will continue to work with the police, businesses, other agencies and local resident groups, in the course of normal Local Authority arrangements and duties, to secure improvements that will ultimately sustain and promote Licensing Objectives. For example, the Council and Ealing Police encourage and

support publicans to form local Pub Watch schemes where local issues can be discussed to the benefit of the trade and local community alike.

Promotion of Equality and Diversity

2.19 The Licensing Authority recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

2.20 The Licensing Authority will monitor the impact of licensing on duties under the Equality Act 2010. See 2.159 on monitoring arrangements for details of how this will be carried out.

Prevention of Crime and Disorder

2.21 Some licensed premises, especially those offering late night/early morning entertainment and alcohol and refreshment can be associated with crime and disorder problems. The Licensing Authority will look to the police and members of the Safer Ealing Partnership for advice on issues relating to crime and disorder, and appropriate action to be taken in the light of these.

2.22 The Authority will expect the applicant to conduct a thorough risk assessment of their operation to demonstrate promotion of the licensing objectives and address any issues in respect of crime and disorder in their operating schedule.

2.23 Where there are representations from responsible authorities or other persons the Licensing Authority is more likely to impose restrictions or attach additional conditions that are appropriate to address crime and disorder matters. The conditions attached to premises licences and club premises certificates will reflect local crime prevention strategies, and the Authority will also have regard to the

views of the Safer Ealing Partnership in its capacity as the statutory Crime and Disorder Reduction Partnership. The bullet points below are examples of conditions that could be attached (this list is not exhaustive and the Licensing Authority will consider each case on its own merit):

- Appropriate levels of high-visibility Security Industry Authority (SIA) accredited door staff to manage queues and to ensure that people who are drunk or carrying weapons or drugs do not enter the premises
- Dispersal policy to minimise disorder when customers leave the premises
- Helping customers to get home safely. Providing information to customer on traveling home safe late at night, such as taxi numbers, night buses etc.
- Use of text and radio pagers, which will allow premises licence holders, designated premises supervisors and managers of premises and clubs to communicate instantly with the local police and facilitate rapid response. This condition will be particularly appropriate for public houses, bars and nightclubs operating in town centre areas
- Setting of capacity limits both inside and outside the premises and provision of additional seating where it may be necessary to prevent disorder or violence. In these situations, door supervisors may also be necessary to control numbers
- Internal and external design, e.g. CCTV, lighting, counter-design, till accessibility, lockable drinks cabinets, time-delayed safes, etc.
- Use of plastic or toughened glasses to prevent violence by the use of glasses and bottles as weapons
- Staff training and records
- Conflict management training
- Drugs awareness policy to make provision for seizure and storage of drugs and weapons
- Provision for recording of incidents of crime and disorder such as refused sales, ejections, intimidating behaviour
- Adoption of age monitoring schemes to prevent under-age access to premises and under age sales of alcohol

- Policy to encourage responsible drinking to prevent excessive alcohol consumption and binge drinking through responsible price promotions and no sales of cheap high strength alcohol
- To undertake a comprehensive risk assessment for significant events using the Metropolitan Police Service Promotion/Event Risk assessment form 696 or an equivalent and provide a copy to the police not less than 14 days before the event is due and to complete a promotion/event debrief and submit to the police within 3 days of the conclusion of the event.

2.24 The Authority will expect licensees to work in partnership with local Pub Watch and Business Improvement Districts (BIDS) schemes. Such groups can promote best management practices, improve communication and understanding with the regulatory agencies, improve trader confidence in dealing with difficult situations and ultimately help to reduce opportunities for crime and disorder occurring. Where applicable applicants should show they comply with the Home Office guidance 'Safer Clubbing' in relation to the control of drugs on the premises.

2.25 The Authority will work with Transport for London (TFL) on all strategic transport issues affecting the borough, and in particular, address the problems of transport late at night and in the early hours of the morning. The swift dispersal of patrons helps to reduce the incidence and opportunity for crime and disorder, and licensing applications must reflect this need as appropriate.

Public Safety

2.26 When determining licensing applications the Authority will expect the applicant to address any issues in respect of public safety in the operating schedule.

2.27 If relevant representations are received from Responsible Authorities or Interested Parties in respect of public safety matters, the licensing authority will consider imposing restrictions and conditions that are appropriate for promoting the licensing objectives.

2.28 The following are examples of conditions that could be attached. However, this list is not exhaustive and the Authority will consider each case on its own merit:

- Checks to be carried out on equipment or fixtures at specified intervals. Records of checks should be kept
- Adequate maintenance of gas and electrical installations and provision of test certificates
- Escape routes to be kept unobstructed and in good order and repair
- Fire safety precautions and equipment are maintained in good working order
- Exit doors are easily openable without the use of a key, card or code etc. and are regularly checked. Records of checks should be kept
- Stair coverings are safely fixed and kept in good repair
- Adequate lighting in areas accessible to the public
- Setting of capacity limits
- Adequate provision of first aid facilities
- Prevention of access to roofs, balconies or any other unsafe areas
- Gardens or external areas accessible to the public are kept in a safe condition
- Compliance with smoke free legislation
- Ensure that premises users safely leave their premises by providing information on the premises of local taxi companies who can provide safe transportation home
- Curtains, hangings and upholstery are maintained in a flame retardant condition and pass the appropriate testing criteria.

Public Nuisance

2.29 The Authority will expect the applicant to address any issues in respect of public nuisance or anti-social behaviour in the operating schedule when determining licensing applications. The main public nuisance issues will be that of noise, light pollution, noxious smells and litter.

2.30 When considering controls at premises applicants are recommended to seek early advice from the Council's Noise and Pollution team. Applicants are also

strongly urged to contact the Council's Envirocrime Prevention Team to approve waste arrangements as part of the application process.

2.31 The Authority recognises that certain premises can be associated with public nuisance issues. Local residents can be affected by noise from loud music, customers leaving and arriving at premises, use of outside gardens and other external areas etc. Premises can also increase the potential for contamination of the street environment through litter, urine, vomit etc.

2.32 As "public nuisance" is not narrowly defined in law, and with a view to ensuring that the Licensing Policy objectives are achieved, the Licensing Authority will work to a broad definition of "public nuisance" when relevant representations are received. For the purposes of assessing representations, "public nuisance" retains its broad common law meaning. It could include both nuisance affecting a few people as well as more major disturbance affecting the wider community. It may also include the reduction of the living and working amenity and environment of interested parties in the vicinity of the licensed premises.

2.33 The Licensing Authority recognise that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night time economy in town and city centres.

2.34 If relevant representations are received from Responsible Authorities or Interested Parties in respect of public nuisance, the licensing authority will consider imposing restrictions and conditions that are appropriate for promoting the licensing objectives.

2.35 Appendix 8 sets out examples of conditions that could be attached. However, these Sections do not comprise an exhaustive list and the Authority will consider each case on its own merit:

2.36 Measures to reduce or prevent noise from music and customers emanating from premises, in particular:

- Ensuring doors and windows are kept closed after a particular time,
- Provision of air conditioning or mechanical ventilation
- Provision of sound reduction equipment
- Acoustic lobbies
- Double glazing
- Use of screens, baffles, silencers
- Appropriate location and siting of equipment and speakers
- Timing of use

2.37 Measures to reduce noise or disturbance in the immediate vicinity of the premises from customers entering and leaving, in particular:

- Positive encouragement to customers to leave quietly and respect rights of residents neighbour courtesy notices
- Departure and dispersal policies, to be overseen by stewards or door supervisors (for example see NOCTIS dispersal policy; NOCTIS represent the interests of businesses operating in the night time economy)
- Management of queuing and taxi drop offs and pick-ups by trained security staff
- Last entry and re-entry restrictions
- Winding down period
- Management of external areas such as beer gardens, forecourts and smoking areas
- Limits on numbers of customers allowed in external areas
- Advice to customers on public transport, provision of taxis etc – to aid rapid dispersal of people
- Management/door staff should ensure that patrons disperse quietly and quickly from the vicinity of the premises
- Timing of deliveries and refuse collection. As a guide, the Environmental Health authority recommend that deliveries/collections should only be

done between the hours of 8:00am and 8:00pm, depending on the proximity of residential and/or other noise-sensitive properties

- Dropping glass in outside bins

2.54 Measures to control light pollution

- Bright lighting associated with late night venues may cause nuisance for some neighbours; any potential negative effects from bright lighting should be avoided where possible and efforts should be made to mitigate against these effects

2.55 Measures to prevent accumulations of litter in the vicinity of the premises

- Provision of litterbins in the vicinity of the property to include a cigarette extinguishing facility where appropriate
- Rubbish patrols while the premises are open and following closure

Protection of Children from Harm

2.56 The Authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm.

2.57 The Act prohibits children aged less than 16 years old and unaccompanied by an adult, to access licensed premises, which are:

- Used primarily or exclusively for consumption of alcohol on the premises
- And or in any event, between the hours of midnight and 0500 hours.

2.58 In all other cases it will be left to the discretion of the licensee, as the Act does not generally prohibit children from accessing licensed premises. Where children are accompanied and supervised by a responsible adult, additional measures should not normally be necessary.

2.59 This policy will not attempt to anticipate every issue that could arise in respect of children and each application will be decided on its merit. However, examples

of particular areas that will give rises to concern in respect of children are as follows below:

- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors, or with a reputation for underage, binge or heavy drinking
- Premises with a known association with drug taking or dealing
- Where there is a strong element of gambling
- Where entertainment or services of an adult or sexual nature are commonly provided
- Where a proof of age scheme is not the norm
- Where the supply of alcohol for consumption on the premises is the key activity.

2.60 The Authority will seek appropriate restrictions where these appear necessary to protect children from moral, psychological or physical harm. The Licensing Authority will consider any of the following options where restricted child access is deemed appropriate:

- Limitations on the hours when children may be present
- Limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place
- Limitations on the parts of premises to which children might be given access
- Age limitations (below 18)
- Requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult), and
- Full exclusion of those people under 18 from the premises when any licensable activities are taking place.

2.61 Venue operators seeking premises licences and club premises certificates can volunteer such prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. Where the Authority receives no relevant representations, these volunteered prohibitions and restrictions will become

conditions attached to the licence or certificate and will be enforceable as such. The Authority in these circumstances may impose no other conditions on premises.

2.62 The Authority recognises the local authority's social care Child Protection Teams as being competent to advise on matters relating to the protection of children from harm. Applicants must copy their applications to it in its capacity as the responsible authority. (See Appendix 2 for appropriate contact details of responsible authorities.)

2.63 In relation to film exhibition premises a mandatory condition will be applied requiring access to be restricted to those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification.

2.64 Children have access to a range of regulated public entertainment venues and may be present as members of a viewing audience or as performers in their own right. The Authority expects applicants to make proper provision for child safety and welfare during such events. Notwithstanding public safety issues, supervisory arrangements must be reflected within operating schedules. The Authority will expect the operating schedule to demonstrate that these supervisors have been appropriately cleared of relevant offences through the Criminal Records Bureau.

2.65 The Authority commends to those selling and providing alcohol, the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic drinks.

Policies that apply to different types of licensed premises

2.66 This section sets out considerations that will be applied in respect of the different types of licensed premises, and the impact of these considerations.

2.67 Examples of conditions that will help promote the licensing objectives are set out in Appendix 7 "Examples of Management Conditions".

2.68 These may be added by licensing panels when determining applications where representations have been received. These can also be used as a reference tool by applicants when compiling licence operating schedules.

2.69 These conditions are not mandatory or standard conditions, and each application will be considered on its own merits. Conditions may be amended or added to over the period of the licensing policy due to changes in legislation, technology or new issues that may arise from the operation of licensed premises in the borough.

2.70 The examples listed below of licensed premises types are not exhaustive and certain applications may not fit into the descriptions set out in the paragraphs below.

Pubs, Bars and Night Clubs

2.71 It is recognised that pubs, bars and nightclubs make a valuable contribution to the vitality and viability of the boroughs night time economy, providing places for people to meet and enjoy themselves. While these premises can add to the diversity and character of areas they can also cause a number of problems. These premises primarily serve alcohol and attract a considerable number of young people, which can give rise to public nuisance to residents and other businesses especially where there are large concentrations. This is mostly due to noise from the premises themselves and when people are leaving them late at night. These premises can also give rise to alcohol fuelled violence and disorder and can present opportunities for other crimes.

2.72 Applications for these premises where there are representations will only be granted subject to other policies and where the operating schedule demonstrates that the controls and management standards set out in Section 2.1 (policies supporting each of the licensing objectives) are in place.

2.73 Applications within the special policy areas must demonstrate that they are not likely to add detrimentally to the cumulative impact.

2.74 Limitations may be imposed when considering matters such as:

- Premises located in close proximity to residential accommodation which could give rise to noise and public nuisance
- The ability to drink outside the premises and the use of outside space
- Hours of operation outside the core hours policy and ability to enter or re-enter at late hours which could give rise to public nuisance or disorder
- Availability of public transport or private car-hire services for the journey home.
- Arrangements for dispersal of customers at late hours which could give rise to public nuisance or disorder
- Potential for noise disturbance from licensable activities such as music and dance.
- Arrangements for waste disposal and collection
- Examples of conditions that may be relevant to Pubs, Bars and Night Clubs are attached in Appendix 7.

Late Night Hot Food Takeaways

2.75 These premises sell hot food and drinks for consumption off the premises (takeaways) and are open after 23.00 to late at night. The Metropolitan Police Service has raised concerns about the potential for crowds to congregate around these premises late at night. They hinder the quick and safe dispersal of late night customers from clubs and pubs in the area and they have been associated with alcohol-fuelled friction and provide opportunities for crime. These premises also increase the potential for contamination of the street environment through litter, urine, vomit etc.

2.76 Applications for these premises where there are representations will only be granted subject to other policies and where the operating schedule demonstrates that the controls and management standards, set out in section 2.1 (policies supporting each of the licensing objectives) are in place.

2.77 Applications within the Special Policy Areas must demonstrate that they are not likely to add to a detrimental Cumulative Impact.

2.78 Limitations may be imposed following representations that the premises or surrounding area is known to be a focus of disorder and disturbance and hinders the quick and safe dispersal of patrons from the local vicinity.

2.79 Examples of conditions that may be relevant to Late Night Hot Food Takeaways are attached in Appendix 7.

Premises licensed for Off Sales of alcohol

2.80 Off-licences are premises that sell alcohol exclusively for consumption off the premises and include supermarkets, shops, and convenience stores.

2.81 The number of off-licence premises has increased significantly since the Licensing Policy was last reviewed in 2015, from 385 to 482. Over the same period, concerns have raised by members of the public, police and elected officials in relation to problems associated with outdoor drinking throughout the borough.

2.82 Availability of high strength cheap alcohol, in particular high strength lager and white cider and the number of off-licences in an area are a sustaining factor for street drinking and often the street drinking areas on the borough coincide with the areas that have a high number of off-licences.

2.83 The sale of cheap high strength alcohol can encourage people to “pre-load” with alcohol before going to pubs and nightclubs and lead to an increase in drunkenness and associated violent and antisocial behaviour.

2.84 Off-licences can also provide an opportunity for people to continue drinking after pub closing times. This can hinder the safe and quick dispersal of late night customers from the town centres.

2.85 Applications for these premises where there are representations will only be granted subject to other policies and where the operating schedule demonstrates that the controls and management standards, set out in Section 3, are in place.

2.86 Applications within the Special Policy Areas established in this Policy falling within Ealing, Acton, Southall, Greenford and Elthorne as shown in Figures 3 to 7 must demonstrate that they are not likely to add negative cumulative impact.

2.87 In terms of the impact of a Special Policy specifically on applications for off-sales, the “certain limitations” referred to in 1.21 may include, but are not limited to either or a combination of the following:

- Restrictions around single-unit sales
- Potential additional restrictions around terminal hours (e.g. no alcohol sales before a stipulated time of day)
- Restrictions around sales of alcoholic “miniatures”
- Restrictions around sales of certain forms of high-strength alcohol

2.88 Where representations are received against the grant of a further licence for off sales because of serious concerns over problems of outdoor drinking and or late-night disorder associated with off sales of alcohol in the area, the Licensing Authority will give careful consideration to restricting the number and hours of premises selling alcohol for consumption off the premises. This is to hinder problematic outdoor drinkers masking their consumption by purchasing from a series of premises and using a number of premises to try to buy alcohol if they are refused in one.

2.89 Applications for premises located close to schools and hostels for vulnerable people that may provide accommodation and services to alcohol dependant people will need to demonstrate that responsible retailing policies are in place.

2.90 The licensing authority will take a particularly serious view in licence review applications where there is evidence that the premises are being used for the sale of non-duty paid or counterfeit tobacco, alcohol and other areas of non-compliance. If the evidence is conclusive that the premises are being used for the

sale of non-duty paid or counterfeit tobacco and/or alcohol, or non-duty or counterfeit goods, the licensing authority will seek to revoke or suspend the licence. Consideration will be given to the revocation or suspension of the licence even in the first instance of being found selling non-duty or counterfeit goods.

2.91 Examples of conditions that may be relevant to off-licences are attached in Appendix 7.

Restaurants and Cafes licensed to sell Alcohol for consumption on the premises

2.92 Although there are some exceptions, restaurants are not generally associated with crime and disorder and cater for wider age groups and families. Restaurants are defined as premises where alcohol will be consumed on the premises at seated tables in association with the consumption of meals by waiter service.

2.93 The Licensing Authority encourages applications for restaurants, however applications for these premises where there are representations will only be granted subject to other policies and where the operating schedule demonstrates that the controls and management standards, set out in section 2.1, (policies supporting each of the licensing objectives) are in place.

2.94 Applications that are likely to create a detrimental cumulative impact will normally be refused in special policy areas.

