



Statement of Licensing Policy

Achieving the right balance

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1. Introduction

- 1.1 Applicants are encouraged to read this policy before applying for a licence. Where relevant representations are received by the Licensing Authority from a person or body opposing an application, then unless the parties agree that there is no need for a hearing, the application shall be heard before a Licensing Sub-Committee drawn from the Licensing Committee. A Licensing Sub-Committee shall also have regard to this policy when making its decision.
- 1.2 Pursuant to section 5 of the Licensing Act 2003 (as amended), this statement of licensing policy must be reviewed at least every 5 years.
- 1.3 A Licensing Sub-Committee (and officers where delegated powers apply) shall make decisions with a view to promoting (subject to 1.7) the four licensing objectives, namely:
- **the prevention of crime and disorder**
 - **public safety**
 - **the prevention of public nuisance**
 - **the protection of children from harm**
- 1.4 Any other matters covered in this policy that do not relate to the licensing objectives cannot be taken into account by a Licensing Sub-Committee. When determining a licence application, a Licensing Sub-Committee cannot take into account extraneous issues where they do not relate to the licensing objectives.
- 1.5 Applications under the Licensing Act 2003 that attract relevant representations which are not withdrawn, will be determined by a Licensing Sub-Committee that will consider each application on its individual merits. In the absence of a relevant representation, an application will be granted by officers in the terms sought by the applicant under delegated powers.
- 1.6 It is expected that a Licensing Sub-Committee will generally apply this policy, though it may depart from it if warranted by the individual circumstances of the application. Any departure from policy should be justified in the reasons given in the decision notice.
- 1.7 This policy will not over-ride any obligations under the Licensing Act 2003 ('the Act') or any other relevant legislation or case law. The Licensing Authority in preparing this policy has had regard to the current Home Office Statutory Guidance imposed by section 182 of the Licensing Act

2003 ('the Guidance'). The Licensing Authority consulted with the statutory consultees in regard to this policy, and it was re-adopted by full Council on the **4 July 2017**. This version of the Council's Statement of Licensing Policy, version five, is due to be revised no later than **17 September 2022**.

- 1.8 Advice on making an application or representation can be sought from the Council's web site www.richmond.gov.uk or by contacting the Licensing Authority by telephone on 020 8831 6455 during normal office hours or via email at: licensing@richmond.gov.uk.

2. Integrating Strategies

- 2.1 The Home Office recommends that licensing policies should provide a clear indication as to how the Licensing Authority will secure the proper integration of its licensing policy with local crime prevention, planning, transport, tourism, race equality schemes, cultural strategies and any other plan introduced for the management of town centres and the night time economy. Guidance states that many of these strategies are not directly related to the promotion of the four licensing objectives but they may impact upon them. Co-ordination and integration of such policies, strategies and initiatives where they impact on the Licensing Objectives are therefore important. **Appendix 'A'** sets out the Borough's key strategies and priorities.

3. Other Visions

- 3.1 This policy aims to 'achieve the right balance' through consideration of the needs of businesses whilst respecting the needs of residents to be able to go about their normal lives without undue interference or disturbance from licensable activities.
- 3.2 The Council encourages:
- Entertainment (such as live music, dancing, theatre and plays);
 - Cultural diversity;
 - Choice;
 - Family friendly environments;
 - Focus on food;
 - Quality standards; and
 - Environmentally responsible premises.
- 3.3 The Council encourages a diverse range of services beyond the sale of alcohol. It does not wish to create or promote a trend towards a 24 hour vertical drinking or off-sales culture.

- 3.4 The Council is committed to all measures that may reduce incidents of drunkenness and antisocial behaviour in the Borough, and discourages promotions that may lead to excessive consumption of alcohol.
- 3.5 Planning and licensing are different regimes, however the planning department are a responsible authority under the Licensing Act 2003 and the Council will take account of relevant representations in regard to planning issues including those relating to the appropriate operating hours of a licensed premises.

4. Cumulative Impact

- 4.1 A cumulative impact policy was incorporated into the Licensing Policy following the decision of Council in June 2005 and continues to form an important part of this current policy. Cumulative impact means the potential impact upon the promotion of the licensing objectives by a significant number of licensed premises concentrated in one area.
- 4.2 The effect of the cumulative impact policy is to create a rebuttable presumption that applications relating to premises located in the designated cumulative impact zones for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused unless the applicant can demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives.
- 4.3 The Council remains of the opinion that it needs to maintain the geographical areas of Richmond Town Centre and Twickenham Town Centre as shown in **Appendix B** and **Appendix C** as 'cumulative impact zones' and that all licensing applications in these zones should be subject to the strict test referred to in 4.2 above. The MAKE Associates Report of 2011 remains the evidence supporting the imposition and maintenance of this cumulative impact policy as shown in **Appendix E**.
- 4.3 The cumulative impact policy is intended to be strictly applied and will only be overridden in exceptional cases, but it is not absolute.
- 4.6 Exceptions might arise, for example, where the applicant can demonstrate that their proposed operation will have no negative impact on one or more of the licensing objectives in the town centres and beyond. Applications must directly address the underlying reasons for this policy in order to demonstrate why an exception should be made in any particular case. An exception may be made where the application proposes changes that are likely to reduce the overall impact on the licensing objectives, for example:

- To substitute one type of premises with another.
- To substitute one licensable activity with another.
- To effect a real reduction in capacity.
- To replace vertical drinking with seated consumption and/or waiter service.
- To make alterations to the premises that maintains the status quo or enhances the premises without negatively impacting on the licensing objectives.
- Where a reduction in hours of operation is proposed.

This list is not intended to be an exhaustive or prescriptive list of when exceptions may be found as each case will be determined on its individual merits.

- 4.7 Importantly, this cumulative impact policy does not relieve Responsible Authorities, residents or other persons from the requirement to make relevant representations in response to an application if they object to it. If there are no relevant representations then this policy will not be applied and the Council must grant the application in terms that are consistent with the operating schedule submitted.
- 4.8 Where relevant representations are received and not withdrawn, the application will be determined by a Licensing Sub-Committee who will consider the application and submissions from the applicant in order to determine whether it would be justified in departing from this cumulative impact policy in light of the individual merits of the case.
- 4.9 The Licensing Authority recognises that the impact of a licensed premises can be different for premises with different styles and characteristics. For example, whilst a large nightclub, bar or high-capacity public house might very well add to problems of cumulative impact, a small restaurant or a theatre may not. There are other factors that might contribute to an application being considered as an exception, such as the licensable activities sought, the hours of operation, management standards applied or to be applied to the operation inside and outside of the premises, including door supervision, acoustic controls, CCTV coverage inside and outside the premises, smoking controls, safe capacities, management of exterior spaces, neighbour considerations. The above list is simply indicative of the sort of matters that an applicant might include in their operating schedule to demonstrate how they seek to work within the Council's cumulative impact policy but it is not intended to be exhaustive or prescriptive.

- 4.10 It may also be appropriate and proportionate to refuse a premises licence for a premises where evidence suggests that an increased licensed capacity would have a negative effect on crime and disorder or public nuisance in areas beyond the licensee's control. Where changes proposed will have a positive effect the application may be granted subject to the above cumulative impact criteria, relevant case law, guidance and legislation.
- 4.12 The policy aim is to ensure that the two central areas of Richmond and Twickenham can be attractive day and evening centres for residents and visitors, viable for a range of business enterprises while continually trying to reduce the negative impacts associated with licensed premises and or their users. The cumulative impact policy and the Cumulative Impact Assessment (as appropriate) will be kept under review by the Council.
- 4.13 Once the relevant provisions of Part 7 of the Policing and Crime Act 2017 are brought into force, the Council may publish a document (a “cumulative impact assessment”) stating that it considers that the number of relevant authorisations (i.e. premises licences or club premises certificates) in respect of premises in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority’s duty to promote the licensing objectives to grant any further relevant authorisations in respect of premises in that part or those parts. The assessment must set out the evidence for the authority’s opinion. The Council will consider whether it remains of the opinion set out in the cumulative impact assessment at least every 3 years.

5. The Prevention of Crime and Disorder

In considering an application a Licensing Sub-Committee shall have regard to the following:

Closed Circuit Television (CCTV)

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

“CCTV shall be maintained in good order and recordings shall be retained for at least 31 days and be made available for inspection by authorised

officers of the Licensing Authority and the police upon request. Recorded images shall not be blurred or indistinct.”

Door supervisors

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

Plastic / polycarbonate vessels / glasses

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

Pre-application discussions with Police

- 5.4 Applicants are encouraged to discuss their application with the police prior to submitting it to the Licensing Authority. The police have a wealth of experience in terms of the prevention of crime and disorder and may be able to assist with any proposed conditions. The Metropolitan Police have an Event Risk Assessment and Event Debrief Risk Assessment that organisers may find useful to use when liaising with the Police Operations team.