2.95 When considering applications for new restaurants or variations to existing restaurants where representations are received the Licensing Authority may consider imposing conditions to restrict the use of the premises to the definition given above.

2.96 For instance the sale of alcohol could be restricted to persons at seated tables where meals are being consumed. Alcohol sales could be restricted to waiter or waitress service only. Applications for alcohol sales separate to the consumption of meals at tables would be considered under the same policy for 2.2.6 above (pubs, bars and night clubs).

2.97 Similarly applications for the provision of late night refreshments may be restricted to the consumption of food on the premises at seated tables. Minimum cover charges could also be imposed. Applications that included sales of hot food and drinks for take away consumption or to standing customers would be considered under the same policy for 2.2.10 above (Late night hot food takeaways)

2.98 Consideration may also be given to restrictions on the use of outdoor areas, or provision of music and other regulated entertainment that could give rise to public nuisance problems.

2.99 The Licensing Authority are keen to encourage development of a vibrant, culturally diverse night-time economy which may include provision of live music, other forms of cultural entertainment, and dancing. However, where the application includes regulated entertainment such as dancing and amplified music or other entertainment that could give rise to public nuisance then the licensing authority will consider this section in conjunction with policy 2.2.6 above for Pubs, Bars and Night Clubs.

Temporary Event Notices

2.100 Under the Licensing Act 2003, a Temporary Event Notice (TEN) allows licensable activities to be carried out at premises where they are not authorised by a premises licence or a club premises certificate e.g. an extension to licensable hours for a one-off event. TENs have a number of limitations associated with them including that they can only be made for venues of up to a maximum capacity of 499 people and that last for no more than 168 hours (7 days).

2.101 For a “Standard TEN” the premises user must use a prescribed form and submit the notice to the Licensing authority, Police and the Council’s Environmental Health at least 10 working days before the event begins. The notice must be received by the Licensing Authority, Police and Environmental Health Service at least 10 working days before the start of the event. The 10 working days do not include the day of receipt or the day of the event.

- 2.102 For a “Late TEN”, where less than 10 working days’ notice is given, notice must be given to the Authority electronically no later than five working days, but no earlier than nine working days before the temporary event begins; or, if it is made in writing, is given to the Authority and each relevant person no later than five working days before the temporary event begins and to at least one of those persons no earlier than nine working days before the event begins.
- 2.103 Where submissions are made online via the required form, the Licensing Authority will be responsible for serving copies on the Police and Environmental Health Service.
- 2.104 The licensing authority will publish all Temporary Event Notices on the Council’s public access website at <https://pam.ealing.gov.uk/>. On occasion these notices may be published after the event has taken place.
- 2.105 The timeframes for receiving Temporary Events Notices is set by statute and the Licensing Authority cannot and will not deviate from these time frames.
- 2.106 The Police and Environmental Health Service can object to a temporary event if they can substantiate that the event is likely to be at variance with the Licensing Objectives. This notice must be provided before the end of the third working day following the day on which the relevant person is given the Temporary Event Notice.
- 2.107 With the agreement of the notice giver, the Temporary Event Notice can be modified by one of the relevant persons, in which case the objection notice is to be treated as withdrawn and the event may proceed under that authority (as modified).
- 2.108 If the objection notice is not withdrawn, the Authority must hold a hearing to consider the objection notice, unless the premises user, the relevant person who gave the objection notice and the authority agree that a hearing is unnecessary.

2.109 At the hearing the Authority must, having regard to the objection notice, give the premises user a 'counter notice' if it considers that it is appropriate for the promotion of a licensing objective to do so. A counter notice has the effect of ending any authority to provide licensable activities that would otherwise arise from the giving of the Temporary Event Notice and the event cannot go ahead.

2.110 Alternatively, the Licensing Act 2003 permits the Authority to impose one or more conditions on a standard Temporary Event Notice.

Licensing Hours

2.111 Since the introduction of the licensing regime in 2005 many of the licensed premises in the borough have taken advantage of the opportunity to apply for later licensing hours. This has led to a considerable number of alcohol led premises such as pubs, bars and nightclubs, off-licences and late-night Take-Aways that now operate at varying times well after midnight.

2.112 The Authority recognises that, in some circumstances, flexible licensing hours can reduce concentrations of customers and reduce friction. However, in practice later hours has only led to later incidents of crime and disorder and noise disturbance within the borough rather than to resolve the issues. Even well managed premises with good dispersal policies in place cannot control or eliminate disturbances to residents when late night patrons have left the vicinity of licensed premises.

2.113 The Licensing Authority has weighed up the possible benefits of later hours against the detrimental effects of later hours on local residents and their rights to peace and quiet and do not accept that later hours are better in the local context.

2.114 The Authority do not intend to introduce a terminal licensing hour however the Authority believe that licensable activities carried on within the core hours set out below will generally not have a harmful impact on the licensing objectives. Applications within these times are less likely to attract representations from

responsible authorities or interested parties. (Core hours are subject to any applicable Special Policy Area.)

2.115 Applications outside the core hours will all be considered on their own merit but are more likely to attract representations. The Authority will take the following matters into consideration when making a decision (these are not a definitive list and other matters may be considered):

1. Operating schedules - demonstration of compliance with management standards as detailed in Section 2.1 to support each of the licensing objectives
2. Proximity to residential accommodation - the likelihood of the operation to have an adverse impact on the peace and quiet of local residents
3. Potential noise and nuisance from people leaving and entering the premises. Ability to demonstrate that systems in place to ensure timely dispersal of customers away from residential areas
4. Use of external areas for carrying out the licensable activities and potential noise impact on local residents
5. Proposed hours of the licensing activities and general opening times for the public – The use of winding down periods to enable more efficient dispersal
6. Type of use – alcohol led premises such as pubs, bars and nightclubs, off-licences and hot food take away premises are more likely to be associated with crime and disorder and public nuisance than other premises such as seated restaurants, theatres, cinemas and other cultural activities
7. Availability of public transport to assist in the timely dispersal of customers from the vicinity and to ensure safe travel home
8. The potential for contamination of the street environment through increased litter and other pollution of the streets by customers

Table 3: Core hours for licensable activities

Premises for the supply of alcohol on the premises		
	Town Centre Areas (Ealing, Acton, Southall, Hanwell, Greenford)	Local Neighbourhood Areas
Monday - Thursday	10.00 – 23.30	10.00 – 23.00
Friday – Saturday, Bank Holiday Sunday	10.00 – 00.00 (midnight)	10.00 – 23.30
Other Sundays	11.00 – 23.30	11.00 – 23.00

Premises for the supply of alcohol off the premises	
Monday – Thursday	08.00 – 23.30
Friday – Saturday, Bank Holiday Sunday	10.00 – 00.00 (midnight)
Other Sundays	11.00 – 23.30

Premises offering late night refreshment	
Sunday - Thursday	23.00 – 00.00 (midnight)
Friday – Saturday, Bank Holiday Sunday	23.00 – 01.00

How the Licensing Policy will be applied

2.116 The Licensing Authority only has discretion on whether to grant or refuse applications or to impose conditions or restrictions if relevant representations are received from responsible authorities or other persons.

2.117 When relevant representations are received the Authority will take its own Licensing Policy into account when making decisions and will apply the following four policies when considering applications.

- Policies’ supporting each of the Licensing Objectives (see section 1.1) - These policies set out proposed standards of management and controls that

should be in place to promote each of these licensing objectives. These may be applied as conditions when representations are made.

- Policy on Cumulative Impact Areas (CIAs) - This covers the Ealing, Acton, Greenford, Elthorne and Southall town centre areas. The effect of these CIAs is that a licence application, which is likely to add to the existing cumulative impact, will normally be refused following relevant representations.
- Policy on Licensing Hours - This sets out core hours for licensable activities, which the Authority believe will generally not have a harmful impact on the Licensing objectives and gives details of the considerations that will be made on applications when representations are received. For new applications or variations to existing premises within one of the Cumulative Impact Areas the core-hours policy does not override the rebuttable presumption against grant.
- Policies on different types of licensed premises - This sets out how different types of licensed premises can impact on the Licensing objectives and what considerations will be made in respect of applications for each type. Particular focus is given to pubs, bars and nightclubs, late night hot food takeaways, off sales licensed premises, restaurants and cafes licensed to sell alcohol for consumption on the premises. This policy also sets out in Appendix 7 examples of conditions that may be appropriate for different types of premises. These are not mandatory or standard conditions, and each application will be considered on its own merits.

2.118 While this Licensing Policy sets out a general approach to making licensing decisions it will not undermine anyone's right to apply for a variety of permissions under the provisions of the Act and each application will be considered on its own merit in the context of the four licensing objectives. Similarly, this Licensing Policy will not override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.

2.122 The Licensing Authority will avoid attaching conditions that duplicate other regulatory regimes as far as possible.

2.123 Planning and Licensing regimes will be properly separated to avoid duplication. However, an operational protocol for Licensing and Planning has been set up to ensure appropriate integration between the two departments. A planning authority can also make representations as a responsible authority as long as they relate to the Licensing objectives.

2.124 It is expected that applications for premises licences should be from businesses with planning consent for the premises concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the Planning Authority. Where the planning hours and licensing hours are different, the applicant must observe the earlier closing time.

2.125 The Authority will take account of any non-compliance with other statutory requirements in its licensing decisions when they impact upon the licensing objectives.

Licence Conditions

2.126 There are three types of conditions that may be attached to a licence or certificate; proposed, imposed and mandatory.

2.127 Proposed conditions are those that are contained within the operating schedule of the application. Imposed conditions will be those that are added by the Licensing Sub Committee as a result of a hearing. Mandatory conditions are prescribed by the Act and will be allocated to all licences or certificates in accordance with the legislation.

2.128 Where there have been no relevant representations from responsible authorities or interested parties the licence or certificate will be granted subject only to such proposed conditions that are consistent with the operating schedule

accompanying the application and any mandatory conditions required by the Act itself.

2.129 The Licensing Authority will only impose conditions to a premises licence or club premises certificate if relevant representations are received. Any such conditions will be tailored to the individual style and characteristics of the premises and events concerned.

2.130 Conditions will only be imposed where the licensing authority are satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

2.131 The conditions will be focused on matters, which are within the control of individual licensees. The primary focus will be on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activities (including the right to sleep) in the area concerned.

2.132 The Licensing Authority cannot impose blanket conditions however will be guided by the examples of management conditions attached in Appendix 7.

2.133 These conditions are not absolute, and alternative conditions may be specifically worded by the Licensing Authority and attached to licences as appropriate.

2.134 Specific examples of best practice and wider considerations relating to each Licensing Objective are contained within Part 2. Applicants are advised to consider these sections when drafting Operating Schedules.

Management standards

2.135 These Policies set out proposed standards of management and controls that should be in place by the operator/applicant to promote the Licensing Objectives (Section 1.1).

2.136 The Licensing Authority expects that the applicant will include these standards of management in their operating schedules. If there is no relevant representation then the licence will be granted.

2.137 Applications which are not in line with these policies may be more likely to attract relevant representations from responsible authorities and interested parties. If there is a relevant representation that is not withdrawn then there will be a hearing, which will lead to a delay.

2.138 The Authority will consider proposed standards of management when making decisions and will be more likely to impose conditions in line with these policies. This will always be subject to the merits of individual cases.

Licence Reviews

2.139 At any stage following the grant of a premises licence or a club premises certificate, a responsible authority, or any other person may ask the Licensing Authority to review the licence because of a matter of concern arising at the premises in connection with any of the four licensing objectives. A review may be triggered automatically following a Police closure of the premises due to disorder.

2.140 It is considered good practice for authorised persons and responsible authorities to give licence holder's early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review.

2.141 Where a request originates from other persons, e.g. a local residents' association, local business or trade association, the Licensing Authority must first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.

2.142 The Licensing Authority as a responsible authority can apply for a review if there are concerns about licensed activities at premises and want to intervene early

without waiting for representations from other persons. The Government guidance states that it would not normally expect the licensing authority to act on behalf of other persons such as local residents or community groups as these people are entitled to apply for a review in their own right.

2.143 The Authority also has a dual responsibility to administrate the process of a review and determine its outcome at a hearing. When we act as a responsible authority and apply for a review we will ensure that a separation of responsibilities is achieved.

2.144 When determining an application for a review the Authority has the powers to take the following steps (if any) if they consider them necessary to promote the licensing objections:

- modify the licence conditions;
- exclude a licensable activity from the scope of the licence;
- remove the designated premises supervisor;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

2.145 In deciding which powers to invoke the authority will so far as possible seek to establish the cause or causes of the concerns that representations identify. The remedial action taken will generally be directed at these causes and will be no more than an appropriate and proportionate response.

2.146 The Authority will also take into consideration its vision for the night time economy along with the policies supporting each of the licensing objectives, the licensing hours policy and policies that apply to different types of licensed premises. In particular, the Licensing Authority will take into account the objectives of the Ealing Night Time Economy Strategy.

2.147 The Authority may also impose standards of management and controls that should be in place to promote each of the licensing objectives as detailed in Part B Section 1.

2.148 In cases where the crime prevention objective is being undermined it is expected that revocation of the licence, even in the first instance, will be seriously considered.

Enforcement and Administration

2.149 In exercising functions and ensuring compliance under the Licensing Act 2003 the Authority will have regard to the Council's Corporate Enforcement Policy and will also have regard to the principles that regulatory activities should be:

- Carried out in a manner which is transparent, accountable, proportionate and consistent
- Targeted at resolving issues in cases in which action is required

2.150 Inspections will be carried out on a risk rated basis. Premises or activities with the highest hazards, greatest risks, poorest compliance and worst management will be inspected more frequently than low risk premises. Low risk premises may not form part of the inspection programme and will generally be given literature or guidance to help them run their business safely and with the least impact on their local environment. The team will respond to allegations of non-compliance from existing licensed premises and also allegations where licensable activities are taking place on premises without the appropriate licence or authorisation.

2.151 Enforcement will be informed through intelligence and evidence arising from investigation of third party, routine inspections and planned enforcement initiatives with other enforcement agencies to deliver cross service objectives.

2.152 Enforcement will be escalated through a range of appropriate possibilities ranging from advice and encouragement during initial visits through to prosecutions for more serious offences or where advice has been continually ignored. When considering prosecutions regard will be taken to the Regulators' Compliance Code, Enforcement Concordat and the Crown Prosecution Service Code.

2.153 The Authority will establish protocols and develop partnership opportunities with all interested parties including the licensed trade, responsible authorities, local residents and businesses and other enforcing authorities as appropriate on enforcement issues. In particular, working with:

- The trade in initiatives such as; pub and club watch schemes;
- The police by setting up joint enforcement protocols, joint-working arrangements, multi-agency visits and protocols with door supervisors.
- Residents either directly or through local representatives.
- Community Safety team by attending local partnership days and taking part in high visibility inspections of premises,
- Health and Safety and fire brigade by carrying out joint inspections where there are public safety problems
- Noise and nuisance team by targeting late night inspections where there are noise and other public nuisance problems
- Trading Standards to ensure that underage sales are prevented

2.154 The Licensing Act 2003 provides that the functions (including its determinations) of the Licensing Authority are to be taken or carried out by its Licensing Committee. The Licensing Committee may delegate these functions to sub committees or in appropriate cases, to officials supporting the Licensing Authority. A full description of the how the Licensing Authority has delegated its decision-making powers is provided in Appendix 1: Delegation of decisions and Functions.

Appeals

2.155 Applicants or objectors can appeal against a decision made by the licensing authority with respect to applications for a Premises licence, Club premises certificate, Variation to an existing licence or certificate, Review of an existing licence or certificate, Temporary Event Notice (TEN), Provisional statement, Transfer of premises licence, or variation to specify a new designated premises supervisor (DPS).

2.156 Appeals must be made in writing to the designated officer for the magistrates' court and must be made within 21 days of being made aware of the decision. The decision made by the licensing authority takes effect immediately until the appeal is concluded.

2.157 The magistrates' court may dismiss the appeal, substitute the decision for any other decision the licensing authority could have made or send the case back to the authority with instruction on how to proceed. There is no further opportunity to appeal the decision of the court.

2.158 There is no appeal to the magistrates against the issue of a counter notice to a TEN. The only available remedy would be review by the High Court.

Monitoring arrangements

2.159 The Licensing Authority has put in place rigorous and comprehensive arrangements for monitoring the impact of this Policy, in order to ensure that the Policy is delivering the intended consequences and is helping to enable the Council, strategic partners and the local community to achieve the Policy objectives. These arrangements include:

- Annual Enforcement Update to the Licensing Committee, reporting on key achievements and issues in relation to enforcement activity and implementation of the Policy
- Regular (average 2-monthly) reports to the Licensing Committee on issues relating to the scope and objectives of this policy, including issues relating to the enforcement of the Policy
- Regular updates (at least quarterly) to the statutory Safer Ealing Partnership on issues relating to the scope and objectives of this policy, including issues relating to the enforcement of the Policy
- Refreshed surveys and consultation with the public on matters falling within the scope and remit of this policy, to help ensure that the views of local

communities are incorporated into assessments of the outcomes from implementation and enforcement of the Policy

- Special research commissioned either by the Licensing Authority or strategic partnerships (e.g. the Safer Ealing Partnership) to investigate specific issues falling within the scope and/or objectives of this Policy, for example issues related to a particular theme (e.g. street drinking) and/or a particular part of the borough.

2.160 Reports made to the Licensing Committee and/or strategic partnerships will be made available to the public in accordance with the Council's policy on publication of Committee and strategic partnership reports.

2.161 Reports made to the Licensing Committee and/or strategic partnerships will appropriately take into account impacts on equality groups as described in the Equality Act 2010. If you wish to make any comments on this Licensing Policy or would like further information on the licensing and application processes, including application forms, fees, and details regarding each type of application, including the minor variations process the licensing officers can be contacted in the following ways:

- By person or post at the Licensing Team, Regulatory Services, 4th floor Perceval House, 14- 16 Uxbridge Road, Ealing W5 2HL
- By email at licensing@ealing.gov.uk or Telephone 020 8825 6655

The Council's website provides further information and routes to make online applications at http://www.ealing.gov.uk/info/200911/a_to_z_of_licences.

Gambling Licensing Policy 2020

LONDON BOROUGH OF EALING



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Good, genuinely
affordable homes

Opportunities and
living incomes

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A healthy,
great place

✓ FOR ALL

Statement of Licensing Policy

3.1 The Gambling Act 2005 requires the Council to prepare and publish a “Statement of Licensing Policy” that sets out the principles the Council proposes to apply in exercising its licensing functions when dealing with applications for Premises Licences, as required by the Act.

3.2 This Policy Statement takes effect on 27 July 2020. This Licensing Authority will update and publish a new Licensing Policy whenever necessary but in any case within 3 years of the date of this Policy, and will fully consult with partners, trade associations and residents groups as appropriate at that time, any representations received will be considered at that time.

3.3 However where updates are required due to changes in national legislation, statutory guidance or contact details the council reserves the right to amend this policy without consultation where it is necessary to ensure the policy reflects national legislation or statutory guidance.

3.4 In producing the final Policy Statement the Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Gambling (Licensing and Advertising) Act 2014, the Guidance to Licensing Authorities issued by the Gambling Commission, and any codes of practice and any responses from those consulted on the Policy Statement.

3.5 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with such a right. The council will have regard to the Human Rights Act when considering any licensing issues, and particularly in respect of the way in which applications are considered and enforcement activities are carried out.

3.6 The council acknowledges that it may need to depart from this Policy and from the guidance issued under the Act in individual and exceptional circumstances, and where the case merits such a decision in the interests of the promotion of the licensing objectives. Any such decision will be taken in consultation with the

appropriate legal advisors for the Licensing Authority, and the reasons for any such departure will be fully recorded.

Licensing Objectives

3.7 In exercising most of their functions under the Gambling Act 2005 “the Act” the licensing authority must have regard to the licensing objectives, which are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way: and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling;

3.8 It should be noted that the Gambling commission has stated, “The requirement in relation to children is explicitly to protect them from being harmed or exploited from gambling”

3.9 This licensing authority is aware that, as per section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:

- In accordance with any relevant code of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- In accordance with the authority’s statement of licensing policy

The Local Risk Profile and Risk Assessments by Operators - Licensing Conditions and Codes of Practice 2015 (LCCP) (version update 7 May 2019)

3.10 The Gambling Commission released the LCCP in February 2015 with a commencement date of May 2015. The code strengthened the social responsibility code (SR) requirements. Details regarding the LCCP and SR code

can be accessed via the Gambling Commission website at www.gamblingcommission.gov.uk.

3.11 The code requires operators:

- To supervise customers effectively on gambling premises and identifies customers who are at risk of gambling related harm.
- With effect from 6 April 2016 to have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work.
- To have a range of measures with regard to marketing to ensure social responsibility that is transparent and not misleading. With effect from 6 April 2016 to produce a risk assessment on individual premises, and
- Have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.

Risk Assessments

3.12 Such risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence. The LCCP strongly encourages all operators of; Casino's, AGC's, Bingo Premises, FEC's, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

3.13 Operators are expected by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for a new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the council's inspection regime and may be requested when officers are investigating complaints.

3.13.1 Any failure to provide a competent risk assessment will be taken into account by the Council in determining the application, and such inferences will be made about potential harm to the licensing objectives as appear appropriate.

3.14 The Council considers that these local risk assessments are a key component of the overall assessment and management of the local risks. The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this council expects the Borough's local risk profile and the following matters to be considered by operators when making their risk assessment:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may correlate with benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall;
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities;
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.;
- The ethnicity, age, economic makeup of the local community.

3.15 The risk assessment should cover the risks and character of the local area, the gambling operation and the design of the premises.

The Gambling Operation

3.16 In assessing the risk factors associated with a gambling operation the assessor should take into account the local risks which are commonly accepted by broader stakeholders and how that gambling operation may affect that risk.

3.17 The assessment must include, but not be limited to, a documented assessment of at least the following factors:

- How the gambling operation will relate to how the operator conducts its business;
- What gambling products it provides in the premises;
- The facilities to enable gambling within the premises;

- The staffing levels within the premises;
- The level and requirement for staff training;
- Whether loyalty or account cards are used or not;
- The policies and procedures it has in place in relation to regulatory requirements of the Act or to comply with the LCCP;
- The security and crime prevention arrangements it has in place;
- How it advertises locally and on the premises;
- The marketing material within the premises;
- The display and provision of information, etc.

The Design of the Premises

3.18 The design and layout of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. In assessing the risk factors associated with the premises design and layout reference is needed to the local area risks factors already identified to ensure the design doesn't add to that risk. The design, both internal and external should be considered and an assessment must be carried out to include, but not be limited to, a documented assessment of at least the following factors with regards to design and layout:

- The premises may have several support pillars which the assessor identifies as obstructing the view of the gaming machines from the cashier counter
- The assessor may identify that the design of the entrance to the casino is not sufficiently covered by CCTV to enable the identification of offenders.
- Premises which are located within an area which has a high number of children and young people present throughout the day, may identify that their standard external design means that children and young people can see into the premises and see gambling taking place
- If a premises has a large amount of glass frontage in an area prone to criminal damage, the assessor may consider the risk of damage to the standard toughened glass to be high.

3.19 These identified risk factors must be documented.

Consultation

3.20 Ealing Council consulted widely upon this statement before finalising and publishing. The Gambling Act requires that the following persons are consulted by licensing authorities:

- The Chief Officer of Police / Borough Commander
- Persons who represent the interests of persons carrying on gambling businesses
- Persons who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act

3.21 List of persons this authority consulted

- The Police Service
- Organisations named as Responsible Authorities in the Act
- All existing licensed premises under the Gambling Act 2005
- All other interested businesses
- Other Neighbouring Councils
- Ward Councillors
- Residents, Residents' Associations and Trade Associations

3.22 The consultation took place between 29 October and 10 December 2019 and followed the Gambling Commission's guidance to Licensing Authorities (September 2015, updated September 2016).

3.23 The policy was approved at a meeting of the full Council on 21 July 2020 and was published via the London Borough of Ealing website. Copies were placed in the public libraries of the area as well as being available at our offices in Perceval House.

3.24 It should be noted that this policy statement will not override the right of any person to make an application, or to make representations about an application, or to apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

3.25 In preparing this statement of principles the licensing authority declares that it has had regard to the licensing objectives of the Act, the Guidance issued by the Licensing commission, and any responses from those consulted on the statement.

Responsible Authorities

3.26 The licensing authority is required to state the principles it will apply in exercising its powers under s 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

3.27 The Council has designated the Local Safeguarding Children Board as the competent authority dealing with all matters relating to the protection of children from harm. The Board comprises the Council's children's service and statutory and voluntary partners and will have jurisdiction throughout the Borough. The contact details of the Responsible Authorities under the Gambling Act 2005 are attached in Appendix 6

Interested Parties

3.28 Interested parties can make representations concerning an application, or apply for a review of an existing. These parties are defined in the Gambling Act 2005 as follows;

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities of the business,
- Has business interests that might be affected by the authorised activities, or
- Represents persons who satisfy a) or b) above.

3.29 The licensing authority is required to state the principles it will apply in

exercising its powers under the Act to determine whether a person is an interested party. The principles are:

- 3.30 Each case will be judged on its merits. This authority will not apply a rigid rule to its decision-making. It will consider the examples of consideration provided in the Gambling Commission's Guidance to Licensing Authorities at 8.11 to 8.17. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups, and medical practices.
- 3.31 The Gambling Commission has recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents' and tenants association as interested parties. This authority will not however generally view these bodies as interested parties unless they have a member who can be classified as an interested party under the provisions of the Act i.e. lives sufficiently close to the premises to be likely affected by the activities being applied for.
- 3.32 Any association, union or trade group may be requested by the licensing authority to furnish proof of their status as an organisation by providing evidence as to management structure, funding, extent of membership, statement of principles, rules book, minutes of meetings, etc.
- 3.33 A Member of Parliament or a Ward Councillor can be an interested party. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Other than these however, this authority will generally require written evidence that a person/body (e.g. an avocate/relative) 'represents' someone who either lives sufficiently close to the premises likely to be affected by the authorized activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons is deemed sufficient.
- 3.34 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing

Committee dealing with the licence application. If there are any doubts then please contact the licensing authority.

3.35 Ward Councillors are also governed by the protocol for Sub-Committee Hearings and by the Members Code of Conduct for Hearings. These establish under what circumstances Members are entitled to be heard at Sub-Committee hearings.

3.36 In general the licensing authority will take into account amongst other things, the size of the business, the nature of the activities taking place, the distance of the premises from the objector and the specific interest of the objector. These matters are not exhaustive and are examples of some considerations only.

Exchange of Information

3.37 The licensing authority is required to include in its statement the principle to be applied in exercising its functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, the functions under section 350 of the Act with respect to the exchange of information between it and other persons listed in schedule 6 to the Act.

3.38 In respect of exchange of information the principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 which includes the provision that the Data Protection Act 2018 and General Data Protection Regulations 2018 will not be contravened. The licensing authority will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

3.39 Should any protocols be established as regards information exchange with other bodies then they will be made available.

Enforcement

3.40 The licensing authority is required to state the principles to be applied by the licensing authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

3.41 This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance to licensing authorities and will endeavour to be:

- Proportionate: regulators should only intervene where necessary, remedies should be appropriate to the risk posed, and costs identified and minimised.
- Accountable: regulators must be able to justify decisions and be subject to public scrutiny.
- Consistent: rules and standards must be joined up and implemented fairly.
- Transparent: regulators should be open, and keep regulations simple and user friendly, and
- Targeted: regulation should be focused on the problem, and minimise side effects.

3.42 As per the Gambling Commission Guidance to Local Authorities this licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

3.43 The licensing authority will seek to address complaints about licensed premises or activities, relating to the licensing objectives. Other types of complaint should be directed to the appropriate enforcing authority eg Council's Noise and Nuisance Team for any concerns of excess noise emanating from the premises. Complainants are however encouraged to approach business proprietors at first instance to raise concerns and seek local resolutions. The Council's Licensing Team will also assist either party in facilitating mediation.

3.44 Licensing is not the primary mechanism for controlling anti- social behaviour away from premises and beyond the direct control of operators. However, it remains a key aspect of such control and licensing is part of the holistic approach

to the management of the evening and night- time economy in town and city centres.

3.45 The licensing authority supports a partnership approach with other regulatory bodies in respect of enforcing the provisions of the Act. This will be reflected in the nature and extent of the working arrangements agreed between those bodies and the licensing authority, and on the need for the efficient deployment of staff and avoidance of duplication of role. In particular, special arrangements will be maintained with the Police to achieve those ends.

3.46 This licensing authority has adopted and implemented a risk based inspection programme, based on:

- The Licensing objectives
- Relevant Codes of Practice
- Guidance issued by the Gambling Commission, in particular at part 36
- The Principles set out in this Statement of licensing policy

3.47 The main enforcement and compliance role for this licence authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions, which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the gambling commission.

3.48 In considering enforcement action the licensing authority will bear in mind the Human Rights Act 1998 whose provisions include:

- Article 1, Protocol 1 - the right to peaceful enjoyment of possessions. (A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest.)
- Article 6 – the right to a fair hearing
- Article 8 – the right to respect for private and family life. (Removal or restriction of a licence may affect a person's private life.)

- Article 10 – right to freedom of expression

3.49 This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

3.50 Bearing in mind the principles of transparency, this licensing authority's enforcement policy is available on request to the licensing department.

Licensing authority functions

3.51 The Licensing Authorities are required under the Act to

- Be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences
- Issue provisional statements
- Regulate Members' clubs and miners' welfare institutes who wish to undertake some gaming activities via issuing Club Gaming Permits and/or Club machine permits
- Issue Club Machine permits to commercial clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol-licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines.
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and endorse Temporary Use Notices
- Receive Occasional use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section 1.14 above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

3.52 It should be noted that licensing authorities are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

Premises Licences

General Principles

3.53 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

3.54 When making decisions on applications regard will be had to any relevant guidance or code of practice issued by the Gambling Commission; reasonably consistent with the licensing objectives and in accordance with the authority's statement of policy.

3.55 It is appreciated that as per the Gambling Commission's guidance moral objections to gambling are not a valid reason to reject applications for premises licences (except with regard to any 'no casino' resolution.).

Definition of "premises"

3.56 In the Act "premises" is defined as including "any place" (S353). Section 152 prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that

mandatory conditions relating to access between premises are observed.

3.57 Particular note will be taken of the Gambling Commission Guidance when considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non- gambling) purposes. There should be specific issues that the authority should consider, for example, whether children can gain access, compatibility of the two establishments and ability to comply with requirements of the Act.

- The Guidance gives a list of factors, which the authority should be aware of
- Do the premises have a separate registration for business rates?
- Is premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public highway?
- Can the premises only be accessed from any other gambling premises

3.58 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

3.59 It should be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that references to "the premises" are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. It is a question of fact and degree whether premises are finished and can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

Location

3.60 The licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. As per the Gambling Commission's

guidance particular attention will be paid to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. For example, close scrutiny will be applied where a gambling premises is located close to a school or a treatment centre for gambling addiction. In any event, each case will be decided on its merits.

3.61 Should any specific policy be decided with regard to areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant to show how potential concerns can be overcome.

Duplication with other regulatory regimes

3.62 The licensing authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. Such considerations are subject to different legal and administrative systems. It will though, listen to, and consider carefully, any concerns about conditions, which are not able to be met by licensees due to planning restrictions, should such a situation arise. The grant of a gambling premises licence does not preclude any appropriate enforcement action arising from planning or building legislation.

Licensing Objectives

3.63 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to licensing authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime

3.64 The licensing authority is aware that the Gambling Commission takes a lead role in preventing gambling from being a source of crime. The Gambling commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

3.65 The Licensing Authority will construe "disorder" as activity that is more serious and disruptive than mere nuisance. This will be a matter of fact and extent in each case.

3.66 This objective is to prevent gambling being "associated" with crime or disorder. Where betting office users are congregating outside premises and behaving in a disorderly manner, conditions will be imposed to mitigate any risks should the licensee not take reasonable steps to prevent such behaviour occurring. For example:

- Barring access to the premises for those engaging in the behaviour
- Ensuring there is adequate surveillance of the outside from within
- Installing CCTV to discourage criminal or disorderly behaviour
- Establishing Betwatch schemes so that banned from one means banned from all
- Assisting in the removal of street furniture such as benches which encourage loitering.

Ensuring that gambling is conducted in a fair and open way

3.67 This licensing authority has noted that the Gambling Commission state that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section (see section 2.15).

Protecting children and other vulnerable persons from being harmed or exploited by gambling

3.68 This licensing authority has noted the Gambling Commissions Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children.)

3.69 The licensing authority will therefore consider, as suggested in the Gambling Commission Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

3.70 The licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

3.71 The Licensing Authority will consider whether in any instance, specific measures will be needed to address such issues in any particular type of gaming premises. An example would be adequate supervision of gaming machines at licensed Family Entertainment Centres. These considerations will be particularly relevant on some tracks (where children will be permitted in the betting areas on race-days) and in a regional casino, where children will be permitted in non-gambling areas. Adherence to any Code of Practice relating to casinos issued by the Commission under S.176 Gambling Act 2005 will be a condition of the premises licence.

3.72 In the absence of a legal definition for “vulnerable persons” the licensing authority will assume the group to include people who gamble more than they want to, those who gamble beyond their means and people who cannot make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. This licensing authority will consider this licensing objective on a case-by-case basis.

Conditions

3.73 Any conditions attached to licences will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

Examples of management conditions are given in Appendix 8.

3.74 Conditions will be imposed to mitigate any risks that have a negative social impact by those premises operating or wishing to locate in high risk areas or local areas of deprivation. In such areas, gambling premises will have a higher impact on the licensing objectives. They will need to mitigate their presence and take extra measures to minimise their local stress, such as:

- No single working where operators are not in control of the inside of their premises and where those customers spill outside onto the pavement causing anti- social behaviour.
- Reporting of all criminal offences and disorder to the Licensing Police and the Licensing Authority. This would include instances where gaming machines have been damaged by customers. Apart from having internal procedures which would include the recording of such instances they must also be reported. If it is found that licensees are not reporting to the Authorities, then their premises licence could be reviewed

3.75 Decisions on individual conditions will be made on a case-by-case basis, although there will be a number of measures this licensing authority will consider

utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. The licence authority will also expect the licence applicant to offer his/her own suggestions as to a way in which the licensing objectives can be effectively met.

3.76 The licensing authority will also consider specific measures, which may be required for buildings, which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non- gambling areas frequented by children; and the supervision of gaming machines in non- adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission Guidance.

3.77 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted;

- All such machines are located in an area of the premises, which is separated from the remainder of the premises by a physical barrier, which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where the machines are located;
- Access to the area where the machines are located is supervised;
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

3.78 These considerations will apply to premises including buildings where multiple premises licences are applicable.

3.79 It is noted that there are conditions, which the Licensing Authority cannot attach to premises licences, which are:

- Where it makes it impossible to comply with an operating licence condition
- Where it relates to gaming machine categories, numbers, or method of operation;
- Which provide that membership of a club or body be required

- Which relate to stakes, fees, winning or prizes.

Adult Gaming Centres

3.80 The licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances/ machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours

3.81 The list is not mandatory or exhaustive and is merely indicative of example measures.

3.82 The Licensing Authority will also seek to protect vulnerable persons by considering the use of self-barring schemes; the provision of leaflets and other advisory information/ help line numbers for organisations such as GamCare.