Pubwatch

- 5.5 Pubwatch is a voluntary organisation set up to support existing licence holders. It is organised by the licence holders themselves to share intelligence and best practice ideas. It invites speakers to help inform licence holders on current issues such as police campaigns and changes in licensing and other regulatory law. The police and relevant licensing officers usually attend part of such meetings.
- 5.6 The Licensing Authority is wholly supportive of Pubwatch, and would urge all relevant applicants and existing licence holders to become members. The Licensing Authority is able to assist with details of the existing Pubwatch groups in the Borough and would welcome and support the creation of other groupings within the licensing sector such as for off-licences or late night refreshment premises.

6. Public Safety

Public safety is concerned with the physical safety of people using or working in the premises and not with public health more generally, which is dealt with under other legislation. In considering an application, a Licensing Sub-Committee shall have regard to the following:

Risk Assessments

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

Point of Contact for Advice and Information

- 6.2 The Council's Commercial Environmental Health Service is responsible for exercising health and safety enforcement in relation to nearly all licensed premises in the Borough and are available to provide advice and information by telephoning 020 8891 7994 or emailing: commercialeh@richmond.gov.uk
- 6.3 The London Fire and Emergency Planning Authority (LFEPA) (www.london-fire.gov.uk) are the contact point regarding fire safety and prevention, and responsibilities under the Regulatory Reform (Fire Safety) Order 2005.
- 6.4 Information concerning means of escape and crowd control in sports stadia and other similar premises may also be obtained from the Council's Building Control services: buildingcontrol@richmond.gov.uk
- 6.5 The HSE Event Safety Guide (ISBN10:0717624536) and Guide to Safety at Sports Grounds (ISBN0113000952) may assist some applicants and are available from the Stationery Office: www.tsoshop.co.uk

7. The Prevention of Public Nuisance

Public nuisance is not narrowly defined in the 2003 Act and retains its broad common law meaning. It may therefore include low-level nuisance perhaps affecting a few people living locally as well as a major disturbance affecting the whole community and include in appropriate circumstances the reduction of the living and working amenity and environment of other persons visiting, living and working in the area of the licensed premises. Public nuisance may also arise as

a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

In considering an application a Licensing Sub-Committee shall have regard to the following issues:

Noise Management Policies

7.1 To reduce the potential impact on the public nuisance objective, applicants may wish to assess whether there is a need for a Noise Management Policy for their premises. If there are relevant representations then the Licensing Sub-Committee may also choose to impose a condition requiring a Noise Management Policy. A booklet published by the Commercial Environmental Health Department explaining noise management policies can be found on the Council's website: www.richmond.gov.uk or by contacting the department by telephone on 020 8891 7994.

7.2 The Council's Commercial Environmental Health service has suggested the following formula:

- Identify all potential sources of noise and who may be affected;
- Consider what other controls can be implemented to minimise noise in respect of each source (ultimately by ceasing its use or application);
- Consider whether controls are adequate to prevent nuisance to these people or whether more can be done;
- Document in your policy what controls will be in place to minimise nuisance and how they are checked by staff;
- Implement your policy.

Noise from patrons arriving and departing the premises

7.3 Noise can often be created by patrons arriving and leaving licensed premises. Ambient noise levels generally fall later into the night/early morning. Voices of patrons speaking as they leave can be intrusive to nearby residents, especially where patrons have consumed a few drinks and may have been listening to loud music within the premises. A condition to address this may be:

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

7.4 Applicants may also consider having a staff member at the door around closing time to remind customers to leave quietly or to arrange taxis to

ensure an efficient departure from the premises. Arrangements for queuing may also be assessed.

- 7.5 Premises that offer take-away food should be mindful of noise which may be created by customers who congregate outside or by delivery motor bikes, and should do whatever is possible to minimise such noise.

Regulated Entertainment

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

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

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

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

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

- 7.8 Whilst the British Board of Film Classification (BBFC) classifies age related criteria for watching films, the Council as the Licensing Authority remains legally responsible for what is shown in cinemas under the Licensing Act 2003 and can still overrule the decisions of the BBFC by setting age classifications. For assistance on this please contact the

Licensing Authority on 0208 831 6455 or by email
licensing@richmond.gov.uk.

Refuse, collections, and deliveries

- 7.9 Littering, the collection of refuse and deliveries to commercial premises may contribute to, or be a cause of, a public nuisance.
- 7.10 Applicants may wish to address as part of their operating schedule any measures that they intend to take to control litter. For example:
- Litter patrols directly outside their premises, including the picking up of cigarette butts and broken glass;
 - Notices at take-away premises asking patrons to dispose of their litter in bins.
- 7.11 Various written representations have been received from residents near to the licensed premises explaining that they are being awoken by early morning commercial refuse collections. It is recognised that refuse collection times can sometimes be outside the control of the premises licence holder. However, premises licence holders are encouraged to consider whether their refuse collection time could result in a public nuisance and, if so, attempt to renegotiate different times with the contractor.
- 7.12 Applicants might also wish to consider whether deliveries to the licensed premises could potentially result in a public nuisance.

Smoking and outside areas

- 7.13 Patrons may not smoke inside licensed premises and consequently may go outside to smoke. Applicants and existing licence holders are encouraged to assess whether the noise from such patrons could potentially disturb nearby residents and whether there is potential for smoke to drift to nearby residential properties. Applicants and existing licence holders are encouraged to consider receptacles for cigarette butts to address litter from smoking. As the licensed trade can only be responsible for matters within their control it is recommended that licence holders focus on the effects of smoking in beer gardens, patios and the pavement directly outside the premises.

Pre-application discussions with Commercial Environmental Health

7.14 Applicants are encouraged to discuss their application with Commercial Environmental Health prior to submitting it to the Licensing Authority. Environmental Health officers have a wealth of experience in terms of the prevention of public nuisance and may be able to assist with the applicant's proposed operating schedule and propose suitable conditions.

8. The Protection of Children from Harm

In considering an application a Licensing Sub-Committee shall have regard to the following issues:

Admission of children

8.1 It is an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or temporary event notice (TEN).

8.2 This policy does not seek to limit the access of children to any premises unless it is appropriate for the prevention of physical, moral or psychological harm to them. Access may be limited, however, in the following circumstances:

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

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

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

8.4 The conditions outlined in 8.3 may only be attached to premises licences and club premises certificates. They may not be attached to a temporary event notice (TEN).

Proof of Age

8.5 Licence holders are encouraged to consider carefully ways to ensure that the sale of alcohol is restricted to those over the age of 18, unless one of the exceptions applies. Operators may choose to adopt nationwide schemes such as 'Challenge 25' whereby if the individual looks under 25, they should be asked to prove that they are over the age of 18 when buying alcohol. Acceptable forms of proof are: a photo-card drivers licence, passport or PASS card. PASS is the national guarantee scheme for proof-of-age, which is fully supported by the Home Office. Special care should be exercised when the licensed trade check IDs. Staff should be alert to counterfeit IDs. Other useful aids can be till prompts on the sale of alcohol.

Adult Entertainment

8.6 This authority has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act" as amended) for the licensing of sex establishments including sexual entertainment venues. One of the consequences is that 'regulated entertainment' under the Licensing Act 2003 no longer includes the provision of sexual entertainment, as defined under the 1982 Act. If such activities, which include lap-dancing or similar, are to be offered then a separate Sexual Entertainment Venue Licence must be applied for. (This is subject to limited use exceptions as set out in the 1982 Act). Failure to comply with

the requirement to have a Sexual Entertainment Venue Licence in place may amount to a criminal offence and result in enforcement action.

9. Making an application

- 9.1 Application forms and payment can be made online by accessing the Council's web site: www.richmond.gov.uk (business licences). Applying online saves applicants the need to send copies to Responsible Authorities, as this will be done automatically by the licensing authority, a saving in paper and postage to applicants. Alternatively application forms can be downloaded from either the Council's web site or from the Department of Culture, Media and Sport website: www.culture.gov.uk or by contacting the Licensing Authority by email at : licensing@richmond.gov.uk or by telephone on 020 8831 6455.
- 9.2 The application forms for premises licences and club premises certificates (and for variations) enable the applicant to state in their operating schedule the additional steps they will take to promote the licensing objectives. Applicants are required to provide further contextual information to support the steps they intend to take and demonstrate an awareness of the local community in which the premises would be based within their applications or operating schedules. Applicants are reminded that any information contained within the operating schedule may be converted into conditions attached to the premises licence and this may be done even where there is no hearing. Applicants may find that, where existing closing times are causing problems in their areas, the authorities may suggest different closing times.
- 9.3 Before making an application, applicants are strongly encouraged to contact the police to discuss any issues relating to crime and disorder, and Commercial Environmental Health to discuss potential nuisance and safety issues. Where the application exceeds in some way an existing planning consent the applicant is advised to contact Development Control to discuss the position. Early involvement with the Responsible Authorities may enable the applicant to adapt their application in a way which avoids the need for formal representations and a hearing. Police recommendations within their representations will usually be adopted, unless these are not considered to be appropriate or proportionate. Contact details are given below in **Appendix D**.