(Licensed) Family Entertainment Centres

3.83 The licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- CCTV
- Supervision of entrances/ machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- Measures/training for staff on how to deal with suspected truant school children on the premises.

3.84 The list is not mandatory or exhaustive and is merely indicative of example measures.

3.85 The licensing authority will, as per the Gambling Commission Guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

Casinos

3.86 The Licensing Authority resolved on the 11th December 2012 not to issue casino premises licences pursuant to section 166 of the Act.

3.87 Potential licence applicants should note that as a 'no-casino' resolution has been passed by this authority no applications for casino premises will be considered. Any applications received will be returned with a notification that a 'no-casino' resolution is in place.

Bingo

3.88 This licensing authority notes the Gambling Commissions Guidance at

paragraph 18.4 and will need to be satisfied that bingo can be played in any bingo premises for which they issue a premises licence. This is particularly relevant where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

3.89 The Licensing Authority recognise that where children are allowed access to premises offering bingo, they must not participate in any bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

3.90 Where category C or above machines are available in premises to which children are admitted the Licensing Authority will ensure that:

- There is complete physical separation of the areas containing higher category machines- to be accessed via a designated entrance
- Adult only access to such areas
- Appropriate area supervision
- Machines to be fully visible to the licence holder's staff
- Signage indicating exclusion of under 18s to be prominently displayed at the entrance and inside the area.

Betting Premises

3.91 Betting premises can provide a limited number of gaming machines as well as some betting machines. The Licensing Authority will not normally use its powers to restrict the number of betting machines unless there are good reasons to do so. If that is the case, the Licensing Authority will, as per the Gambling Commission Guidance, take into account amongst other things when considering the number/nature/circumstances of betting machines an operator wants to offer.

- The size of the premises
- The number of counter positions available for person-to-person transactions and
- The ability of staff to monitor the use of machines by children and young persons (illegal) or by vulnerable persons.

Tracks

3.92 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission Guidance, this licence authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

3.93 The authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing or horse racing takes place, but they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

3.94 This authority may consider measures to meet the licensing objectives such as;

- Proof of age schemes
- CCTV
- Supervision of entrances/ machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of leaflets/helpline numbers for organisations such as GamCare

3.95 This list is not mandatory, nor exhaustive, and is merely for indicative of example measures

3.96 In determining an application for approval of on-course betting facilities, the Licensing Authority expects the applicant to:

- Provide a detailed plan of the exact location(s) on the site where betting is to take place (including temporary structures)
- In the case of dog tracks and horse racecourses to indicate the location of fixed and mobile pool betting facilities operated by the Tote or track operator as well as any other proposed gambling facility (including gaming machines)
- Indicate all measures for administering betting, including whether specified areas have been set-aside for such purposes.
- Indicate all measures that will be adopted to prevent children and young persons from accessing any gaming machines other than category D that may be present

3.97 The Licensing Authority will expect track operators to take responsibility for prominently displaying the rules near all betting areas and/or that other measures are used to make them available to the public. There is also an expectation that track operators will have a demonstrable monitoring system to ensure that only holders of valid betting operators licences can access the site.

Travelling Fairs

3.98 Travelling Fairs do not require any permit to provide gaming machines but must comply with the legal requirements on the way the machine operates. An unlimited number of category D machines and/or equal chance prize gaming can be provided without a permit, but gambling facilities must not amount to more than an ancillary amusement at the fair.

3.99 The Licensing Authority will judge whether or not the travelling fair meets the statutory definition. The Licensing Authority will liaise with neighbouring authorities under circumstances where there are joint concerns or where boundary issues are involved.

Vessels and Vehicles

3.100 The Licensing Authority will have jurisdiction over gambling conducted on vessels in all inland waterways at permanent moorings.

3.101 In the case of a vessel seeking a premises licence the Licensing Authority will restrict its interests to the promotion of the Licensing Objectives. Operational safety will be the subject of certification by the relevant authority e.g. Navigation Authority. The relevant Licensing Authority for pleasure boats is the one having jurisdiction for the area in which a vessel is usually moored or berthed.

Provisional statements

3.102 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence.

3.103 Responsible authorities and interested parties may make representations and there are rights of appeal.

3.104 The applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

3.105 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it in terms different to those attached to the provisional statement) only by reference to matters:

- Which could not have been raised by the objectors at the provisional statement stage, or

- Which in the authority's opinion reflect a change in the operator's circumstances, or
- Where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns with the applicant before making a decision.

Reviews

3.106 Requests for review of a premises licence can be made by Interested Parties, or their appointed representatives, or by Responsible Authorities, however, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request is relevant to issues listed below as well as to consideration as to whether the request is frivolous, vexatious or irrelevant, or is substantially the same as previous representations or requests for review.

- In accordance with any relevant code of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the gambling Licensing Objectives
- In accordance with the authority's Statement of Licensing Policy for Gambling
- The licensing authority can also initiate a review of a licence on the basis of any reason, which it thinks is appropriate.

Permits / Temporary & Occasional Use Notices Permits

3.107 The Act introduces a range of permits for gambling, which are granted by licensing authorities. Forms of authorisations other than premises licences are as follows:

- Unlicensed Family Entertainment Centres
- Gaming Machines on alcohol-licensed premises
- Club Gaming Machines

- Club Gaming
- Prize Gaming

3.108 The licensing authority may only grant or reject an application for a permit. No conditions may be attached to a permit

**Unlicensed Family Entertainment Centres gaming machine permits
(Statement of Principles on Permits – Schedule 10 Para 7)**

3.109 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. The applicant must demonstrate that the premises will be wholly or mainly used for making gaming machines available for use. Any number of category D machines can be provided under this permit. Restrictions imposed under the requirements of other legislation e.g. fire safety is not a matter for the Licensing Authority.

3.110 Applicants will be expected to demonstrate:

- A full understanding of the maximum permissible stakes and prizes
- That the applicant has no relevant convictions (see Schedule 7 of the Act)
- That staff are fully trained in understanding maximum stake and prizes

3.111 The Licensing Authority expects the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include Criminal Records Bureau checks for staff, and training for staff on dealing with very young unsupervised children or dealing with children causing perceived problems on or around the premises. The authority is not limited to these considerations and will determine each application on its merit.

3.112 With regard to renewals of these permits, a Licensing Authority may only refuse an application for renewal on grounds that:

- A local authority officer has been refused access to the premises without

reasonable excuse or,

- Renewal would not be reasonably consistent with pursuit of the Licensing Objectives.

(Alcohol) Licensed Premises Gaming machines permits (schedule 13 paragraph 4 (1))

3.113 Section 282 of the Act provides an automatic entitlement to the holder of an on-licensed premises, to make available two gaming machines (of category C or D) for use in alcohol licensed premises. Any provision of a code of practice made under S.24 of the Act concerning the location and operation of a machine, must however be complied with.

3.114 The Licensing Authority can however remove the automatic authorisation by virtue of an order (under S.284) if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- Gaming has taken place on the premises that breaches a condition of S.282
- The premises are mainly used for gaming; or
- An offence under the Gambling Act has been committed on the premises

3.115 The licensing authority will when considering an application for a permit for more than two machines, have regard to the licensing objectives, relevant guidance issued by the Gambling Commission and such matters as the licensing authority deems relevant. Each application will be judged on its merits but measures to protect children and vulnerable persons from harm or exploitation will be paramount. For example, measures to prevent access to adult only gaming machines, might include siting them where they can be readily observed from the bar, and providing good warning signs or notices.

3.116 Should the holder of an alcohol licensed premises gaming permit apply for a premises licence for their non-alcohol areas, such application would be dealt with as an Adult Entertainment Centre premises licence.

Prize Gaming Permits (statement of principles on permits – schedule 14 paragraph 8 (3))

3.117 The licensing authority will expect the applicant to set out the types of gaming on offer and be able to demonstrate:

- That they understand the limits to stakes and prizes that are set out in Regulations; and
- That the gaming offered is within the law
- Clear policies that outline the steps to be taken to protect children from harm

3.118 The licensing authority in considering an application for a permit does not need (but may choose) to have regard to the licensing objectives but in any event will have regard to any guidance issued by the Gambling Commission. It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but the licensing authority cannot attach conditions. The conditions in the Act are;

- The limits on participation fees (set by regulation) must be complied with;
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- The prize must not exceed the amount set out in regulations (if a prize money), or the prescribed value (if non-monetary prize); and
- Participation in the gaming must not entitle the player to take part in any other gambling

3.119 The licensing authority will not refuse an application unless the applicant has been given notification of the intention to refuse with accompanying reasons and given them an opportunity to make representations orally or in writing or both.

3.120 Each application will be determined on its merits, but the licensing authority will expect the applicant to demonstrate the measures to be taken to protect children

and vulnerable persons from being harmed in light of the types of gaming being offered.

3.121 The grounds for decision making as regards renewals are the same as for initial applications.

Club Gaming and Club Gaming Permits

3.122 Members Clubs and Miners' Welfare Institutes (but not commercial clubs) may apply for a:

- Club Gaming Permit – to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance
- Club Gaming Machines Permit – as per gaming machines in part a) above.

3.123 Before granting a permit, the licensing authority must be satisfied that applicants fulfil the statutory criteria for members clubs contained in sections 266 and 267 Act. A permit may be granted provided the majority of members are over 18.

3.124 The Licensing Authority may only refuse an application on the grounds that:

- The applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the permit
- The applicants' premises are used wholly or mainly by children and/or young persons;
- An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- A permit held by the applicant has been cancelled in the previous 10 years; or
- An objection has been lodged by the Commission or the police

3.125 The Licensing Authority recognises that a "fast-track" procedure applies to premises already holding a Club Premises Certificate under the Licensing Act 2003. Under such circumstances the only grounds on which to refuse a permit is

as follows:

- That the club is established primarily for gaming, other than gaming prescribed under Schedule 12;
- That in addition to the prescribed gaming, other gaming facilities exist; or
- That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.
- The procedure for renewal is the same as for an application.

Temporary Use Notices (TUN)

3.126 This allows the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that may be suitable for a TUN, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

3.127 A TUN may only be granted to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

3.128 The licensing authority will give careful consideration to applications, which involve what appears to be a “set of premises” as opposed to an individual premise. This will be a matter of fact as to how individual buildings may be subdivided, occupied and managed and the applicant must provide detailed information as to their use and interest in a particular premises or part thereof.

3.129 The licensing authority can issue a TUN in respect of “any part” of a set of premises but there is a statutory maximum of 21 days applying to a set of premises, which must not be exceeded in a 12-month period.

3.130 This new proviso is to try and ensure that regular gambling does not take place in a “set of premises” via temporary permission status, by deriving more than the 21-day maximum period, which applies to a single premise. Guidance cites a large exhibition centre as possibly falling within the definition of a set of premises.

3.131 If no objections are made within 14 days of the notice date, the licensing authority will endorse the notice as valid and return it to the applicant.

Occasional Use Notices

3.132 The licensing authority has very little discretion as regards these notices aside from insuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

Registration of Small Society Lotteries

3.133 A lottery is unlawful unless it is licensed by the Gambling Commission, is part of a National Lottery or is an exempt lottery by virtue of their proceeds being below a specified level. In such latter instance a society must register with the licensing authority.

3.134 A society must be non-commercial and will be deemed so if it is established and conducted:

- For charitable purposes;
- For the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity; or
- For any other non-commercial purpose other than that of private gain.

NB A lottery is "small" if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of sale tickets in a calendar year is £250,000 or less.

3.135 Exempt lotteries include small society lotteries and:

- Incidental non-commercial lotteries-promoted wholly for purposes other than private gain, and which are incidental to non-commercial events E.g. charity fund raising events.

- Private lotteries which may be:
 - Private society lotteries
 - Work lotteries
 - Residents' lotteries
 - Customer lotteries

3.136 The licensing authority will refuse applications for registration if in the previous 5 years either an operating licence made by the applicant for registration has been revoked, or an application for an operating licence made by the applicant has been refused.

3.137 The licensing authority may refuse an application for registration if they think that:

- The applicant is not a non-commercial society
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- Information relating to the application is false or misleading.

3.138 The licensing authority expects applicants to set out the purposes for which the society is established and to declare themselves a bona fide non-commercial society with no relevant convictions. The licensing authority reserves the right, notwithstanding any declaration made, to make further enquiries about an applicant, deemed necessary in light of known individual circumstances or facts.

3.139 If the licensing authority is minded to refuse registration or revoke the registered status of a society, it will afford the society concerned the opportunity to make a representation, having provided the society with reasons and evidence to that effect.

3.140 Societies must take appropriate steps when employing external lottery managers to ensure that the individual holds an operators' licence issued by the Commission. Licensing authorities will require assurance on this point.

Compliance and enforcement

Enforcement officers and authorised persons

3.141 S.303 of the Act enables the Commission to designate employees of the Commission and to appoint persons other than employees as enforcement officers for the purpose of the Act. Such persons are deemed to be authorised if:

- the premises are wholly or partly situated in the authority's area; and
- the officer is designated by the authority as an authorised person for the purposes of s.304.

3.142 These authorised persons will exercise their inspection powers in accordance with the principles set out in the Licensing Authority's policy statement.

Powers of entry

3.143 The Act states that authorised persons, constables and enforcement officers may: undertake activities for the purpose of assessing compliance with provisions made under the Act or to assess whether an offence is being committed under the Act; enter premises if they reasonably suspect that facilities for gambling are being, are about to be, or have been provided on the premises. This would include a private club but does not apply if the suspected gambling is private or non-commercial gaming or betting (s.307).

3.144 Where an application for a club gaming permit or club machine permit has been made, enforcement officers or the police may also enter a members' club, a commercial club or miners' welfare institute under for matters connected with consideration of the application, to determine whether gaming is taking place or is about to take place on the premises; and such gaming meets the requirements for exempt gaming in section 269 of the Act, a club gaming permit or a club machine permit.

3.145 Only police officers and enforcement officers can enter the premises that have been granted a permit to determine if the activities are in accordance with that permit (and not primarily because they suspect a crime is taking place/has taken place). Under s.318 of the Act a constable, enforcement officer or authorised person can only enter a dwelling under a warrant issued by a justice of the peace. In all circumstances, only a police officer or enforcement officer can seize evidence. Further detail about powers of entry and inspection are set out in Appendix G of the Guidance.

Enforcement Operations and Prosecutions

3.146 The Council will take formal enforcement action against those providing or facilitating illegal gambling in one premises. But the Commission will generally take the lead in prosecuting the offence of providing facilities for widespread and organised gambling.

3.147 From time to time this authority will carry out test purchasing in partnership with the police to detect whether children and young persons are accessing adult only gambling premises or are engaged in gambling intended for adults.

3.148 The Act gives licensing authorities in England and Wales, the police and the Commission the power to prosecute the offence of using premises for gambling without the requisite permissions. In exceptional circumstances, such as repeated deliberate breaches of premises licence conditions, licensed operators or permit holders may be prosecuted without any prior regulatory action, such as warnings, suspension or revocation of licence or removal of permit. Most prosecutions will be against those illegally providing gambling without a licence or permit.

3.149 There is a distinction between those who conduct gambling operations under a licence or permit but breach the conditions of that, and those who seek to profit from providing facilities for gambling without a licence or permit. While both situations result in unlawful gambling, the latter situation is generally considered by the Council and the Commission to be more serious.

Sex Establishment Licensing Policy 2020

LONDON BOROUGH OF EALING

Introduction

4.1 The legal controls for sex establishment premises are contained in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, as amended to include sexual entertainment venues by the Policing and Crime Act 2009. These amendments were adopted by the Council during August 2010.

4.2 There are three types of sex establishments which fall into the licensing regime:

- sex shops (defined in the Local Government (Miscellaneous Provisions) Act 1982)
- sex cinemas (defined in the Local Government (Miscellaneous Provisions) Act 1982)
- sexual entertainment venues (defined in the Policing and Crime Act 2009)

4.3 The Council's role as licensing authority is to administer the licensing regime in accordance with the law. The Council does not make a moral judgment as to the appropriateness of sex establishments. The Council recognises that Parliament has made it lawful to operate a sex establishment and such businesses are a legitimate part of the retail and leisure industries.

4.4 This policy sets out the Council's approach to licencing applications and is intended to provide guidance for members of the licensing panel members, licence holders, applicants, objectors and the general public.

4.5 Applications will be considered in line with this policy, with the legislation and with Home Office guidance. The Council will also take into account relevant provisions of, amongst others, the European Convention on Human Rights and its Public Sector Equality Duty under the Equalities Act 2010.

4.6 Any application for a licence will be considered on its own merits. While this policy provides general guidance, applicants, and the Council, could depart from that guidance in certain circumstances and subject to suitable justification or to align with the Council's other strategies or plans including:

- a. The Council's Corporate Plan 2018-2022 sets out how elected Members' policy commitments will be delivered and is available on the Council's website at
https://www.ealing.gov.uk/info/201033/council_and_local_decisions/300/council_plan
- b. The Night Time Economy Strategy focuses on strengthening and enabling a vibrant and resilient night time economy, for the benefit of residents, visitors and local businesses
- c. The Safer Ealing Partnership Strategy, available on the Council's website at
https://www.ealing.gov.uk/info/201046/decision_making/350/local_strategic_partnership/6, focuses on keeping residents safe, preventing harm and addressing crime and anti-social behaviour

Application process

4.7 The Council will prepare application forms which will detail the information required for any application. This will include a detailed plan of the premises. The council may require additional information as appropriate.

4.8 The Council will determine applications in accordance with the Provision of Services Regulations 2009 (or later regulations).

4.9 The council is subject to a Public Sector Equality Duty as set out in s149 Equalities Act 2010. While the decision on the application of that duty is for the council, applicants will be expected, in their application, to demonstrate in detail how they will ensure that behaviours outlawed by the Equalities Act will be prevented. This might include staff policies, witness evidence, and "mystery shopper" evidence.

4.10 If an application is submitted electronically, we will send a copy to the licencing section of the local police.

4.11 Applicants must pay the appropriate fee before an application will be considered.

4.12 Applicants must advertise their application in a local newspaper no later than 7 days after applying for a licence. The council's preferred newspaper is the Gazette. Applicants must also display the council's A3 notice on their premises for at least 21 days.

4.13 The Council will have regard to any objections received from any party within 28 days of the application and may consider objections received outside that time. Objectors can request anonymity. Objections will only be considered if made on one of the grounds for refusal set out in the legislation and highlighted above. Objections on moral grounds will not be considered.

4.14 The Council has discretion to consider objections received late.

4.15 Any application will be considered by a panel of three elected members (for wards other than the one in which the applicant's premises are situated), whether any objection is made. The applicant may appear before and be heard by the panel. The panel will decide whether to hear in person from objectors. The panel is otherwise free to set its own procedural rules.

Grounds for refusal of a licence

4.16 The legislation sets out five mandatory requirements for licence applications. Failure to comply with those requirements will cause an application to be refused.

4.17 The legislation also allows the council to refuse a licence on four discretionary grounds. These are

- That the applicant is unsuitable to hold a licence
- The beneficiary of the licence would be somebody other than the applicant and that person would, if they applied, be refused a licence
- That the number of sex establishments already in the relevant locality is at or above the level which the council thinks is appropriate for that locality
- That the grant or renewal would be inappropriate, having regard to
 - The character of the locality

- Use of other premises in the locality
- The layout, character or condition of the establishment

Unsuitability of the applicant

4.18 The Council will refuse an applicant who does not meet the mandatory requirements set out in the legislation.

4.19 The Council will consider an applicant's suitability for a licence. As well as the application form, we may obtain information from the police, the Criminal Records Bureau, any departments within the council and any other sources we consider relevant. The Council may ask applicants to undertake an interview.

4.20 The Council will expect applicants to demonstrate that they are suitably experienced and that they have the management structure, business plan and staff in place to ensure compliance with the conditions of the licence.

4.21 The Council will normally refuse any application for licence made on behalf of a third party.

Limits on numbers

4.22 The council is committed to making Ealing a healthy and great place, working with residents to build strong, fair communities and keeping the borough a clean, safe and attractive place to live, striving to reduce crime and working to maintain the excellence of the streets we live in. This includes improving "residents' perception of safety and reduce concerns about crime and anti-social behaviour".

4.23 The Council has determined, through a review of the "Character of the Area" Profile that the number of sex establishments currently operating in the borough (nil) is equal to the number which is appropriate for any of the localities in the borough (nil). The Council does not support an increase in the numbers of premises that are providing these activities.

4.24 The Council will not pre-determine any application and each application for a licence will be considered on its own merits. Applicants must demonstrate, through provision of detailed documented evidence, why departure from the nil limit could be considered.

Character of Area

4.26 The Council has determined that the areas of Northolt, Greenford, Hanwell, Southall and Perivale, including their suburbs and district town centres, would be inappropriate areas for the operation of a sex establishment. This is because the need to minimise noise, odours, disturbance, nuisance and crime and the need for privacy are at their greatest where people live and that this need was inconsistent with the presence of a sexual establishment. The Council determined that any other predominantly residential areas in Ealing, Acton and Park Royal would be inappropriate for the same reason.

4.27 The Council determined that the industrial areas of Park Royal and other industrial areas throughout the borough were inappropriate for reasons of safety and the need to protect employment uses.

4.28 While Ealing and Acton town centres are not ruled out on character grounds, applicants must demonstrate, through provision of detailed documented evidence, that the particular location proposed could be appropriate.

4.29 All applications must demonstrate consideration of proposed developments that have been permitted and in particular future residential and community uses.

Use of other premises

4.30 While any application will be considered on its merits, proximity of a proposed site for a sexual establishment to the following other uses is likely to render that location inappropriate. This list is not exhaustive.

- A residential area or any sheltered housing for elderly or vulnerable persons

- Residential accommodation above commercial premises
- Family leisure centres or complexes
- Parks and children's play areas
- A school, nursery or other educational establishment used by children under 16 years of age
- Religious buildings and places of worship
- Community halls and public buildings such as swimming pools, leisure centres, youth centres, clubs etc.
- Conservation areas and similar areas with buildings of special architectural or historic interest
- Cumulative impact of other licensed premises in the vicinity
- Settings oriented around family activities

4.31 The Council will also take into account access routes to and from such areas.

Layout, character and condition of premises

4.32 The Council expects premises to:

- have an external appearance which is in keeping with the locality
- prevent the display outside the premises of sexual photographs or other images
- adequate lighting to allow monitoring of all public areas
- surveillance by CCTV of all areas, including private booths.

4.33 The Council expects licence applicants to have obtained planning permission for any proposed change of use of the premises before applying for a licence. Grant of a licence does not constitute planning permission or any other approval.

Licence conditions, duration, waiver, appeal

4.34 The council may impose conditions on the grant or renewal of any licence. The council may promulgate standard conditions to apply to all applications and may also impose specific conditions. Conditions will cover, as a minimum, opening hours, displays of adverts, visibility of the interior to passers-by and restrictions on changes

of use between different types of sex establishment. The council will strive to avoid duplication with the conditions of other licences, but any such duplication is not grounds for challenge.

4.35 The Council may also impose bespoke conditions on a licence deemed necessary and appropriate.

4.36 Licences shall last for no longer than 1 year and may be granted for a shorter period.

4.37 There are no general circumstances in which the council would expect to waive the need for an application, but any such request could be considered where compelling evidence warrants consideration.

4.38 Applicants may appeal a refusal of licence or imposition of a condition to the Magistrates Court or by way of judicial review, depending on the reason for refusal. There is no right of appeal for objectors.

Licensing Policies 2020 Appendices

- APPENDIX 1 – Licensing Authority Summary of Delegation of Decisions and Functions
- APPENDIX 2 – Gambling Authority Summary of Delegation of Decisions and Functions
- APPENDIX 3 – Licensing Act 2003 Responsible Authority Details
- APPENDIX 4 – Gambling Licensing Contacts & links to information
- APPENDIX 5 - Glossary of Gambling Licensing Terms
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- APPENDIX 7 - Examples of Licensing Act 2003 Management Conditions
- APPENDIX 8 - Gambling Example Management Conditions

LONDON BOROUGH OF EALING

APPENDIX 1 – Licensing Authority Summary of Delegation of Decisions and Functions

Matters to be dealt with	Licensing Sub Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premise licence/club premises certificate	If a relevant representation made	If no relevant representation made
Decision whether to consult other responsible authorities on minor variation application		All cases
Application for a minor variation to a premises licence/club certificate		All cases
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be moved as designated premises supervisor		All cases
Application to transfer of premises licence	If a police objection	All other cases
Application for interim authorities	If a police objection	All other cases
Application to review premises to a premises licence/club certificate	All cases	
Decision on whether a complaint is irrelevant frivolous, vexatious etc.		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases

APPENDIX 2 – Gambling Authority Summary of Delegation of Decisions and Functions

Matter to be dealt with	Full council	Sub-Committee and Licensing Committee	Officers
Final approval of three-year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting		X (if delegated by Full Council)	
Applications for new premises licences or a variation to an existing one		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application of a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of premises licence		X	
Application for club gaming/ gaming machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of a club gaming/ gaming machine permits		X	
Application for other permits			X
Cancellation of licensed premises gaming making permits			X
Consideration of Temporary Use Notice			X
Decision to give a counter notice to a Temporary Use Notice		X	

APPENDIX 3 – Licensing Act 2003 Responsible Authority Details

Licensing Authority

Team leader Licensing Compliance, Regulatory services (PH4/NW)
Ealing council, Perceval house
14-16 Uxbridge Road
Ealing W5 2HL
Tel: 020 8825 6655
E-mail: licensing@ealing.gov.uk

Chief Officer of police

Licensing Sergeant, C/o Ealing Council

Perceval House (ph4nw)
14-16 Uxbridge Road
Ealing W5 2HL
Tel: 020 8825 5015 or 020 8825 7319
E-mail: licensing-ealingpolice@met.police.uk

The Local Fire and Rescue Authority

Fire safety regulation: North West area 1
London fire brigade
169 Union Street
London Se1 0ll
Tel: 020 8555 1200 ext 38778
E-mail: ealinggroup@london-fire.gov.uk

The Local Authority with Responsibility for Environmental Health Business Support Officer, Regulatory Services (Ph4nw) Ealing Council Perceval House

14-16 Uxbridge Road
Ealing W5 2HL
Tel: 020 8825 6666
E-Mail: Environmentalhealth@Ealing.Gov.Uk

The Local Weights and Measures Authority (Trading Standards)

Business Support Officer, Regulatory Services (Ph4nw)

Ealing Council Perceval House
14-16 Uxbridge Road
Ealing W5 2HL
Tel: 020 8825 6086
Email: Tradingstandards@Ealing.Gov.Uk

Health and Safety Enforcing Authority (For Local Authority Enforced Premises)

Business Support Officer, Regulatory Services (Ph4nw)
Ealing Council Perceval House
14-16 Uxbridge Road

Ealing W5 2HL
Tel: 020 8825 6666
Email: Health&Safety@Ealing.Gov.Uk
**Health & Safety Enforcing Authority (For Non Local Authority
Enforced Premises)**

The Health and Safety Executive
2 Southwark Bridge
London SE1 9HS
Tel: 0151 951 4000 (Switchboard)
Email: www.Hse.Gov.Uk

The Local Planning Authority
Head of Development Control
Ealing Council Perceval House (Ph4)
14-16 Uxbridge Road
Ealing W5 2HL
Tel: 020 8825 6600
E-Mail: Planning@Ealing.Gov.Uk

Child Protection Authority
Service Manager, Safeguarding Children
Acton W3 6NE
Tel: 020 8825 5049
E-Mail: Cp@Ealing.Gov.Uk

Public Health
Director of Public Health
Ealing Council 3rd Floor Blue, North East Perceval House
14-16 Uxbridge Road

Ealing W5 2HL
Tel: 020 8825 6232
E-Mail: Licensing-Publichealth@Ealing.Gov.Uk

APPENDIX 4 – Gambling Licensing Contacts

**Ealing Council Regulatory Services, Licensing,
Perceval House, 14-16 Uxbridge Road, London W5 2HL.**

E-mail: licensing@ealing.gov.uk

Tel 020 8825 6655

Internet www.ealing.gov.uk/services/environment/licensing/

Gambling Commission

Internet www.gamblingcommission.gov.uk

Email info@gamblingcommission.gov.uk

Department for Culture Media and Sport (DCMS)

Internet www.culture.gov.uk

Tel: 020 7211 6200

Email enquiries@culture.gov.uk

Office of Public Sector Information

National Association for Gambling Care (GamCare) Charity Reg. No 3297914

Internet www.opsi.gov.uk

Email info@gamcare.org.uk

Tel: 020 7378 5200

Helpline: 0845 6000 133

APPENDIX 5 - Glossary of Gambling Licensing Terms

Betting - means making or accepting a bet on the outcome of a race, competition or other event or process; the likelihood of anything occurring or not occurring; or whether anything is or is not true

Casino - is an arrangement whereby people are given an opportunity to participate in one or more casino games

Casino game - Is a game of chance which is not equal chance gaming

Child - an individual who is less than 16 years old

Default condition - Means a specified condition provided by regulations to be attached to a licence, unless excluded by the licensing authority

Gambling - Includes gaming, betting and participating in a lottery

Interested party - is a person who is entitled to make a representation if they live sufficiently close to the premises concerned and are likely to be impacted by those activities; or has business interests that might be affected by the authorised activities; or represents persons in either of these two groups.

Mandatory condition - Means a specified condition provided by regulations to be attached to a licence

Relevant representation - it must relate to licensing objectives, or raise an issue within the licensing policy statement, or an issue within gambling commission guidance or codes of practice. It must not be frivolous, vexatious or repetitive in nature and should relate to the premises in question.

Responsible authority - Responsible Authorities are public bodies that must be notified of applications and that are entitled to make representations to the licensing authority in relation to applications for, and in relation to premises licences. All representations made by responsible authorities are likely to be relevant representations if they relate to licensing objectives. See appendix X for list.

Travelling fair - “wholly or principally” providing amusements and being on a site used for fairs no longer than 27 days per calendar year.

Young Person - An individual who is not a child but who is less than 18 years old

APPENDIX 6 – Gambling Act 2005 Licensing Responsible Authorities

Authority for Pollution & Harm to Human Health

C/o Service Manager Pollution, Regulatory Services, Ealing Council, 4th Floor,
Perceval House, Ealing, W5 2HL

Tel: 020 8825 8111

pollutioncontrol@ealing.gov.uk

Fax: 020 8825 6077

Fire and Rescue Authority

Ealing Fire Safety Officer, 1 Marble Close, Acton, London, W3 8HD

Tel: 020 7587 2720

Fax: 020 7587 2745

ealinggroup@london-fire.gov.uk

Planning Authority

Head of Planning & Surveying Services, London Borough of Ealing, 4th Floor,
Perceval House, 14-16 Uxbridge Road, Ealing, W5 2HL

Tel: 020 8825 6600

planning@ealing.gov.uk

Local Safeguarding Children Board

CP Admin, Acton Town Hall, Winchester Street, Acton, W3 6NE

Tel: 020 8825 8930

cp@ealing.gov.uk

Authorities for Vessels

- ☐ Navigation Authority
- ☐ The Enforcement Agency
- ☐ British Waterways Board
- ☐ Secretary of State

HM Revenue & Customs

Greenock Accounting Centre, Custom House, Greenock, PA15 1EQ

The Gambling Commission

Victoria Square House, Victoria Square, Birmingham, B2 4BP

e-mail: info@gamblingcommission.gov.uk

Chief Officer of Police

c/o Licensing Office, Ealing Police Station, 67-69 Uxbridge Road, Ealing, W5 5SJ

Tel: 020 8825 5105

Fax: 020 8246 1264

licensing-ealingpolice@met.police.uk

APPENDIX 7 - Examples of (Licensing Act 2003) Management Conditions

Set out below are examples of conditions that will help to promote the licensing objectives for different types of licensed premises and which may be added by licensing panels when determining applications where representations have been received. These can also be used as a reference tool by applicants when compiling licence operating schedules.

These are not an exclusive or exhaustive list of conditions and each application will be considered on its own merits. This does not restrict any applicant, responsible authority, or other person from proposing any alternative conditions, nor would it restrict a licensing subcommittee from imposing any reasonable condition on a licence it considers necessary for the promotion of the licensing objectives. (Where (X) is found in the conditions below this will be a number to be decided at the discretion of the Licensing Sub Committee)

1. General Conditions that could be applied to all types of premises

CCTV

1. CCTV to be installed to the satisfaction of the Police. This will be judged in relation to the advice available in the Home Office Scientific Development Branch (HOSDB) document "CCTV Operational Requirement Manual 28/09" with special emphasis on the provision of "identification quality" images of people entering or leaving the premises through any doorway.
2. The system must provide general views of the interior of the premises and exterior areas where relevant.
3. The system must record and store images for 31 days and must record between 6 to 12 frames per second. It must be able instantly to download recorded images onto a readable format (CD or DVD) at the time of request. I.e. to prevent any need to seize the hard drive thus rendering the system inoperative.

4. If the CCTV equipment is inoperative, or is otherwise not installed and working to the satisfaction of the Police and Licensing Authority, the premises must not be used for licensable activities unless with prior agreement from the Police.
5. Operation of the CCTV equipment to be checked at least every seven days by the management and a written log recording this must be kept and made available for inspection. If inoperative this is to be reported to the Police and the Licensing Authority without delay.
6. CCTV images must be made available for playback in store to Police or Council Licensing Officers at any time the store is open.
7. CCTV images along with a software player to enable viewing must be provided to the Police or Council Licensing Officers within 24 hours of request.
8. Notices must be displayed at the entrance to the premises and in prominent positions throughout the premises advising that CCTV is in operation. For the purposes of these CCTV conditions “the Police” refers to the licensing partnership office of Ealing Police Station and the “Licensing Authority” refers to the Licensing Authority of the London Borough of Ealing.
9. The CCTV system must record all entrances and exits to the premises at all times. It must also record the outside of the premises, capturing images of delivery persons and vehicles and where possible, the camera should be situated to capture vehicle registration numbers of any delivery vehicle.

Cash Handling

10. A monitored central station alarm must be installed by either a NACOSS or SSAIB affiliated installer and must achieve the following:
11. The monitored security system must be equipped with a signal terminating at a recognised Alarm Receiving Centre (ARC) and must comply with the current

version of the EN 50131-1 standard and be eligible for a police response as defined by the ACPO Policy on Police Response to Security Systems, Level 1 status.

12. This must incorporate fixed personal panic attack buttons for the use of staff behind the counter and/or remote panic buttons for staff when they are away from the counter area.

13. A safe must be provided which:

- Restricts access for at least three minutes, to deter criminals from accessing the surplus or reserve value during any robbery.
- Have a drop facility with anti-fish mechanism.
- Must be either bolted to a solid wall and/or solid floor or buried in a solid wall and/or solid floor.

14. Signage must be displayed in the customer area, highlighting that access to cash and valuable items is controlled by time delay. Alternatively, where staff doesn't have access to the safe, a sign must state this fact. It is recommended that a time delay, visual countdown display is used, so that a robber/burglar can see that a time delay is in operation.

15. The till must be secured to the counter and either be positioned so that customers cannot reach over and grab money from the cash tray or be fitted with a till guard to prevent easy access.