New or variation applications

- 9.4 Where a premises licence holder wishes to amend their licence, they may make an application to vary their licence rather than make an application for a new premises licence or club premises certificate. A variation application cannot be made to extend the period for which the licence has effect where there is a time limited premises licence or to vary substantially the premises to which it relates. (Section 36(6) Licensing Act 2003) ‘Substantially’ is not defined in the Act or Guidance, but this Licensing Authority takes it to mean ‘large or considerable’ and this will ultimately depend on the individual circumstances of the case. It is neither exhaustive nor prescriptive, but a premises changing its whole operation or increasing the size of the building in which it operates to a significant degree could be seen as making a substantial change. An application for extended hours would normally be by way of full variation rather than by way of a “minor variation” (for which see below).

Minor Variations

- 9.5 Minor variations will be dealt with under a simplified process. Minor variations will generally fall into these categories: minor changes to the structure or layout of a premises; small adjustments to licensing hours; the removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; the removal of licensable activities from a premises licence; and the addition of certain licensable activities. In all cases the overall test is whether the proposed variation could impact adversely on any of the four licensing objectives.
- 9.6 The Licensing Authority may consult with the Responsible Authorities, take into account relevant representations and grant only where the proposed application could not have an adverse effect on the promotion of any of the licensing objectives. The Licensing Authority must otherwise reject a minor variation application. The Licensing Authority will also reject a minor variation application where it proposes:
- To vary substantially the premises to which it relates;
 - Changes to the premises layout that could potentially have an adverse impact on the promotion of the licensing objectives, for example by:
 - increasing the capacity for drinking on the premises;
 - affecting access between the public part of the premises and the rest of the premises or the street or public way, e.g. blocking emergency exits or routes to emergency exits; and
 - impeding the effective operation of a noise reduction measure such as an acoustic lobby.

- To add the sale by retail or supply of alcohol to a licence;
 - To extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00;
 - To increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises;
 - To extend the period for which a Premises Licence has effect;
 - To specify an individual as the premises supervisor.
- 9.7 A decision on a minor variation application must be made within 15 working days of receipt of the application (beginning on the first working day after the Licensing Authority received the application). Where a minor variation application is refused the applicant may wish to consider making a full variation application.
- 9.8 In determining a minor variation application, it would assist the Licensing Authority if applicants would give full details of the proposed variation and the reasons the applicant considers the variation could not have an adverse effect on the promotion of the licensing objectives (and in this regard applicants are also referred to the guidance notes on the minor variation application form). For minor variation applications there is no requirement to advertise the application in a newspaper, though the premises notice must be displayed on the premises on a white A4 sheet and displayed for ten working days following the day the application was given to the licensing authority.
- 9.9 There is no right of appeal on a refusal to permit a minor variation.

Advertising

- 9.10 Applicants must comply with the *Licensing Act 2003 (Premises licence and club premises certificate) Regulations 2005* when advertising their applications for a premises licence or club premises certificate or a variation, by displaying a pale blue notice for 28 days on the exterior of the premises and placing an advertisement in a local newspaper. For a minor variation no newspaper advertisement is required although a notice on white paper must be displayed for 10 consecutive days. Notices must be prominently displayed so that they can be conveniently read from the exterior of the premises.
- 9.11 Applicants are reminded that for variations where a premises covers an area of more than 50 metres square, additional notices must be displayed every 50 metres along the external perimeter of the premises abutting the

highway. For minor variations if any part of the external perimeter of the premises is 100 or more metres in length abutting a public highway or other places accessible to the public, the white notice shall be displayed every 50 metres along the premises.

- 9.12 It is usual practice for licensing officers to visit the applicant's premises on at least one occasion during the advertising period to ensure that the notices are being displayed in accordance with the regulations. Where advertising irregularities are found, the 28 day notice period may need to be restarted or extended to comply with the advertising requirements.

Personal licences

- 9.13 As required under the *Licensing Act 2003 (Personal licences) Regulations 2005*, personal licence applications must be accompanied by two photographs of the applicant, one of which is endorsed with a statement verifying the likeness of the photograph to the applicant signed by a solicitor, notary, a person of standing in the community or any individual with a professional qualification. Applications not conforming to the requirements of the Regulations as stated above will be rejected. Similarly criminal conviction checks shall not have been issued earlier than one calendar month before receipt of the application by the Licensing Authority. Applications must also conform with the requirements of the Immigration Act 2016.

- 9.14 Personal licence holders are encouraged when authorising members of staff to sell alcohol to keep a record of the authorisation. It is recommended that any authorisation should state who has been authorised and for what period. It would also be good practice for personal licence holders to train staff as to their responsibilities in relation to the service of alcohol.

- 9.15 Personal licence holders are reminded of their obligation to notify the Licensing Authority as soon as reasonably practicable of any change of name or address or conviction for a relevant or foreign offence or immigration penalty as defined in the Licensing Act 2003 (as amended). Where the Licensing Authority becomes aware of a conviction, or relevant immigration penalty, it may take action to suspend or revoke the Personal Licence.

Large events

- 9.16 Organisers of festivals or concerts who require a premises licence are strongly advised to contact the Licensing Authority at least six months prior to the event, although there is no statutory requirement to do so.

- 9.17 Organisers of large events should also have early discussions with Responsible Authorities such as the Police, Commercial Environmental Health and the London Fire and Emergency Planning Authority (LFEPA).
- 9.18 The Metropolitan Police have an ‘Event Risk Assessment’ and ‘Event Debrief Risk Assessment’ that organisers may find useful to use in liaison with the Police Operations Team.

Sending to Responsible Authorities

- 9.19 New applications or applications to vary premises licences or club premises certificates must be made to the licensing authority with copies served on each of the Responsible Authorities (see **Appendix D** for names and addresses), unless applications are made online when the licensing authority forwards the application to the Responsible Authorities..

Designated Premises Supervisors/Management Committees

- 9.20 Where a premises licence application is made by a management committee of a community premises which includes the supply of alcohol, the requirement on the premises licence for a named designated premises supervisor holding a personal licence authorising sales of alcohol can be replaced by the supply of alcohol being made or authorised by the management committee to avoid the need for an individual to be named on the premises licence. The management committee must ask for the removal and replacement of these conditions and the Licensing Sub-Committee must consider that the management of the premises will be sufficient to ensure adequate supervision of the supply of alcohol.
- 9.21 The mandatory condition requiring a designated premises supervisor holding a personal licence authorising sale of alcohol can be re-imposed should the premises licence be subject to a review.

Unpaid Annual Fee and Suspension of a Premises Licence or Club Premises Certificate

- 9.22 A Premises Licence or Club Premises Certificate will automatically be suspended 21 days after the annual fee was not paid at the time it became due. Carrying out Licensable Activities during a suspension may lead to enforcement action.

10. Making a representation

- 10.1 Responsible Authorities, residents and other persons, together with their representatives and local councillors may make representations concerning applications for, or variations of, premises licences or club premises certificates. Only the Police and Commercial Environmental Health Team may object to a temporary event notice (TEN). Only the Police may object to a personal licence application where the applicant has been convicted of a relevant offence (or in the case of an immigration related matter, the Secretary of State for the Home Department).
- 10.2 Representations concerning an application may be positive or negative, although only negative representations would result in a Licensing Sub-Committee hearing. Representations must relate to one of the four licensing objectives and to be properly considered and acted upon by the Licensing Sub-Committee must be based on proper evidence rather than mere speculation or risk. The Licensing Sub-Committee must not give their own views excessive weight, but can be informed from their knowledge of the premises or area.

Likely to be Affected

- 10.3 The Licensing Authority will consider whether the individual's residence or business is likely to be affected by disorder or disturbance occurring or potentially occurring on those premises or immediately outside the premises. In other words, it is the impact of issues relating to the four licensing objectives that is the key consideration and whether the representation is a relevant representation from a person who is likely to be affected by such impact. Each representation will be judged on its own merit and in light of the facts of the particular case being considered.
- 10.4 Upon receiving a representation, officers of the Licensing Authority may assess whether the interested party is likely to be affected by the applicant's premises and may decide whether a representation is or is not a relevant representation. The Licensing Sub Committee may also make a determination on representations put before them and may decide whether representations are or are not relevant representations.
- 10.5 In borderline cases the benefit of doubt should be given to the interested party and the representation should be included in the agenda for the Licensing Sub-Committee to determine whether the person making the representation is likely to be affected.