16. Tills must be regularly skimmed off to reduce the impact should a robbery occur.

Staffing Levels

17. There must be a minimum of *(X) members of staff on the premises from (X) until the premises close for safety purposes and to prevent crime.

18. There must be minimum of (X) members of staff on the premises at all times whilst the premises remain open for the sale of alcohol.

Deliveries

19. No deliveries to the premises shall be arranged between (X) and (X)

Signage

20. A notice displaying the opening hours, and the hours and type of licensing activity which may take place, must be clearly displayed and visible to anyone outside the premises. This may be incorporated in the summary of the licence, which must be displayed, or take the form of a separate item.
21. A summary of the premises licence must be displayed at each public entrance to the premises.

Training

22. Appropriate staff training must be satisfactorily completed and recorded. Training records shall be made available for inspection upon reasonable request by a relevant officer of a responsible authority.

CONDITIONS APPROPRIATE FOR TYPES OF PREMISES

The types of premises listed below are not exhaustive and certain applications may not fit into the types listed below.

2. OFF LICENCES

Responsible Alcohol Retailing

1. There must be no stock or sale of high strength beer, lager or cider (above 5.5% ABV). All beer, lager or cider must be clearly price marked.

2. There must be no single cans of beer, lager, cider, ale or spirit mixtures sold at the premises.
3. There must be no sales of spirits in miniature sizes.
4. Appropriate signage must be displayed on the premises stating that alcohol will not be sold to persons who are inebriated and/or who might be regarded as street drinkers.
5. An age verification scheme, such as Challenge (21/25), must be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a photo driving licence, passport PASS accredited proof of age card or military ID card. Staff shall be trained in the adopted age verification scheme.
6. A refusals book shall be kept at the premises to record details of all refusals to sell alcohol and shall be made available for inspection by the police and Council officers on request. The refusals book to be bound and paginated and contain details of time and date, description of the attempting purchaser, reasons why the sale was refused and the name/signature of the sales person refusing the sale.
7. All alcohol drinks shall be clearly marked or labelled with the name of the premises.

Storage

8. Alcohol must be securely stored behind lockable shutters when the premises are open but outside of licensed hours.
9. Alcohol stored in the premises must be securely stored behind lockable shutters or a suitable stock room. The aisles and floor areas are to be kept clear and alcohol must be stored on or in shelving and cabinets.

10. No alcohol, beer, wine etc. is to be stored or displayed on the floor of the shop retail area, but must be displayed or stored on suitable shelving or display racking.

Training

11. All staff must receive recognised alcohol retail training within 3 months of the licence being granted.
12. Arrange Quarterly training on site by an independent trainer in the appropriate language to ensure that the licensee fully understands the full context of the training provided. For the avoidance of doubt, training shall be provided for all staff whether full- or part-time. Training records will be kept and made available for inspection by the police and licensing authority.
13. All staff must receive training in conflict management within (X) of the licence being granted

Signage – Disorder

14. Signage must be displayed requesting patrons leave the premises quietly and must not loiter or consume alcohol outside the premises.

Purchasing Stock

15. The Premises Licence Holder and Designated Premises Licence Holder must ensure alcohol is only purchased from an authorised wholesaler and shall produce receipts for the same upon request for inspection. (An authorised wholesaler means an established warehouse or trade outlet with a fixed address and not a van or street trader, even if they claim they are part of, or acting on behalf of, an authorised wholesaler who provides full itemised VAT receipts).

16. The Premises Licence Holder and Designated Premises Supervisor must ensure persons responsible for purchasing alcohol do not take part in any stock swaps or lend or borrow any alcohol goods from any other source unless the source is another venue owned and operated by the same company who also purchase their stock from an authorised wholesaler.
17. Prominent signs shall be displayed at all entrances to the premises stating the premises will not buy goods from any caller to the premises. The signs shall be displayed regardless of whether public access is permitted at that entrance.
18. The Premises Licence Holder shall ensure all receipts for alcohol goods purchased include the following details:
- Seller's name and address
 - Seller's company details, if applicable
 - Seller's VAT details, if applicable
 - Vehicle registration detail, if applicable
19. Legible copies of the documents referred to in Condition (17) above shall be retained on the premises and made available for inspection by Police and authorised Council Officers on request.
20. Copies of the documents referred to in Condition (17) above shall be retained on the premises for period of not less than twelve months.
21. An ultra violet light shall be purchased and used at the store to check the authenticity of all stock purchased which bears a customs stamp.
22. Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.
23. No untrained staff shall be permitted to purchase alcohol without written authorisation from the Premises Licence Holder.

3. PUBS BARS AND NIGHTCLUBS

Outside Space

1. No outside space must be used for any activity after (X) hours except for maximum of (X) smokers in the designated smoking area. The smokers area must be monitored by management or door staff where employed.
2. Use of the garden by customers will be restricted to smokers only after (X), with no drinks permitted in the garden after that time
3. The doors and windows facing the garden will be closed from 22:30hrs except for access and egress
4. The smoking area must be monitored by CCTV.
5. There must be no entry or re-entry to the premise after (X) hours except for maximum of (X) smokers in the designated smoking area.
6. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, must not be permitted to take drinks or glass containers with them.
7. Staff must regularly supervise the pavement area outside the premises to ensure customers are not blocking pavements or causing nuisance to neighbouring premises or residents.

SIA Registered Door Supervisors

8. A minimum of (X) SIA registered door staff must be employed on the premises from (X) hours any time the premises remains open past 00:00 hours and until close.

9. The licence holder must ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
10. All persons entering or re-entering the premises must be searched by an SIA trained member of staff and monitored by the premises CCTV system. At least one male and one female supervisor must be provided for this purpose.
11. All customers must be searched using metal detectors wand(s) on entry and re-entry. This includes any customer who has left the building to smoke or for any other reason.
12. Any drugs or weapons confiscated from customers must be stored in a locked and secure container and the police must be notified as soon as soon as reasonably practical. Customers found in possession of drugs and weapons must be refused entry or removed from the premises.
13. All staff engaged outside the entrance to the premises, or supervising or controlling queues, must wear high visibility yellow jackets or vests.
14. The designated queuing area must be enclosed within appropriate barriers to ensure that the footway is kept clear.
15. An ID scanning system to the reasonable satisfaction of the Police shall be installed and maintained on the premises. The system will be capable of sharing information about banned customers with other venues; identify the hologram of another ID and read both passports and ID cards; and be able to identify fake or forged ID documents to a reasonable standard. All persons that enter the premises, including staff, patrons, DJ's, and associated staff will be scanned and have their details stored on the system. The details shall be stored and made available for a period of no less than 31 days on request by the police or the licensing authority. The premises shall prominently display signage at the entrance informing customers of the above as a condition of entry.

Glass

16. Toughened glass must be used and must continue to be used during any additional hours.
17. No glass / glass bottles must be taken from the premises. The bar areas must be regularly cleared of empty bottles and glasses.
18. No open vessels to be taken outside the curtilage of the premises at any time.

Noise Control

19. A sound limiting device, approved by the Council's noise team, must be installed to control the output from any amplification system. The bass level as well as the overall sound level must be set separately to a level that is not audible above the existing background noise at any neighbouring façade or within sensitive premises in the same or in attached buildings.
20. Only the premises licence holder and designated premises supervisor must have access to the sound limiting device.
21. An entrance lobby must be provided to all external entrance doors that lead to/ from internal areas where music/ entertainment activities take place, to prevent excessive levels of noise escaping when people enter or leave the premises.
22. Suitable double/ secondary glazing and other appropriate sound insulation measures must be installed to prevent escape of noise from music/ entertainment activities and loud voices.
23. All windows and doors must be closed during any regulated entertainment on the premises, except when patrons are entering and leaving the premises, and alternative means of ventilation must be provided as necessary.

24. Regulated entertainment or televisions must not be provided in the beer garden or external areas of the premises.
25. Barbecues must not be provided in external areas of the premises to prevent nuisance from smoke and cooking odours to neighbouring occupiers.
26. Arrangements must be in place to ensure that patrons disperse quickly and quietly on leaving the premises to prevent noise nuisance from loud voices, car doors banging shut, car stereo sounds, etc. Signs encouraging customers to leave quietly must be clearly displayed at each exit from the premises.
27. A dispersal policy will be drawn up and implemented to ensure, as far as practicable, that customers leave quickly and quietly and do not congregate around the front of the premises on departure.
28. All staff must be trained in the implementation of the dispersal policy
29. Customers must be supervised when leaving the premises and asked to leave quietly
30. A telephone number will be provided to residents in the vicinity upon request to allow for complaints to be made to the duty manager if they are experiencing disturbance.
31. A complaints log will be maintained at the premises which will detail any complaints made. It will include details of the person making the complaint, the person dealing with it and any action taken to remedy it.
32. When regulated entertainment takes place, the duty manager will undertake an assessment of noise in the immediate vicinity to ensure that it is inaudible at the boundary of the nearest residential property.

33. Refuse Collection/Recycling and deliveries must be restricted to the hours of (X) to (X).

Litter Control

34. The pavement area directly outside the premises must be regularly cleaned and rubbish removed and appropriately disposed of.
35. Refuse bags for recycling/collection shall only be left out between the hours of [X] and [Y].

Protection of Children

36. An age verification scheme, such as Challenge (21/25), must be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a photo driving licence, passport PASS accredited proof of age card or military ID card. Staff shall be trained in the adopted age verification scheme.
37. Staff must not be allowed to be in sole supervision of children, the responsibility of any child will remain the sole responsibility of the accompanying adult. There must be a designated area for children. There must be no children in the bar areas after 22:00 hours.
38. When children attend the premises, it is a requirement that they are accompanied by a responsible adult

Records and Training

39. A log must be kept detailing all refused sales of alcohol. The log must include the date and time of the refused sale and the name of the member of staff who refused the sale.

40. The log must be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises are open.

41. An incident log must be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which must record the following:

- all crimes reported to the venue
- all ejections of patrons
- any complaints received
- any incidents of disorder
- all seizures of drugs or offensive weapons
- any faults in the CCTV system or searching equipment or scanning equipment
- any refusal of the sale of alcohol
- any visit by a relevant authority or emergency service

Other

42. The management must actively participate in and support the local pub watch scheme (where active)

4. RESTAURANTS AND CAFES

1. The premise must operate as a typical restaurant where alcohol is mainly sold or served by waiter / waitress service to customers consuming substantial table meals. The consumption of alcohol must be ancillary to their meal.
2. Alcohol must not be served directly to customers at the bar area except where supplied and consumed prior to their meal in the designated bar area, by up to a maximum at any one time, of (X) persons dining at the premises.

3. Alcohol must not be sold or supplied within the area shaded (X) on the attached plans, otherwise than to persons taking table meals. The sale or supply of Alcohol shall be ancillary to that meal.
4. Substantial food and non-intoxicating beverages, including drinking water, must be made available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
5. Substantial food must be available until 60 minutes before closing.
6. A minimum of (X %) of the public trading area must be set out with tables and chairs at any given time.
7. The supply of alcohol shall be by waiter or waitress service only.
8. All staff must be fully trained to ensure that persons who are drunk, disorderly, or who appear to be under the age of 18 are not served with alcohol.

Outside Areas

9. Alcoholic drinks or glass containers must not be taken outside by customers at any time.
10. Alcohol must only be served to seated patrons in the outside area, who are served by a waiter or waitress.
11. All outside tables must be vacated by customers and cleared of food and drink by (Insert time) on (insert days of the week)
12. No outside area to be used after (X) to reduce noise nuisance except for a maximum of (X) smokers. The smokers area must be monitored by management or door staff where employed.

13. No more than (X) customers must be allowed to smoke outside the premises at any one time.
14. Suitable receptacles must be provided for smokers to safely and responsibly dispose of cigarettes.
15. Speakers for the amplification of music must not be placed on the outside of the premises, or on the outside of the building forming part of the premises.
16. Staff must regularly supervise the pavement area outside the premises to ensure customers are not blocking pavements or causing nuisance to neighbouring premises or residents.
17. The pavement area directly outside the premises must be regularly cleaned and rubbish removed and appropriately disposed of.
18. Signs encouraging customers to leave quietly must be clearly displayed at each exit from the premises.
19. Waste and/or recyclable materials, including bottles, must not be moved, removed or placed in outside areas between (X) and (X)

5. LATE NIGHT HOT FOOD TAKEAWAYS

1. A minimum of (X) SIA registered door staff must be employed on the premises from (X) hours until close.
2. Arrangements must be in place to ensure that patrons disperse quickly and quietly on leaving the premises to prevent noise nuisance from loud voices, car doors banging shut, car stereo sounds, etc. Signs encouraging customers to leave quietly must be clearly displayed at each exit from the premises.

3. The premises must operate a dispersal policy and procedures put in place for dealing with incidents of disorder or public nuisance that occur within the vicinity of the premises and all staff must be trained in its implementation.
4. A maximum of (X) customers shall be permitted on the premises at any one time.
5. Throughout the hours that the licence operates, the premises shall operate regular patrols in the vicinity of the premises to collect and tidy any litter or refuse in those areas.
6. A minimum of (X) litter bins must be provided (give details of locality) for the use of customers.
7. The pavement area directly outside the premises must be regularly cleaned and rubbish removed and appropriately disposed of.
8. Refuse collection/recycling and deliveries must be restricted to the hours of (X) to (X). Refuse bags for recycling/collection shall only be left out between the hours of [X] and [Y].
9. During the licensable hours there must be at least one member of staff on duty that has received training in the requirements of the Licensing Act 2003 to ensure compliance with licence conditions and the promotion of the licensing objectives.

APPENDIX 8 - Gambling Example Management Conditions

Set out below are examples of conditions that will help to promote the licensing objectives for different types of licensed premises and which may be added by licensing panels when determining applications where representations have been received. These can also be used as a reference tool by applicants when compiling licence operating schedules.

These are not an exclusive or exhaustive list of conditions and each application will be considered on its own merits. This does not restrict any applicant, responsible authority, or other person from proposing any alternative conditions, nor would it restrict a licensing subcommittee from imposing any reasonable condition on a licence it considers necessary for the promotion of the licensing objectives. (Where (X) is found in the conditions below this will be a number to be decided at the discretion of the Licensing Sub Committee)

Licensing Objective - Crime and Disorder

1. CCTV

1.1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available as soon as practical upon the request of Police or authorised Licensing officer throughout the preceding 31 day period.

1.2. Cameras are to be located in such a manner as to capture;

- All entry and exit points to enable frontal identification of every person entering in any light condition;
- Every customer accessed area of the premises including the Fixed Odds Betting Terminals; and

- Any parts of the shop front exterior which cannot be clearly viewed by the staff from inside

1.3. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

1.4. The CCTV system shall be operational and recording twenty four hours of the day, If the CCTV system is broken, the store manager or a member of staff are to contact the police licensing team immediately and the fault to be rectified as soon as practicable. If the CCTV is not in full working order before the opening of the premises the following day, then it is to remain closed, unless authorised by the police.

1.5. Notices indicating that CCTV is in use at the Premises shall be placed at or near the entrance to the Premises and within the Premises.

2. Cash Office and Counter

2.1. A monitored central station alarm is required and must be installed by either a NACOSS or SSAIB affiliated installer and must achieve the following:

- The monitored security system must be equipped with a signal terminating at a recognised Alarm Receiving Centre (ARC) and must comply with the mcurrent version of the EN 50131-1 standard and be eligible for a police response as defined by the ACPO Policy on Police Response to Security Systems, Level 1 status.
- This should incorporate fixed personal panic attack buttons for the use of staff behind the counter remoter panic buttons for staff.

2.2. A safe controlled by a time delay method is required and must achieve the following:

- Restrict access for at least three minutes, to deter criminals from accessing the surplus or reserve value during any robbery.

- Have a drop facility with anti-fish mechanism.
- Include the safe being either bolted to a solid wall and/or solid floor or buried in a solid wall and/or solid floor.

2.3. Signage must be displayed in the customer area, highlighting that access to cash and valuable items is controlled by time delay. Alternatively, where staff do not have access to the safe, a sign must state this fact. It is recommended that a time delay, visual countdown display is used, so that a robber/burglar can see that a time delay is in operation.

2.4. The licensee shall install the following burglary security measures

- Under-till cash trays for excess cash storage.
- Internal security bars over rear windows (burglar bars).
- Triple locking steel rear security door.
- A “safe haven” to the rear of the counter.
- Security mirrors (if blind spots exist in the shop).
- Full counter security screens with speech holes and a solid lockable door.
- Lone working risk assessments
-

2.5. All staff to be fully trained in Robbery and Crime Prevention and the shop is to have such training modules accessible on-line in the shop and available via a number of in-shop resources.

3. Shop Front

3.1. The licensee shall install and maintain a remotely operated magnetic door locking system on the front door. To be remotely operated from behind the counter.

3.2. The front window/entrance door shall be kept 50% clear of all shop furniture, stationary and advertising material to allow for clear viewing into and out of the premises.

3.3. The door to the premises and adjacent window will comprise clear glass and shall not be obscured by signage or advertising to allow for clear viewing into and out of the premises.

3.4. Window display and door coverage arrangements shall be agreed with the Police in order to ensure that there is visibility into and out of the premises which meets Police requirements. The agreed window display and visibility arrangements shall thereafter be maintained to the satisfaction of the Police.

4. Toilet Facilities

4.1. The licensee shall install and maintain a magnetic door locking system for the customer toilet operated by staff from behind the Counter.

4.2. The licensee shall install and maintain an ultraviolet lighting system in the customer toilet.

5. Gaming Machines

5.1. Gaming machines must be sited as close to the counter as is practical to allow staff a clear view of the machines for ease of monitoring. Avoid siting near entrance doors. The machines must be able to be switched off by staff from behind the counter to allow management and control of usage.

6. SIA door supervisors

6.1. There shall be an SIA approved door supervisor from (start time) to (finishing time) to monitor the persons using the premises, for the ejection or refusal to serve persons and for the maintenance of good order on the premises.

7. Incident Log

7.1. The licensee shall maintain a bound and paginated incident log at the premises in which shall be recorded all incidents of crime and/or disorder (whether

on or associated with the premises), attempts by underage persons to gain access to the premises, or any other incidents relevant to the licensing objectives. The log shall be maintained at the premises and produced to the police or licensing authority forthwith on request.

8. Refused Sales

8.1. A refusals book to be kept and maintained at the premises and shall be made available for inspection by the police and Council officers on request.

8.2. The Refusals' Book to be bound and paginated and contain details of time and date, description of the attempting purchaser, reasons why the sale was refused and the name/signature of the salesperson refusing the sale.

8.3. All staff must be trained in the use of the Refusals Book.

9. Banning procedures

9.1. The licensee shall implement a policy of banning any customers who engage in crime or disorder within or outside the premises and notices to that effect shall be displayed inside and outside the premises.

9.2. A formal banning procedure will be put in place by the management, to include photography of the banned individual and details of incident, which will be available for Police and Licensing Authority inspection.

10. Alcohol/drugs

10.1. The licensee shall place a notice visible from the exterior of the Premises stating that drinking of alcohol outside the Premises is forbidden and that those who do so will be banned from the Premises.

10.2. The licensee shall place a notice visible from the exterior of the Premises stating that drunkenness and those under the influence of drugs will not be

tolerated and persons found possessing/dealing will be excluded from the premises.

10.3. The licensee shall place and maintain a sign at the entrance which states that "Only drinks purchased on the premises may be consumed on the premises".

11. Police Liaison/Community Initiatives

11.1. The licensee shall develop and agree a protocol with the police as to incident reporting, including the type and level of incident and mode of communication, so as to enable the police to monitor any issues arising at or in relation to the premises.

11.2. The licensee shall appoint a named Police and Community Liaison Officer with the authority to implement change at the premises.

11.3. A telephone number and e-mail address for the Police and Community Liaison Officer shall be supplied to police and licensing officers and to community representatives upon request.

11.4. The licensee shall provide its staff and management with telephone numbers for the Safer Neighbourhood Team.

11.5. The licensee shall train staff on specific issues relating to the local area and shall conduct periodic refresher training. Participation in the training shall be formally recorded and the records produced to the police or licensing authority upon request.

11.6. If at any time (whether before or after the opening of the premises), the police or licensing authority supply to the premises names and/or photographs of individuals which it wishes to be banned from the premises, the licensee shall use all reasonable endeavors to implement the ban including through staff training.

11.7. The licensee shall provide the Police and Licensing Authority with the following information as soon as practicable after the elapse of each quarter and for such a time as the Police and Licensing Authority deem it necessary:

- A copy of the incident log and "Think 21" for that period,
- A list of those customers banned and the reasons for banning,
- Any issues that the operator has identified that should be brought to the attention of both authorities, and
- Such other information or documentation as required by the Police or Licensing Authority.

Note: In this condition "quarter" means the period of 3 months from 1st April, 1st July, 1st October and 1st January.

11.8. The operators will be members of Betwatch and/ or any other crime reduction initiatives for the area and attend meetings in relation to this.

11.9. Signage must be displayed in the customer area requesting patrons leave the premises quietly;

12. Proof of Age Schemes

12.1. The Licensee shall adopt a "Challenge 21" policy whereby all customers who appear to be under the age of 21 are asked for proof of their age.

12.2. The Licensee shall prominently display notices advising customers of the "Challenge 21" policy.

12.3. The following proofs of age are the only ones to be accepted:

- Proof of age cards bearing the "Pass" hologram symbol
- UK Photo Driving licence
- Passport

12.4. The licensee shall maintain a bound and paginated "Think 21 Refusals" register at the Premises. The register shall be maintained at the premises and produced to the police or licensing authority forthwith on request.

12.5. The licensee shall place and maintain a sign at the entrance to the

Premises stating that access to the premises will be excluded to the following people:

- Anyone who is under the age of 18;
- Anyone who appears to be under the age of 21 and is unable to provide proof of age that they are over the age of 18;

13. Staff Competence and Training

13.1. The Licensee shall keep a written record of all staff authorised to verify the age of customers, the record to contain the full name, home address, date of birth and national insurance number of each person so authorised. The staff training record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police. All staff to receive on going refresher training and this must be recorded in the training logs.

13.2. The Licensee shall ensure that each member of staff authorised to verify the age of customers is fully aware of his /her responsibilities in relation to verifying a customer's age and is able to effectively question customers and check evidence of proof of age.

14. Underage Logs

14.1. The licensee is to keep a register (Underage Log) to contain details of time and date, description of underage persons entering the premises, and the name/signature of the salesperson who verified that the person was underage. The Underage log is to be examined on a regular basis by the Licensee.

14.2. The Underage Log shall be available for inspection at the premises by the Licensing Officer, Trading Standards or the Police.

15. Staffing Levels

15.1. Due to the nature of the business and the hours that are being operated, a minimum of two staff must be on the premises to prevent crime from 12 midday to closing time.

15.2. There shall be a minimum of 2 staff on duty at the premises between the hours (enter a start time) to (enter a finishing time) whose duties are to include the age verification of persons entering the premises who appear to be under the age of 21 years.

15.3. The licensee will employ a minimum of two members of staff to be on duty whilst the premises are open for business unless single scheduling is deemed to be appropriate following the implementation of a risk assessment.

The risk assessment shall specifically address the staffing levels required to prevent gambling at the premises

- From being a source of crime and disorder
- From being associated with crime and disorder, or
- Being used to support crime

The risk assessment shall also be affected in consultation with and subject to the final approval of the metropolitan police whose approval shall be provided in writing and shall not be unreasonable withheld or delayed.

15.4. There shall be a SIA approved door supervisor from (enter a start time) to (enter a finishing time) to check the age of persons entering the premises who appear to be under the age of 21.

16. Self –Barring Schemes

16.1. The premises shall operate a self-barring or self-exclusion scheme that ensures those individuals who wish to self-exclude from gambling are prevented from participating in gambling.

16.2. Information shall be prominently displayed in the premises that provides information on gambling self-help organisations. Displays and literature will be offered in languages appropriate to the customer base.

16.3. Staff will be trained in the self-exclusion scheme and be aware of those that have self-excluded before being allowed to carry out any gambling transactions.

17. Gaming Machines

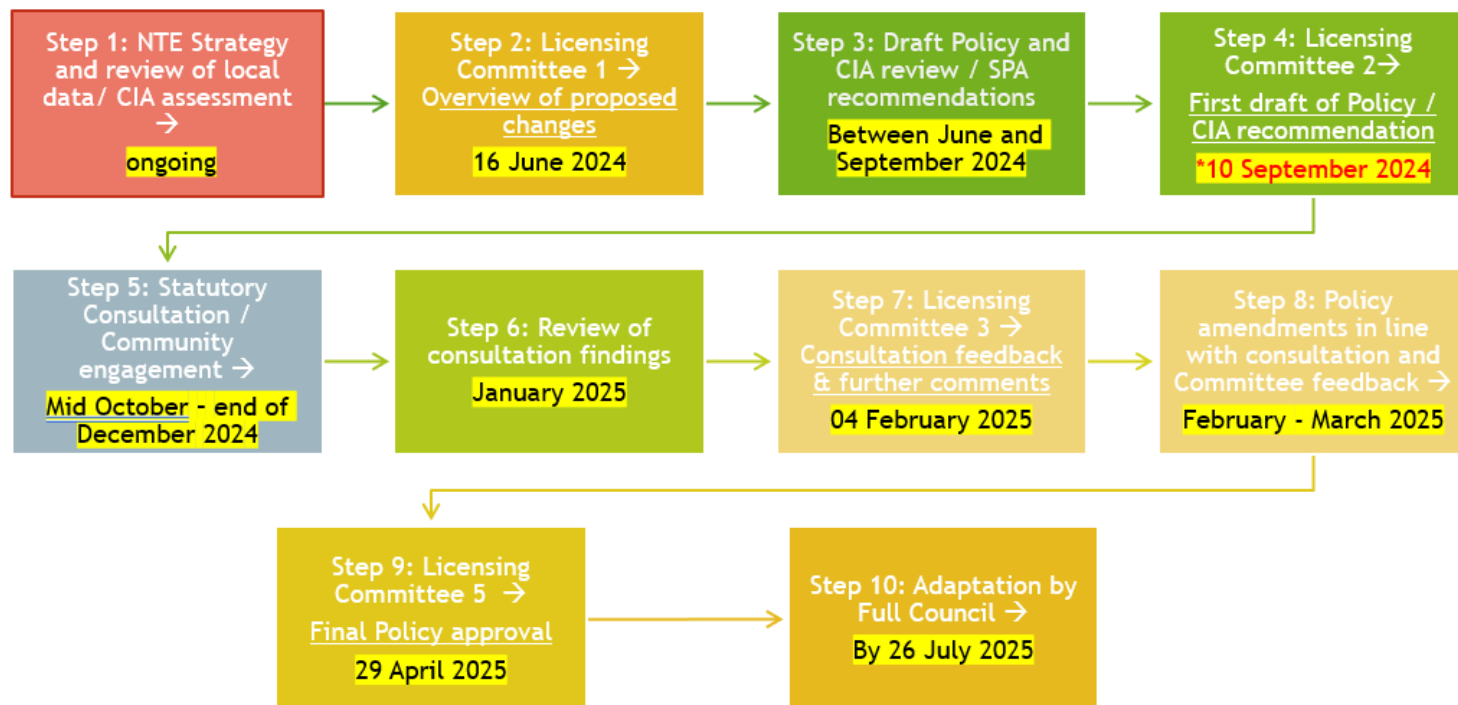
17.1. There shall be no cash point or ATM facilities on the premises.

17.2. Where fixed odd betting terminals are provided, these gaming machines will be in direct sight of the supervised counter. Leaflets and posters aimed at customers and their families/friends, which will include how to identify signs of problem gambling and pathways to advice and assistance e.g. help line numbers and online counselling facilities shall be provided in close proximity to the location of any machines.

Licensing Team
Ealing Council
Perceval House
14-16 Uxbridge Road
Ealing
W5 2HL
licensing@ealing.gov.uk
020 8825 6655

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Appendix 2: Statement of Licensing Policy timelines



*Licensing Committee meeting on 10 September 2024: may be delayed until mid-October 2024 to allow for thorough review and refinement of the draft Policy.

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Introduction		
1.1	Integrating the Council's Plans to adopt a Strategic Approach	Incorporate within other sections
1.3	Shaping an Effective Nighttime Economy in Ealing To set other visions that the policy aims to achieve by setting the right balance through consideration of the needs of businesses, residents, visitors and other stakeholders.	Incorporate within other sections
1.12	Regeneration and Planning, and Ealing's Local Plan	Incorporate within other sections
1.14	The Safer Ealing Partnership (SEP) Strategy	Incorporate within other sections
1.16	Ealing's Alcohol Strategy	Incorporate within other sections
1.22	Borough Demographics	Incorporate into profile
1.26	Profile of Night-time economy in Ealing	Incorporate into profile
1.33	Review of Evidence Relating to Special Policy Areas	Remove from introduction - Anticipated significant changes
1.52	Gambling Premises Local Profiles: hotspots of recorded crime, vulnerable people and vulnerable places	Remove
1.62	"Character of the Area" Profile - Sex Establishment Licensing	Remove
1.67	Character of the borough's neighbourhoods	Incorporate into profile
1.29	Profile of Licensed (Licensing Act 2003) Premises in Ealing	Incorporate into profile
	Profile of the borough, Characteristics of our 7 Towns, demographics licensed premises overview etc.	New
	Links to other strategies Reference to other strategies as in previous Policy. A new section regarding Violence Against Women and Girls strategy to advise applicants and existing licence holders that the Council expects all licensed premises to have appropriately trained staff, who are proactive and vigilant around women's safety at night.	New
Licensing policy		
2.1	Statement of principles Updated statement of principles from existing Policy and approach to licensing and special policy areas	Update & rename
	Purpose of the Policy • to provide Members of the Licensing Committee with a decision-making framework, which will be considered at a hearing after receiving representations.	New

Appendix 3: Current Policy – sections overview

	<ul style="list-style-type: none"> • to inform applicants about the criteria under which the Authority can make licensing decisions, enabling them to consider this when submitting applications. • to offer guidance to local residents and businesses on the limits within which the Licensing Authority will base its licensing decisions, aiding them in making representations regarding different applications. • to assist the Licensing Authority in proving, if necessary in court, how it arrived at its licensing decisions. 	
	Special Policy Areas	New
2.5	Licensing Policy 2020 and Ealing's Key Strategies: an integrated approach	Incorporate within links to other strategies
2.19	Promotion of Equality and Diversity	Incorporate within principles
	Licensing Objectives Policies New section to incorporate the below	Update
2.21	Prevention of Crime and Disorder Modern Slavery	Update New
2.26	Public Safety Events	Update New
2.29	Public Nuisance Reference to single use plastics	Update New
2.56	Protection of Children from Harm	Update
2.66	Policies that apply to different types of licensed premises	Update
2.71	Pubs, Bars and Night Clubs Spiking Policy Licensing schemes reference i.e. Ask for Angela	Update New
2.75	Late Night Hot Food Takeaways Delivery Services. New section will be added to provide guidance to applicants and existing licence holders offering delivery services.	Update New
2.80	Premises licensed for Off Sales of alcohol Dependant on Special Policy findings: New Policy to outline expectations of measures to be taken to reduce street drinking and its local impact. Map of treatment and rehabilitation centres	Update New
2.92	Restaurants and Cafes licensed to sell Alcohol for consumption on the premises	Rename & Update
	Live Music, Dancing & theatre venues	New
	Large events	New

Appendix 3: Current Policy – sections overview

	Outlining expectations around safety for large events, highlighting role of risk assessments and security staff. Reference to Martyn's Law.	
	Variations (Minor and Full)	New
2.100	Temporary Event Notices	Update & shift position within Policy
	Personal Licences	New
2.111	Licensing Hours	Changes research dependant & shift position
2.116	How the Licensing Policy will be applied	No significant changes proposed – shift position
2.126	Licence conditions	Update and incorporate under specific premises / model conditions
2.135	Management standards	Update and incorporate
2.139	Licence reviews	Update and incorporate into enforcement
2.149	Enforcement and administration Clarification of roles of responsible authorities Reference to enforcement protocols & duties of responsible parties	Split into Administration and then separate enforcement New
	Administration How complaints regarding licensed/ unlicensed premises will be actioned Representations DPS/ Personal Licence holders relevant convictions section Shadow licences process.	Separate from enforcement New
	Variations (Minor and Full)	New
	Personal Licences	New
2.155	Appeals	Update & Shift position
2.159	Monitoring arrangements	Update& shift position
Appendices		
1	Licensing Authority Summary of Delegation of Decisions and Functions	No changes
2	Gambling Authority Summary of Delegation of Decisions and Functions	Remove
3	Licensing Act 2003 Responsible Authority Details	Update
4	Gambling Licensing Contacts	Remove
5	Gambling Act 2005 Licensing Responsible Authorities	Remove

Appendix 3: Current Policy – sections overview

6	Gambling Act 2005 Licensing Responsible Authorities	Remove
7	Examples of (Licensing Act 2003) Management Conditions	Update/remove consultation led
8	Gambling Example Management Conditions	Remove
	Consultation details and Special Policy background info (research dependant)	New

Foreword and words from the Chair of the Committee		
	Content	
Introduction		
	Profile of the borough, Characteristics of our 7 Towns, demographics, licensed premises overview etc.	New
	Links to other strategies Reference to other strategies as in previous Policy. Including the overview of new NTE. A new section regarding Violence Against Women and Girls strategy to advise applicants and existing licence holders that the Council expects all licensed premises to have appropriately trained staff, who are proactive and vigilant around women's safety at night. Encouragement to sign up to Women's Night Safety Charter.	New
Licensing policy		
	Fundamental principles Updated statement of principles from existing Policy and approach to licensing and special policy areas Promotion of Equality and Diversity	Updated
	Purpose of the Policy <ul style="list-style-type: none"> • to provide Members of the Licensing Committee with a decision-making framework, which will be considered at a hearing after receiving representations. • to inform applicants about the criteria under which the Authority can make licensing decisions, enabling them to consider this when submitting applications. • to offer guidance to local residents and businesses on the limits within which the Licensing Authority will base its licensing decisions, aiding them in making representations regarding different applications. • to assist the Licensing Authority in proving, if necessary, in court, how it arrived at its licensing decisions. 	New
	How the Licensing Policy will be applied	No significant changes expected
	Special Policy Areas	New
	Licensing hours	New
	Licensing Objectives Updated content from previous Policy, will include suggestion on conditions and management standards	Updated
	➤ Prevention of Crime and Disorder Modern Slavery	Updated New
	➤ Public Safety Events	Updated New

Appendix 4: New Policy – sections overview

	➤ Public Nuisance Reference to single use plastics	Updated New
	➤ Protection of Children from Harm Safeguarding considerations	Updated New
	Policies that apply to different types of licensed premises	Updated
	➤ Pubs, Bars and Night Clubs Spiking Policy Schemes such as Ask for Angela	Updated New
	➤ Restaurants and Cafes licensed to sell Alcohol for consumption on the premises	Updated
	➤ Premises licensed for Off Sales of alcohol Dependant on Special Policy findings: New Policy to outline expectations of measures to be taken to reduce street drinking and its local impact. Map of treatment and rehabilitation centres	Updated New
	➤ Late Night Hot Food Takeaways Delivery Services. A new section will be added to provide guidance to applicants and existing licence holders offering delivery services.	Updated New
	➤ Live Music, Dancing & theatre venues	New
	➤ Large events Outlining expectations around safety for large events, highlighting role of risk assessments and security staff. Reference to Protect duty (Martyn's Law).	New
	Variations (Minor and Full)	New
	Temporary Event Notices	Updated
	Personal Licences	New
	Administration How complaints regarding licensed/ unlicensed premises will be actioned Representations DPS/ Personal Licence holders relevant convictions section Shadow licences process	New
	Monitoring arrangements	Updated
	Enforcement Clarification of roles of responsible authorities Reference to enforcement protocols & duties of responsible parties Licence reviews	Updated New
	Appeals	Updated

Appendix 4: New Policy – sections overview

Appendices		
	Licensing Authority Summary of Delegation of Decisions and Functions	No changes
	Licensing Act 2003 Responsible Authority Details	Updated
	Examples of Licensing Act 2003 Management Conditions	Updated/removed: consultation led
	Consultation and Special Policy background details (research dependant)	New

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Report for:
INFORMATION ONLY

Item Number:

Contains Confidential or Exempt Information	No
Title	Licensing Hearing and Enforcement Update Report
Responsible Officer(s)	Nicky Fiedler, Strategic Director, Housing & Environment
Author(s)	Izabela Gregory, Food, Safety and Licensing Manager Joe Blanchard, Head of Environmental Health & Trading Standards
Portfolio(s)	Councillor Louise Brett, Decent Living Incomes
For Consideration By	Licensing Committee
Date to be Considered	09 July 2024
Implementation Date if Not Called In	Not Applicable
Affected Wards	All
Keywords/Index	Licensing, policy, decisions, delegations, sub-committee, appeals, magistrates' court, enforcement

PURPOSE OF REPORT

To provide Members of the Licensing Committee with updates on matters relevant to licensing.