Irrelevant, frivolous, vexatious

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

Registering to speak or be represented at Sub-Committee hearings

- 10.9 Parties may request to speak or be represented at a Licensing Sub-Committee hearing. Such requests will be taken in accordance with The Licensing Act 2003 (Hearings) Regulations 2005 (as amended) and guidance published with each Licensing Sub-Committee agenda. Failure to do so may result in such a person not being heard, although the Chairman may exercise their discretion and allow the person to speak. (See licensing procedures on the website: www.richmond.gov.uk).

11. Reviews

- 11.1 Reviews represent a key protection for the community where premises present problems associated with the licensing objectives, allowing residents, other persons or businesses, local councillors or their representatives and Responsible Authorities to apply in writing to the Licensing Authority for a review of a premises licence or club premises certificate.
- 11.2 The Licensing Authority may, at any time, reject any ground for review if it is satisfied that the request for review does not relate to the licensing objectives or is frivolous, vexatious or repetitious.
- 11.3 The review process will not be allowed to be used as a 'second bite of the cherry' where the decision of the Licensing Authority is disagreed with. In other words, where a licence has been granted or varied and an aggrieved person chooses not to appeal but elects instead to review the premises licence/certificate shortly after the Licensing Sub-Committee's decision.

- 11.4 Generally the Licensing Authority would expect a period of at least 12 months to elapse before a second review may be considered in relation to the same premises on similar grounds to a previous review (other than for closure orders) or where very serious incidents which impact on the licensing objectives occur within 12 months of the previous review.
- 11.5 The Licensing Sub-Committee must, having regard to an application and any relevant representations, take such steps as it considers appropriate for the promotion of the licensing objectives. It is able to:
- (a) modify the conditions of the licence (The conditions of the licence are modified if any of them is altered or omitted or any new condition is added);
 - (b) exclude a licensable activity from the scope of the licence;
 - (c) remove the designated premises supervisor;
 - (d) suspend the licence for a period not exceeding three months;
 - (e) revoke the licence.
- 11.6 Upon receipt of a request for review licensing officers are empowered to determine whether the request from an interested party or responsible authority is relevant to the licensing objectives or, in the case of a party other than a responsible authority, is frivolous, vexatious or repetitious (see considerations above).
- 11.7 The Licensing Sub-Committee or Licensing Authority must follow Guidance and relevant case law in respect of reviews issued by Responsible Authorities that follow, or run in parallel to, criminal prosecutions.

Police Summary Reviews

- 11.8 Where a licensed premises is considered to be associated with serious crime or serious disorder or both, the Chief Officer of Police can apply to the relevant Licensing Authority for a summary, or expedited, review of the premises licence. Within 48 hours of receipt of that application the Licensing Authority must consider whether it is appropriate to take interim steps pending the determination of a review of the premises licence. Within 28 days after the day of its receipt, a full review hearing must be held. At the full Review hearing, the Licensing Sub-Committee will consider whether any Interim Steps should continue or be modified pending any appeal determination.
- 11.9 Interim steps can include (a) the modification of the conditions of the premises licence, (b) the exclusion of the sale of alcohol by retail from the scope of the licence, (c) the removal of the designated premises

supervisor from the licence, and/or (d) the suspension of the licence. If the holder of the premises licence makes, and does not withdraw, representations against any interim steps taken by the Licensing Authority, the authority must, within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations. Further representations to review the Interim Steps shall not be considered by the Licensing Sub-Committee unless they represent a material change in circumstances.

12. Temporary Event Notices (TENS)

- 12.1 If the Licensing Authority receives a standard or late TEN and there are no representations against it by the Police or Commercial Environmental Health Team, then the Licensing Authority is obliged to issue the TEN subject to the statutory limits being complied with. Only the Police and Commercial Environmental Health Team can object to a TEN and they can do so under any of the four licensing objectives.
- 12.2 A **standard** TEN must be given to the licensing authority no later than 10 working days before the day on which the event period begins, and must be accompanied by the prescribed fee. A counter notice to a standard TEN should be made up to 3 working days following receipt by the Police or Commercial Environmental Health Team.
- 12.3 A **late** TEN must be given to the licensing authority no later than 5 working days, but no earlier than 9 working days, before the day on which the event period begins, and must be accompanied by the prescribed fee. A counter notice to a late TEN by the Police or Commercial Environmental Health Team cannot be made later than 24 hours before the day of the event.
- 12.4 The working days run from the day after the notice is received by the Licensing Authority, as the day the notice is received is deemed to be day zero. Public holidays and weekends are not counted, as they are not working days. For example, say a TEN was served on Tuesday, 13 November, the working days would begin to run from Wednesday, 14 November to Tuesday, 27 November and the event could be no earlier than Wednesday, 28 November.
- 12.5 The Licensing Authority may attach conditions, where there is an objection (that has not been withdrawn), on the carrying on of licensable activities at such events under the authority of a TEN, where it is appropriate for the promotion of the licensing objectives, where the conditions apply to the premises under its Premises Licence or Club Premises Certificate and are not inconsistent with the TEN. The notice giver is responsible for ensuring

that the event complies with all relevant legislation, such to avoid noise nuisance and comply with health and safety requirements.

13. Conditions

- 13.1 Applicants are encouraged to complete the operating schedule fully as appropriate to their business by addressing the four licensing objectives. Any information contained within the operating schedule may be turned into a condition by the licensing authority. Where no representations have been submitted an applicant is entitled to the grant of a licence without the imposition of conditions beyond those consistent with the content of the operating schedule in so far as they are appropriate to promote the licensing objectives and any mandatory conditions under the Act.
- 13.2 Where there is a relevant representation and the application is heard before the Licensing Sub-Committee, further conditions may be imposed upon the licence or certificate to address any concerns raised by either the interested parties or Responsible Authorities. However, conditions will only be placed on the licence by the Licensing Sub-Committee if they are:
- Appropriate
 - Proportionate
 - Reasonable
 - Tailored to the specific premises
 - Capable of compliance
 - Enforceable
 - Relevant to the representations received (e.g. if representations are received on public nuisance grounds only, then the Sub-Committee should not generally impose conditions relating to the other licensing objectives).
- 13.3 Before refusing in full an application for a premises licence or club premises certificate or a variation application, the Sub-Committee should consider whether the imposition of conditions could address the concerns expressed by Responsible Authorities or other persons.
- 13.4 Conditions must focus on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified. Conversely, increased licensed capacity that would have a negative effect on crime and disorder in areas beyond the licensee's control may affect the decision of a Sub-Committee.

13.5 Further mandatory conditions may be imposed on existing premises licences or club premises certificates subject to legislation. (See web site www.richmond.gov.uk for current mandatory conditions or the DCMS web site)

13.6 Conditions must not duplicate other statutory responsibilities already placed on the operator of the premises under other legislation outside the Licensing Act 2003

14. Regulated Entertainment

14.1 Regulated entertainment under the Licensing Act 2003 can include:

- a performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment;
- a performance of live music;
- any playing of recorded music;
- a performance of dance; and
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

To be licensable, one or more of these activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must also either:

- take place in the presence of a public audience, or
- where that activity takes place in private, be the subject of a charge made with a view to profit.

14.2 There are a number of exemptions that mean that a licence (or other authorisation) under the Licensing Act 2003 is not required. This policy cannot give examples of every eventuality or possible entertainment activity that is not licensable. However, the following activities are examples of entertainment which are not licensable:

- activities which involve participation as acts of worship in a religious context;
- activities in places of public religious worship;
- education – teaching students to perform music or to dance;
- the demonstration of a product – for example, a guitar – in a music shop;

- the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit;
- Morris dancing (or similar);
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity;
- Incidental film – an exhibition of moving pictures if it is incidental to some other activity;
- A spontaneous performance of music, singing or dancing;
- Garden fetes – or similar if not being promoted or held for purposes of private gain;
- Films for advertisement, information, education or in museums or art galleries;
- Television or radio broadcasts – as long as the programme is live and simultaneous;
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked;
- Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis);
- Stand-up comedy; and
- Provision of entertainment facilities (e.g. dance floors).

14.3 As a result of de-regulatory changes that have amended the Licensing Act 2003 no licence is required for certain activities as outlined in summary form below (but reference needs to be made to the statutory provisions themselves as well as to Chapter 16 of the Revised Guidance to the Licensing Act 2003).

(a) A licence is not required to stage a performance of live music, or the playing of recorded music if:

- it takes place between 8AM and 11PM; and
- it takes place at an alcohol on-licensed premises; and
- the audience is no more than 500 people

(b) You also don't need a licence:

- to put on unamplified live music at any place between the same hours; or
- to put on amplified live music at a workplace between the same hours and provided the audience is no more than 500 people

(c) There are exemptions from the need for a licence for music entertainment including for:

- places of public worship, village halls, church halls and other similar buildings
- schools
- hospitals
- local authority premises
- incidental music - music that is incidental to other activities that aren't classed as regulated entertainment.

(d) A licence is not required to stage a performance of a play or a performance of dance if:

- a. it takes place between 8AM and 11PM; and
- b. the audience is no more than 500 people.

(e) A licence is not required to stage an indoor sporting event if:

- a. it takes place between 8AM and 11PM; and
- b. the number of spectators is not more than 1000 people.

(f) There are exemptions from the need for a licence to screen a film or exhibit moving pictures, including for:

- places of public worship, village halls, church halls and other similar buildings
- education
- incidental film – moving pictures that are incidental to other activities that aren't classed as regulated entertainment
- television broadcasts

In other circumstances, a licence may be required to show a film:

- in public
- or in private, if those attending are charged for entry and the intention is to make a profit, including raising money for charity.

14.4 Please note that copyright authorisation to show films in public is entirely separate from the licensing legislation under the Licensing Act 2003. You may need to apply to a copyright owner or his agents for the right to show his films or play his music.

14.5 Some regulated entertainment including but not limited to dance, wrestling or boxing (including mixed martial arts) or adult entertainment remains licensable as regulated entertainment or under separate legislation. For

assistance on this please contact the Licensing Authority on 0208 831 6455 or by email licensing@richmond.gov.uk.

Incidental music

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

Spontaneous music, singing and dancing

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

Films

- 14.4 Where a premises licence or club premises certificate authorises the exhibition of a film it is a mandatory condition that admission is restricted in accordance with the recommendation of the British Board of Film Classification (BBFC) or by the Licensing Authority.
- 14.5 Normally films will be classified by the BBFC. However, if required to do so, the Licensing Authority would apply the categories laid down by the BBFC in making its own determination as to classification.

15. Use of Personal Data

- 15.1 The name and address of persons who make representations will normally be disclosed to the applicant, Licensing Sub-Committee and officers of the Council involved in the licensing process. This is

- appropriate in order to allow an assessment of the representation and allow discussion or resolution of issues before a Licensing Sub-Committee hearing.
- 15.2 At present the names and addresses of interested parties will be redacted, (blacked-out) in agendas published online (or where there is a pending criminal investigation or prosecution). The names and addresses of interested parties will be disclosed to other persons concerned in the licensing proceedings pursuant to section 31 of the Data Protection Act 1998. However in certain circumstances the Licensing Authority may be prepared to withhold some or all of a person's personal details, for example, where a person has a genuine and well-founded fear of intimidation. Withholding such details will only be considered where the circumstances and public interest justify such action and a fair-hearing of an application can still take place.
- 15.3 Any person appearing before a Licensing Sub-Committee shall have their name recorded in the minutes. A copy of the minutes is distributed to the applicant and any interested parties and Responsible Authorities, with a copy being placed on the Council's web site.
- 15.4 Although there is no statutory requirement to do so applicants may wish to insert additional wording on their pale blue advertisement on the exterior of the premises to explain how personal data will be used. For example, the following wording could be adopted:

“Any personal data contained in a letter of representation will be disclosed to the applicant, Sub-Committee and officers of the Council involved in the licensing process and the name of any person appearing before the Sub-Committee will be published in the minutes which will be available on the Council's website.”

16. Shop Hours

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

17. Duplication and Planning

17.1 Applications under the Licensing Act 2003 will be considered separately from other regimes such as planning and building control. This is in order to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with the appropriate planning consent for the property concerned. However, applications for licences may be made to the Licensing Authority before relevant planning permission has been sought or granted by the planning authority.

17.2 The planning and licensing regimes involve consideration of different matters. For example, licensing takes into account the four licensing objectives:

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

whereas planning considers a range of issues such as,

- Public nuisance
- Loss of privacy
- Highway safety
- Design
- Nature conservation
- Adequacy of parking
- Amenity
- Layout & Density
- Sustainability

17.3 Where a planning condition restricts usage of a premises to certain hours, and if these hours differ from those permitted on a premises licence, then the premises user must comply with the more restricted of the two sets of hours.

18. Enforcement

18.1 Before taking enforcement action, the Licensing Authority will consider the Licensing Enforcement Policy, which has taken into account the Code for Crown Prosecutors, copies of which may be found at:

www.richmond.gov.uk/licensing_enforcement_policy.pdf
http://www.cps.gov.uk/publications/docs/code_2013_accessible_english.pdf

- 18.2 The Licensing Authority recognises and endorses the “Hampton principles” of good regulation in carrying out its duties under the Licensing Act 2003. Premises inspections will be risk based, intelligence led or in response to complaints.

19. Appeals

- 19.1 Where an applicant, the Responsible Authorities or other persons who have made representations are dissatisfied with a Licensing Sub-Committee decision then they can generally appeal the decision under Section 181 and Schedule 5 of the Licensing Act 2003 to their local Magistrates’ Court (Lavender Hill Magistrates’ Court). The Court will consider whether the decision is wrong as at the time of the appeal hearing. The burden is on the appellant to persuade the Court that the decision of the Council is wrong. If that burden cannot be satisfied then the appeal will be refused.
- 19.2 However, unlike applications before the Licensing Sub-Committee, an appeal Court will have the power to make an award of costs from one party to another at the conclusion of the appeal. Case law establishes that because the Council is simply discharging its statutory duty when making licensing decisions, generally it will not be ordered to pay the costs of a successful appellant unless the Council can be shown to have behaved unreasonably. On the other hand, if the Council is successful on appeal then the appellant will normally be ordered to pay the Council’s costs of defending the appeal.

20. Miscellaneous

Agendas

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

APPENDIX A

The key strategies in the Borough are:

- The Community Plan (2016 - 2020); and
- Corporate Plan (2016 - 2019).

The key priorities of each plan / strategy are summarised below:

Community Plan – 2016 – 2020

Overview

Our vision is for a borough where local people are engaged and involved in their communities. Where there is a vibrant and sustainable community and voluntary sector to support residents and help them play a full role in community life.

The overall vision is for a Richmond upon Thames where:

- people will lead happy lives and are able to enjoy life, with opportunities to learn, develop and fulfil their potential;
- people can live as independently as possible in the local community and feel empowered to take responsibility for their health and wellbeing, and plan for their future;
- people feel safe, are respected and valued, and able to contribute to their communities and where diversity is celebrated;
- the local character of the environment is protected and new development is high quality and compatible with local character, meets people's needs and provides opportunities for all; and
- our towns and local centres are attractive, viable for businesses and contribute positively to the quality of life for residents and visitors.

There are three themes which describe how we will work in partnership with the local community and inform everything we do to put people first into practice:

Involving and engaging local people and businesses.

1. Delivering cost effective services to meet local needs.

- Tackling inequality and creating opportunities for children and young people
- For a healthy borough
- For a safer borough

- To support businesses, the voluntary and community sectors and the arts
- For a greener borough

2. Being accountable to local people.

For each theme we have identified a set of priorities which are designed to help us to achieve our vision for the communities of our borough.

Corporate Plan 2016 - 2019

Aims

Richmond Council is committed to delivering high quality and value for money services for residents against an increasingly challenging financial backdrop. One of the ways of achieving this will be through our creation of a single staffing structure across Richmond and Wandsworth Councils. This will be implemented from September 2016 to March 2017 and deliver estimated savings of up to £10 million per year for local tax payers in each borough.

Richmond and Wandsworth Councils will however continue to be separate sovereign bodies with their own elected Councillors, Cabinets and Leaders, maintaining their distinct identities and retaining the ability to develop policies and priorities that matter to their local residents.

The Council puts a premium on its relationship with local people and we are committed to being an accountable, open Council with empowered communities, listening to our residents and ensuring they have an opportunity to have their say.

The Council has three overarching aims:

- To transform local public services through partnership and collaboration through its community leadership role
- To build community capacity to enable residents and communities to take greater control over their lives and to shape and where appropriate deliver local services
- To act primarily as a strategic commissioning body with a reduced role in service delivery.

Vision

Our vision is for Richmond upon Thames to be the best borough in London; a borough identified by its green character, historic buildings, high quality appearance, vibrant high streets and outstanding schools and services; one where businesses and the voluntary sector can thrive; where citizens can help change neighbourhoods in which they live; and feel safe being part of one of London's safest boroughs. A borough where the most vulnerable of our residents are supported and where everyone can live as independently as possible with good health and a sense of wellbeing for the better.