1. Recommendations

- 1.1. The Licensing Committee is invited to note the licensing hearing report overview (provided in Appendix 1 and 2) and enforcement overview (provided in Section 5) and ultimately commend the report.
- 1.2. The Licensing Committee is also invited to review the improved way to check for current licensing applications, as described in Section 6.

2. Reason for decision and options considered

The report is for information only.

3. Key implications

3.1. Licensing Sub Committee Decisions

- 3.1.1. It is good practice for the Licensing Committee to receive a performance update on the decisions of the Sub-Committee. The Licensing Act 2003 provides the regulatory framework for the sale of alcohol, the provision of regulated entertainment and late-night refreshment. The Licensing Sub Committee hears all applications where representations have been received and make a decision on each application.
- 3.1.2. A list of Licensing Sub Committee hearings and decisions are maintained on the Council's website. In this report all decisions taken from 01 February 2024 – 01 June 2024 are set out in Appendix 1 and an overall summary provided in Appendix 2.

4. Licensing enforcement activity summary

- 4.1. Standard licensing enforcement activity, responding to complaints, referrals and service requests, has been ongoing.
- 4.2. Enforcement activities between the period of 01 February 2024 and 01 June 2024 concentrated on:
 - Renewals of Massage and Special Treatment (MST) licences.
 - Conducting inspections of premises operating late at night, specifically targeting shisha premises and off licenses with reported compliance issues.

Overview of these activities is provided in section 5 below.

5. Licensing enforcement overview

5.1. Massage and Special Treatment licences (MSTs)

5.1.1. Under the London Local Authorities Act 1991 any premises wishing to provide massage or other special treatments (such as manicure; acupuncture, tattooing, sauna etc.) must be licensed by the Council. All licences run for a maximum of 12 months and expire on the 31 March each year.

5.1.2. There are over 200 premises where an MST licence is required.

5.1.3. Our records indicate that approximately 15% of premises have not yet renewed their licenses. As a result, enforcement visits are being conducted to confirm the ongoing operation of these businesses.

5.1.4. Businesses found operating without a licence, or breaching any licence conditions are likely to face enforcement action and a fine of up to £2,500.

5.2. Late night premises visits

5.2.1. The licensing team has been focusing on conducting verification visits to premises alleged to be providing unauthorized licensable activities during late hours.

5.2.2. Out of the 16 premises visited during this period, two were found operating without a valid licence or Temporary Event Notice (TEN) and received warnings. Both have now applied for a premises licence as required.

5.2.3. One premises was found to be breaching its operating hours, despite previous warnings, and is now subject to review and prosecution proceedings.

5.2.4. No licensing issues were found at 13 premises (81%).

6. New Premises Licence applications webpage

6.1. In accordance with the Licensing Act 2003, Local Authorities are required to publish all premises licence applications that are open to public representation for objections or support.

6.2. Due to reported difficulties in navigating the previous applications register (available through the public access module, PAM), which was

causing inconvenience for some users, the service has developed a simplified method to check for applications.

6.3. Anyone wishing to review current applications can do so by using the Power BI report, available at [Licences and street trading | Ealing Council](#), which provides a user-friendly interface to search and view licence applications currently open for public representation

7. Financial

7.1. No financial implications arising from this report.

8. Legal

8.1. No legal implications arising from this report.

9. Value for Money

9.1. Not applicable.

10. Sustainability Impact Appraisal

10.1. Not applicable.

11. Risk Management

11.1. None.

12. Community Safety

12.1. The Council's Statement of Licensing Policy (2020), provide detail how the Council's objectives in relation to Community Safety are promoted by the licensing regime.

13. Links to the 3 Key Priorities for the Borough

13.1. The Council's Statement of Licensing Policy (2020), details how the licensing regime ensures that licensed businesses in Ealing comply with the minimum statutory and legal standards of operation. This encourages reputable businesses, discourages disreputable businesses and business practices thereby fighting inequality and creating good jobs.

14. Equalities, Human Rights and Community Cohesion

14.1. Not applicable.

15. Staffing/Workforce and Accommodation implications

15.1. None.

16. Property and Assets

16.1. No property implications arising from this report.

17. Any other implications

17.1. No other implications arising from this report.

18. Consultation

18.1. Not applicable for this report.

19. Timetable for Implementation

19.1. Not applicable.

20. Appendices

Appendix 1: Licensing Sub Committee decisions under the Licensing Act 2003 between 01 February 2024 – 01 June 2024.

Appendix 2: Summary of Licensing Sub Committee decisions under the Licensing Act 2003.

21. Background Information

21.1. Ealing Council's Statement of Licensing Policy 2020, Gambling Licensing Policy 2020 and Sexual Entertainment Venue Licensing Policy 2020 -
https://www.ealing.gov.uk/info/201017/licences_and_street_trading/1007/licensing_policy/1

Background Information

Copies of all reports and decisions underpinning this report are available for inspection on the Council's website.

Consultation

Name of Consultee	Post held and Department	Date sent to consultee	Date received from consultee	Comments appear in report paragraph:
Internal				
Nicky Fiedler	Strategic Director, Housing & Environment	18/06/2024	XX	N/A

Report History

Decision type:		Urgency item?
Non-key decision		No
Report no.:	Report author and contact for queries: Izabela Gregory, Food, Safety and Licensing Manager piterai@ealing.gov.uk	

Appendix 1 – Licensing Sub Committee decisions under the Licensing Act 2003 (01 February 2024 – 01 June 2024)

Date of Hearing	Premises	Application	Overall Decision*
07-Feb-24	Indian Villa, 1 Station Parade, Uxbridge Road Ealing, W5 3LD	Review of Premises Licence	Additional conditions
07-Feb-24	Costcutter, 48 The Mall, Ealing, W5 3TJ (Ealing	Review of Premises Licence	Revoked
21-Feb-24	Elite Restaurant, 860A Coronation Road, Park Royal, London, NW10 7PS	New Premises Licence	Grant with conditions
06-Mar-24	The Nest Food & Wine, 106 -108 Uxbridge Road, Hanwell, London W7 3SU	New Premises Licence	Grant with conditions
06-Mar-24	Station Convenience Store, 257 Oldfield Lane North, Greenford UB6 8PX	New Premises Licence	Grant
03-Apr-24	Express Food Limited, 8 - 9 Abbey Parade, Ealing, W5 1EE	New Premises Licence	Refused
12-Apr-24	Angels Club, basement, Broadway West Ealing, W13 9DA	Temporary Events Notice	Grant
17-Apr-24	Patty & Sauce, 7 Drayton Green Road, Ealing, W13 0NG	New Premises Licence	Grant with conditions

Date of Hearing	Premises	Application	Overall Decision*
17-Apr-24	Best Food & Wine (Bally Express), Ground Floor Shop, 10 Dudley Road, Southall, Middlesex, UB2 5AR	Review of Premises Licence	Revoked
15-May-24	Anaya Cafe, 165 Dukes Road, Acton W3 0SL	New Premises Licence	Refused
29-May-24	The Office (Beer Mansion Ltd),17 Oldfields Circus, Northolt, UB5 4RR	Application to Vary	Grant with amendments
29-May-24	Angels Club, Basement, 25 The Broadway, West Ealing, W13 9DA	New Premises Licence	Refused
30-May-24	Harini Superstore Limited, 261 Oldfield Lane North, Greenford, UB6 8PX	Application to Vary	Grant with conditions

*May be subject to amended conditions and/or licensed hours

Appendix 2 - Summary of Licensing Sub Committee decisions under the Licensing Act 2003 (01 February 2024 – 01 June 2024)

	Total	*Granted	Refused
New Premises Licence	7	4	3
Variation to a Premises Licence, Transfer and change of DPS	2	2	0

* May be subject to amended conditions and/or licensed hours

	Total	Revoked	Suspended*	Additional conditions	No action
Review a Premises Licence	3	2	0	1	0
Summary Review of a Premises Licence	0	0	0	0	0

	Total	Granted	Refused
Temporary Events Notice	1	1	0
Interim Steps	0	0	0

Total Decisions Made	13
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**Report for:
Action**

Item Number:

Contains Confidential or Exempt Information	NO
Title	Licensing Committee Work Programme
Responsible Officer(s)	Rhian Davies, Interim Director of Legal and Democratic Services
Author	Zayna Ahmed, Democratic Services officer ahmedzay@ealing.gov.uk
Portfolio	Cllr. Kamaljit Kaur Nagpal (Decent Living Incomes)
For Consideration By	Licensing Committee
Date to be considered	09 July 2024
Implementation Date if Not Called In	N/A
Affected Wards	All wards
Keywords/Index	enforcement updates, enforcement annual report, night-time economy, OPDC, licensing policy renewal

Purpose of Report:

This report sets out the Work Programme for the Licensing Committee for the Municipal year 2024/25.

Recommendations:

- i. To review and agree the work programme for the Licensing Committee for the 2024-2025 municipal year as set out in Appendix 1. The 09 July 2024 meeting is the first meeting of this municipal year.
- ii. To agree the agenda items for the next meeting.

1. Background:

It is good practice for any committee to have a strategic approach to its work programme. For Licensing Committee there is a need to be mindful of and plan for items that should be reported on a regular basis, while balancing out the fact that any report requires officer time and effort which should only be devoted to matters where there is value in bringing them to Licensing Committee. Members will also be aware that the Licensing Committee can deal with many matters on an ad hoc basis, like considering major policies before they are approved by Council. Consequently, the programme is designed to allow space to deal with these matters should they arise.

The licensing committee is invited to scrutinise the hearing and enforcement activity set out in the Licensing Hearings Update and Enforcement report prepared for this licensing committee meeting and to ask questions of the officers presenting that report.

The licensing committee work program for 2024-25 (Appendix 1 to this report) reflects the licensing committee's plans for the 2024-25 municipal year. In addition to the standing item on Licensing Hearings Update and Enforcement report, the 2023-24 program includes the following reports/updates:

- The council's Economic Growth department has been invited to update the committee on the interface between licensing and the evening & night-time economy in the borough and on the progress of the new Ealings' Economy after 6pm strategy' document.
- The West Area Licensing Police were invited to update the committee on their structure and work over recent months (Nov 2023 meeting).
- Following their presentation in January 2023, officers from Old Oak & Park Royal Development Corporation (OPDC) have been invited to return to the committee to provide an update on shisha premises in the OPDC area.
- Early consideration of proposed drafts for the renewal of the council's Licensing Policy which is due for renewal in 2025.

The licensing committee, acting through the chair, reserves the right to amend the work program, if required, to reflect the prevailing circumstances.

1. Financial Implications

There are no financial implications directly arising from this report. However members should be aware of the opportunity cost of officer time in devising the programme.

2. Legal Implications

There are no legal implications directly arising from this report.

3. Value For Money

By working and benchmarking outcomes, each service area regularly reviews its work programmes to ensure these continue to deliver value for money.

4. Sustainability Impact Appraisal There will be no impact on sustainability objectives.

5. Risk Management

There are no risk mitigation proposals arising from this information report.

6. Community Safety

The activities of the Licensing Committee include an oversight of aspects of the Community Safety function and can contribute to the key objectives to make Ealing safer, and further promote the three new priorities for the council of creating good jobs, tackling the climate crisis, and fighting inequality.

7. Staffing/Workforce and Accommodation implications:

There are no Staffing/Workforce and Accommodation issues arising from this report though all reports require officers to devote time to producing a report, time which could, potentially, be devoted to front line services.

8. Property and Assets

There are no implications for Council owned property and assets.

9. Any other implications:

None

10. Consultation

None, besides internal consultation.

11. Appendices

12. Background Information

None

Consultation

Name of consultee	Post held and Department	Date sent to consultee	Date received from consultee	Comments appear in report paragraph:
Internal				
Rhian Davies	Interim Director of Legal & Democratic Services	28/06/2024	01/07/2024	
Conor McDonagh / Sophie Beagles	Assistant Director of Economic Growth	18/06/2024	01/07/2024	none
Izabela Gregory / Jess Murray / Joe Blanchard	Licensing Regulatory Services	18/06/2024	18/06/2024	none
External				
<i>Emma Williamson / James Hughes</i>	Old Oak Park Royal Development Corporation (OPDC)			

Report History

Decision type:	No
Non-key decision	No

Report no.:	Report author and contact for queries:
	Zayna Ahmed ahmedzay@ealing.gov.uk

Appendix 1 - Licensing Committee Work Programme 2024-2025

Subject	Purpose of Item	Comments
Meeting 1 – Tuesday 09 July 2024		
Chair's opening remarks	To thank outgoing members and welcome new members to the Licensing Committee	New members (24/25 May 2024): Councillors Charan Sharma, Kim Nagpal and Tariq Mahmood. Returning member Cllr Ranjit Dheer.
Standing Item 1- Licensing Hearing and Enforcement report	To receive an update/briefing on Licensing hearings and enforcement practice from Council Licensing Officers.	The aim is for Councillors to receive updated information on Sub-Committee hearings and licensing enforcement practice that have taken place in Ealing in-between Licensing Committee meetings; incorporating an annual report on this occasion.
Update presentation from the Economic Growth/Regeneration Team Connor McDonagh	Update on Ealings Economy after 6pm strategy in the borough.	To update Councillors on the governing regime for and its impact on stakeholders, of the night-time economy in Ealing and on progress of the new Ealings Economy after 6pm strategy document.
Introduction to the consideration of the new draft Licensing Policy (for 2025)	The licensing policy should be renewed every five years, current policy in force since July 2020.	Consideration of an outline of new sections and main changes proposed to the new draft Licensing Policy, in advance of the draft policy being produced and ahead of its recommendation to Council for adoption by July 2025.
Meeting 2 – Tuesday 09 October		
Standing Item 1- Licensing Hearing and Enforcement report	To receive an update/briefing on Licensing hearings and enforcement practice from Council Licensing Officers.	The aim is for Councillors to receive updated information on Sub-Committee hearings and licensing enforcement practice that have taken place in Ealing in-between Licensing Committee meetings.
Update on the consideration of the new draft Licensing Policy (for 2025)	The licensing policy should be renewed every five years, current policy in force since July 2020.	Consideration of an outline of new sections and main changes proposed to the new draft Licensing Policy, in advance of the draft policy being produced and ahead of its recommendation to Council for adoption by July 2025.

Subject	Purpose of Item	Comments
Update presentation from West Area Licensing Police	To receive an update/briefing on licensing enforcement practice from Ealing Licensing Police.	To inform licensing committee members on the police structure in respect of licensing matters & what the licensing committee can expect from the police. Nov 2023 - last presentation.
Meeting 3 – Tuesday 04 February 2025		
Standing Item 1- Licensing Hearing and Enforcement report + introduction to outline proposals for new draft licensing policy	To receive an update/briefing on Licensing hearings and enforcement practice from Council Licensing Officers.	The aim is for Councillors to receive updated information on Sub-Committee hearings and licensing enforcement practice that have taken place in Ealing in-between Licensing Committee meetings.
Update from Old Oak & Park Royal Development Corporation (OPDC) officers	Update presentation on shisha premises in the OPDC area.	Emma Williamson (Director of Planning) and James Hughes (Head of Planning Enforcement and Compliance) at OPDC previously presented an update to the licensing committee on shisha venues in February 2024.
Update on the consideration of the new draft Licensing Policy (for 2025)	The licensing policy should be renewed every five years, current policy in force since July 2020.	Consideration of an outline of new sections and main changes proposed to the new draft Licensing Policy, in advance of the draft policy being produced and ahead of its recommendation to Council for adoption by July 2025.
Meeting 4 – Tuesday 29 April 2025		
Standing Item 1- Licensing Hearing and Enforcement report	To receive an update/briefing on Licensing hearings and enforcement practice from Council Licensing Officers.	The aim is for Councillors to receive updated information on Sub-Committee hearings and licensing enforcement practice that have taken place in Ealing in-between Licensing Committee meetings.
Update on the consideration of the new draft Licensing Policy (for 2025)	The licensing policy should be renewed every five years, current policy in force since July 2020.	Consideration of an outline of new sections and main changes proposed to the new draft Licensing Policy, in advance of the draft policy being produced and ahead of its recommendation to Council for adoption by July 2025.

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