Priorities

Our priorities for the next year are categorised under the themes of 'People', 'Place', 'Resources' and 'How we work', in order to align our business planning processes with our commissioning intentions. Within these themes, we have identified the following service priorities:

People

- Protecting the most vulnerable
- A healthy borough
- The best schools in London

Place

- A green borough
- Supporting local business and arts
- A safe borough

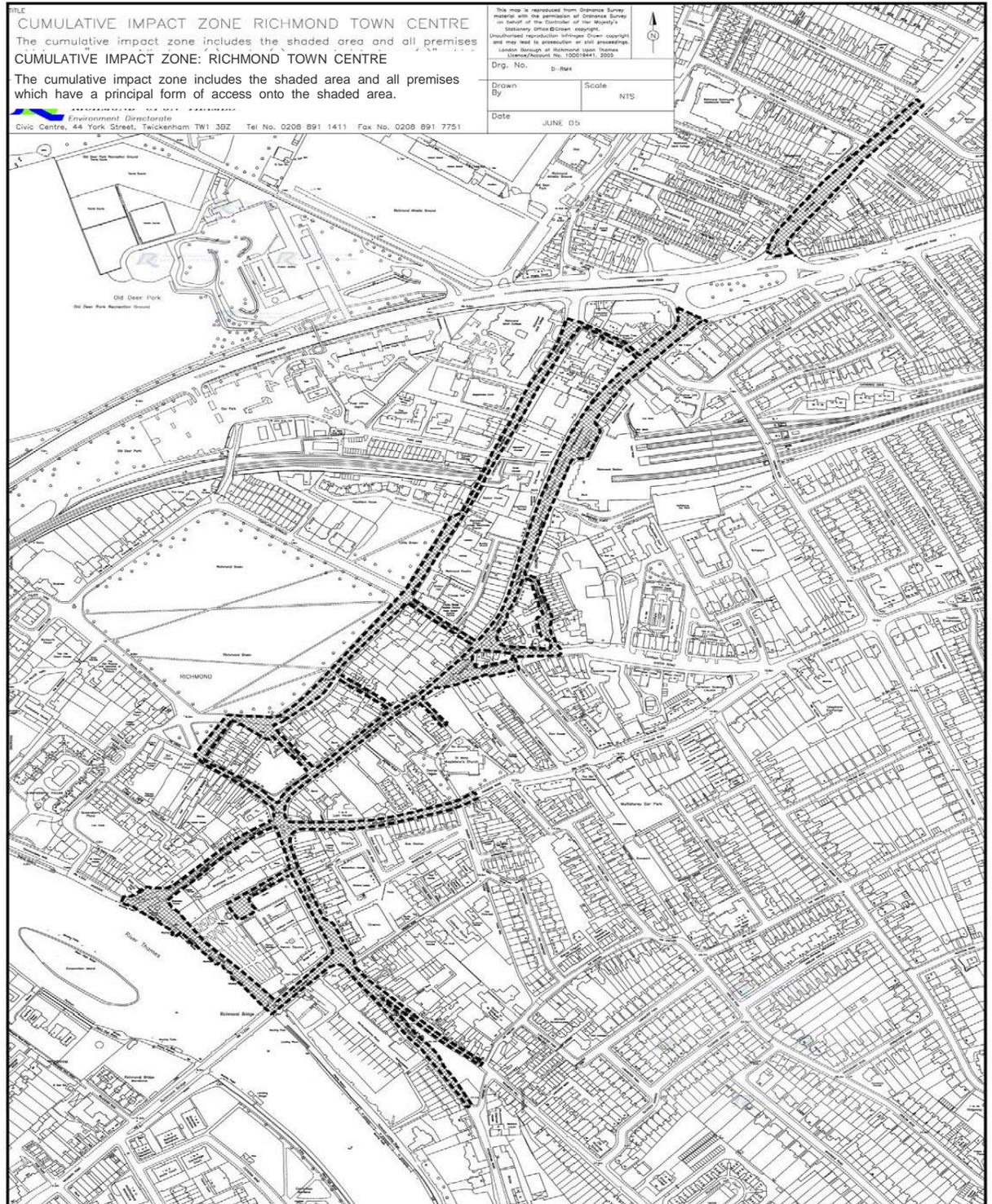
Resources

- A lower tax borough
- An accountable and open council

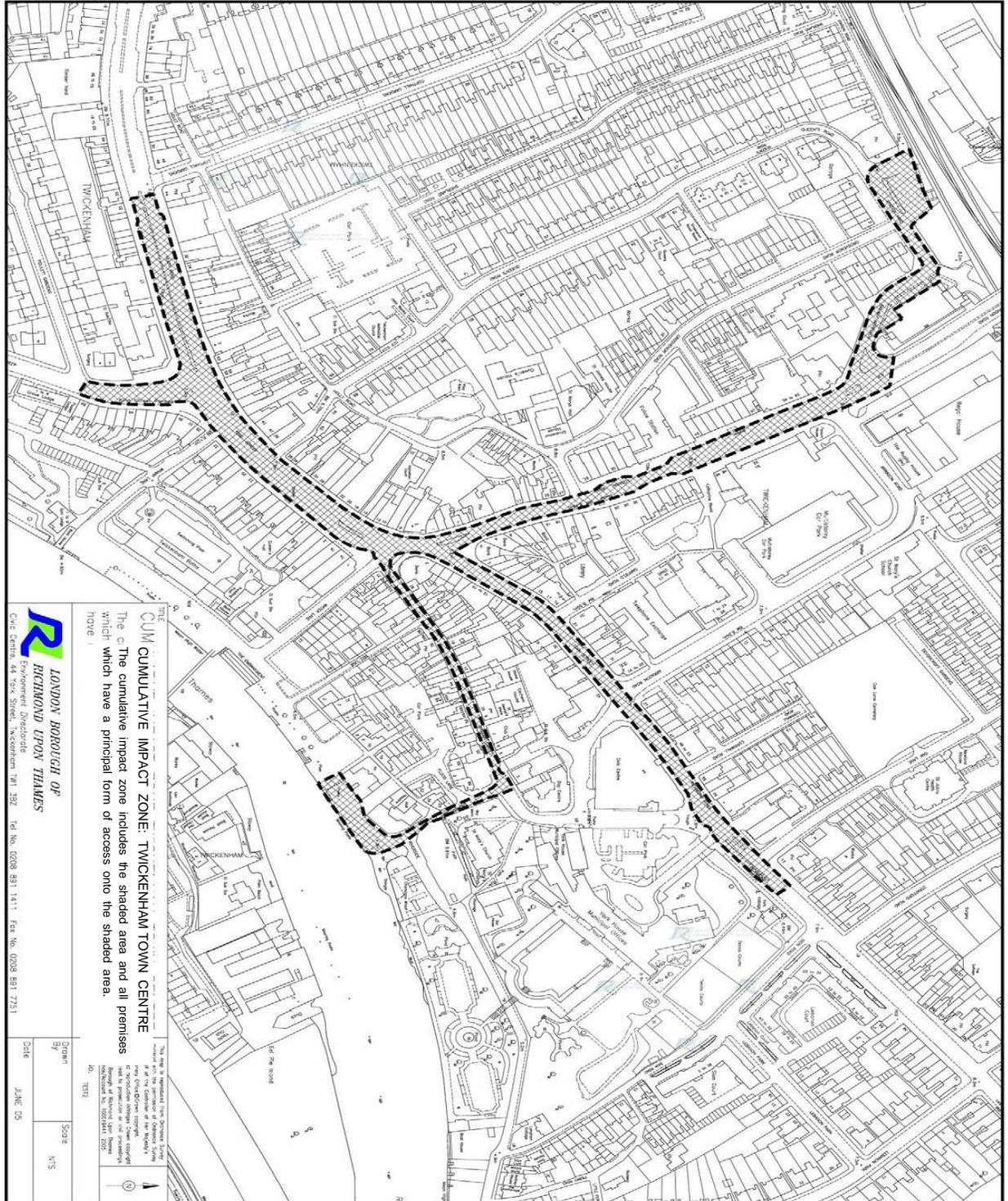
How we work

- Involving our community
- Community leadership
- Fairness for all

APPENDIX B – CUMULATIVE IMPACT ZONE: RICHMOND TOWN CENTRE



APPENDIX C – CUMULATIVE IMPACT ZONE: TWICKENHAM TOWN CENTRE



APPENDIX D

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

Licensing Authority

London Borough of Richmond upon Thames Licensing Authority, Environment Directorate, 2nd Floor, Civic Centre, 44 York Street, Twickenham TW1 3BZ

Chief Officer of Police

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

Fire Authority

London Fire and Emergency Planning Authority, 90 Old Town, Croydon, Surrey, CRO 1AR

Local Planning Authority

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

Body which represents matters relating to the protection of children

Child Protection Manager, Education and Children's Cultural Services, 1st Floor, 42 York Street, Twickenham, TW1 3BW

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

Commercial Environmental Health, Consumer Protection, Civic Centre, 44 York Street, Twickenham TW1 3BZ

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

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

Trading Standards

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

Body which represents matters relating to the Primary Care Trust (Public Health)

Public Health Consultant, First Floor, Civic Centre, 44 York Street, Twickenham
TW1 3BZ

Immigration Service (Home Office)

Alcohol Licensing Team, Lunar House, 40 Wellesley Way, Croydon, Surrey
CR9 2BY.

Application in relation to vessels must notify further Responsible Authorities

The Navigation Authority

Tidal Thames

The Harbour Master

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

Non Tidal Thames

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

The Environment Agency

Thames Regional Office

Kings Meadow House

Kings Meadow Road

Reading

Berkshire

RG1 8DQ

British Waterways London

1 Sheldon Square

Paddington Central

London

W2 6TT

The Secretary of State

The Surveyor General

The Maritime & Coastguard Agency,

Orpington Marine Office,

Central Court,

1 Knoll Rise

Orpington

Kent

BR6 0JA

APPENDIX E

Measuring Cumulative Impact in Richmond & Twickenham, 2011

A report by MAKE Associates...

...for the London Borough of Richmond upon Thames

August 2011

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Summary

Introduction

- This summary highlights the most important findings of the 2011 'cumulative impact' study undertaken for the London Borough of Richmond upon Thames (LBRuT).
- Cumulative impact, as defined by the Guidance made under the Licensing Act 2003 is, put simply, an area where the number of licensed premises is so concentrated that, even if they are all individually well run, the large numbers of people leaving those premises can cause social problems or 'cumulative impact'. Examples of cumulative impact can be unreasonable burdens on public transport and cleansing or increases in crime or nuisance towards residents and businesses.
- The aim of this study was, as in previous years, to *produce independent and robust observational data on the cumulative impact of the licensed economy in Richmond and Twickenham*.
- The study compares 2011 figures to identical data from 2005, 07 and 09 to understand how the evening (8-11pm) and night-time (11pm-3am) economies of Richmond and Twickenham have changed over the past 6 years.
- The research involved the location of 7 trained observational researchers in Richmond and 4 in Twickenham at key hotspots for crime and disorder.
- This study was undertaken by specialists in the evening and night-time economy MAKE Associates. The project manager of the study, Alistair Turnham, had led three previous studies for LBRuT, so has been able to ensure that the figures and comparisons over time are accurate and consistent.

Findings

Overall

- Overall, **2011 demonstrates a 'generally reduced' picture of crime, disorder and nuisance** associated with the night-time economies of both Richmond and Twickenham.
- However, the two town centres still **have large amounts of low level nuisance** (particularly littering and rowdiness) but **very little serious crime**.
- While crime and disorder continues to fall, so do visitors to the two towns, probably due to the recession (a 29% fall in Richmond and a 13% fall in Twickenham). So in reality, although overall problems have decreased, **the number of incidents per head of visitor has increased slightly**.
- **Urination remains an issue**, although in 2011 there has been no return to the high levels of this which was present in both Richmond and Twickenham in 2005,
- In summary, **the two town centres are safe places to visit and live, though nuisance behaviour, although decreased, remains a problem**.

Richmond

- Overall **there was a continuation of the falls in crime and nuisance in Richmond in 2011** that were seen in 2009 and 2007.
- In 2011 the number incidents had fallen from 2005 levels of 451 to 334. **This is a six year decrease of 26%**.
- **Between 2009 and 2011 this decrease figure was 11%**.
- Using pedestrian flows as a relative, rather than absolute measure, Richmond had 1 incident for every 25 people counted in 2011, about the same as 2005. (This was higher than the 1:31 ratio achieved in 2009). This is disappointing

because it suggests that the **large falls in user numbers (29%) in 2011 in Richmond town centre has not led to commensurately large falls in incident numbers.**

- The main change in 2011 regarding the 'timing' of incidents is an overall smoothing of incidents during the course of the night. **There are no longer late peaks of problems around 01:00hrs and 02:00hrs**, although a small peak has emerged around 23:00hrs to 23:30hrs (traditional pub closing).
- In terms of 'type' of incident, as per all previous studies, **littering and rowdiness remain the main problems.** But in particular rowdiness is notably lower than 2009.
- In terms of location, the **Station remains the hotspot in Richmond**, although this area has also seen the greatest falls in incidents between 2009 and 2011.
- The Green and Riverside have also seen notable falls in problems.
- The likelihood is that the change of what was Edward's (and then The Bull - which were both alcohol-led 'vertical drinking' venues) into 1 Kew Road in 2010 (which is a food-led 'gastro pub') has had a positive impact on the Station area.
- Likewise, 'Vodka Revolution' is now the venue that has the most individual incidents linked to its clientele.

Twickenham

- As in Richmond, during 2011 Twickenham has seen a small **decline in incident numbers - from 192 to 165.**
- It is worth noting that while Richmond has remained consistently busy over the three study periods (until 2011 when visitor numbers dipped), **Twickenham has not regained the visitors, which it lost between 2005 and 2007.** Indeed, these have fallen further in 2011, though by smaller numbers than Richmond.

- **Rowdiness and urinations fell in Twickenham 2011** after increases in 2009.
- In Twickenham, crime and disorder is relatively evenly spread across the town centre, however, KFC remains an individual hotspot attracting young (mainly underage) people, often drinking alcohol (not on the premises but outside), to congregate nearby and cause public order disturbances.

Background

This report highlights the findings of research conducted by specialists in the evening economy, MAKE Associates, for the London Borough of Richmond upon Thames. Taking place in May 2011, this study replicated previous projects undertaken in 2005, 2007 and 2009 to provide evidence on the impact of the evening economies of Richmond and Twickenham.

The data collected in the first study helped the local authority make a decision about whether or not to implement a cumulative impact policy (it did).¹ The 2007 / 2009 studies provided the London Borough of Richmond upon Thames evidence to inform the decision whether or not to continue with the policy.

The aim of this 2011 study was to:

To produce independent and robust observational data on the cumulative impact of the licensed economy in Richmond and Twickenham (specifically recording violence, anti-social behaviour and nuisance).

By repeating the methodology of the previous three studies exactly, the research will demonstrate whether there has been an increase, decrease or no change in these cumulative impact issues. The data will form a key part of the review of the borough's licensing policy.

The detailed approach to the study can be found in Appendix 1. However, in brief, it involved 11 trained researchers located at positions around Richmond and Twickenham who observed all crime, antisocial behaviour and nuisance in these town centres between 20:00hrs and 02/03:00hrs on the 12th, 13th, 14th and 15th May 2011.

The findings were analysed and form the next section of the report.

¹ Cumulative impact as set out by the Guidance made under the Licensing Act 2003 is, simply put, the negative effect on any of the Licensing Act's four licensing objectives (crime, nuisance etc.) by the presence of a large concentration of licensed premises in any one location, even if individually those premises operate within the law.

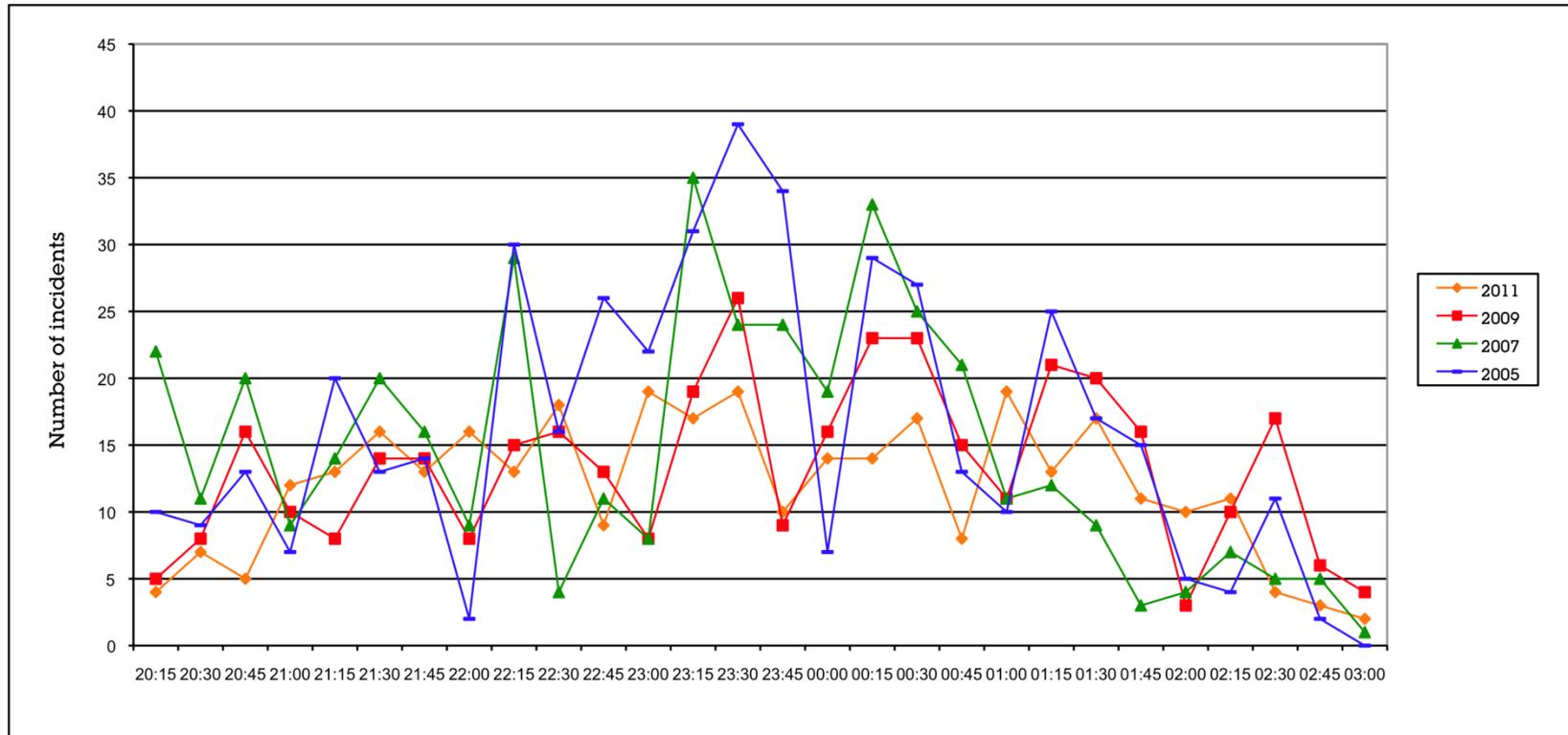
Findings

Overall incidents

Richmond

Figure 1 shows a comparison between 2005, 07, 09 and 11 of all recorded incidents (e.g. criminal damage, rowdiness, littering etc.) observed in Richmond over the observation days.² An explanation is detailed on the following page.

Figure 1. Richmond: All incidents 2005/07/09/11 by time of night



² All figures *exclude* 'public drinking' data which was also captured, which was captured only for reference in 2011 due to resource constraints. The figures given here also exclude 'premises noise', which is recorded for the council's own monitoring purposes but is not an issue that a cumulative impact policy should deal with (it is a premises-specific issue). These figures are available from the London Borough of Richmond upon Thames.

In Richmond in 2005 there were a total of 451 incidents, in 2007 there were 411 and in 2009 there were 374. In 2011 there were 334 (the orange line). This is a fall over 6 years of 26%.

The pattern during the evening also appears to have changed. There were five major incident peaks in previous years (with some small variation). However, in 2011 the incidents are more evenly spread out and the sharp 22:00-22:15hrs peak in 2005/7 and which virtually disappeared in 2009 is now even less noticeable.

The peak of previous years around pub closing time around 23:00hrs remains in 2011 but is much less pronounced.

The same is true for the midnight peak: in 2011 incidents are substantially down at this time.

Interestingly, as in all previous studies incidents tail off around 01:30hrs, the falls in 2011 are less dramatic than previous years and there are now more incidents than 2005 and 2007 between 02:00hrs and 02:30hrs.

Like in 2007, in 2011 there is no very late spike at 02:30hrs as in 2005 and 2009.

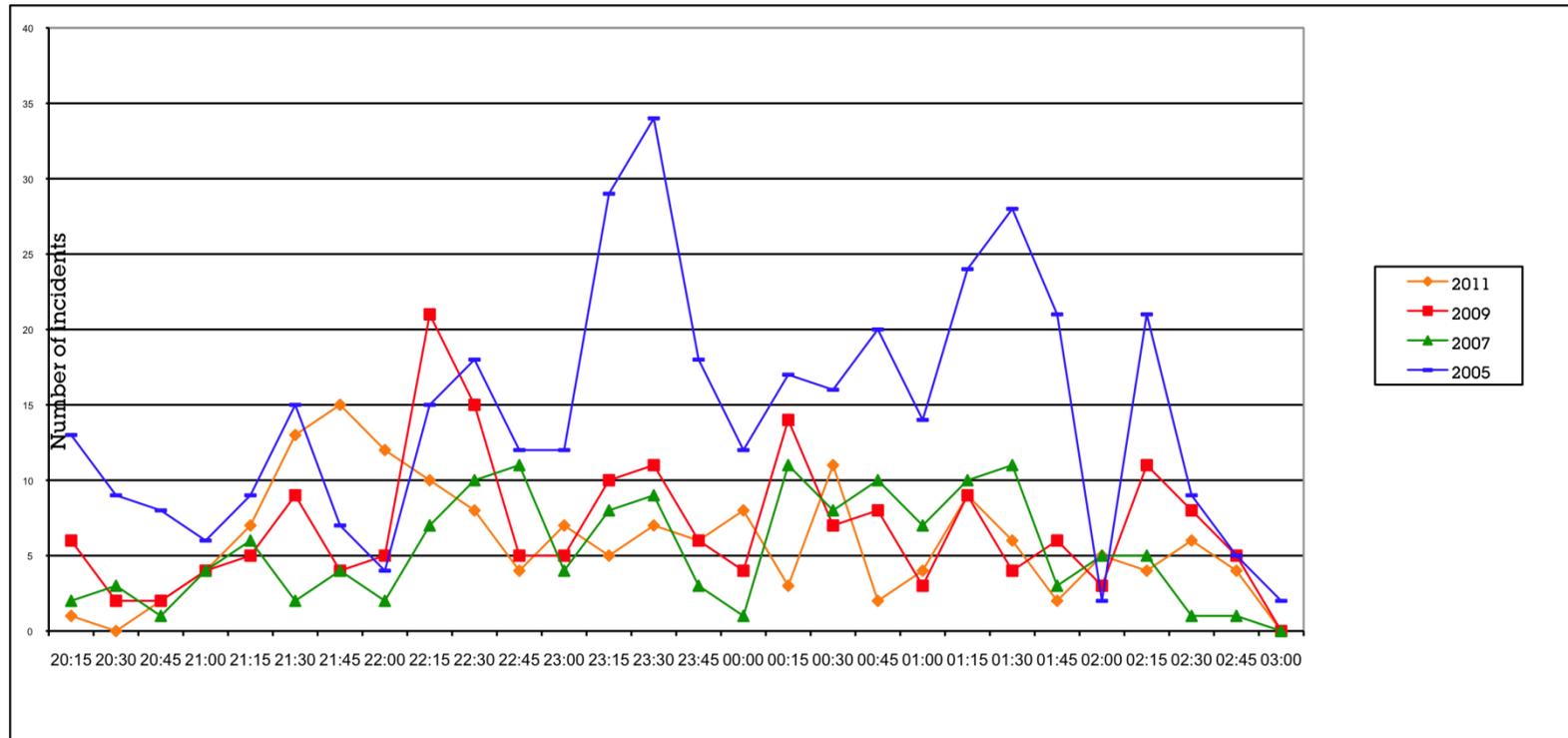
While it cannot be said for certain (due to potential distortion from other factors, e.g. a different type of clientele attracted to the town, different types of pubs and bar operations etc), it could be reasonably suggested that this levelling out, may be in part due to the decreased footfall in the town.

It may also be due to the limited number of late night venues. For example, the main venue associated with problems in 2005 and 2007 was Edward's. This has now

changed to a 'gastropub' format and was not seen to create any problems.

Twickenham

Figure 2. Twickenham All incidents 005/07/09/11



There was a new peak in 2011

In Twickenham the number of incidents observed in 2011(165) was 27 lower than 2009 (192), and while not as low as 2007, this is a drop from 2005 of 27 or 13%.

In particular, the 23:00hrs pub closing period and the very late period (post-02:00hrs) have both fallen in incidents from 2009. This is reflective of the much quieter nature of the town than in 2005 and the ongoing decrease in the number of alcohol-led venues in the town.

between 21:30hrs and 22:15hrs. This is mostly linked to problems of low level disorder outside KFC involving teenagers (mostly under 18), rather than alcohol-led venue problems.

As fig 4 (later) shows, the number of town centre users has also declined again. The study counted 5,221 in 2005; 3,782 in 2008; 3,788 in 2009 and 3,309 in 2011.

So in reality while incidents fell slightly in 2011, there was also a fall in user numbers.

Pedestrian counts

Before drawing any absolute conclusions about overall incidents, it is also important to examine pedestrian flows (see figures 3 and 4, and for a more detailed appraisal figure 5).

These give us a clear picture of how busy the town centre is.³ If the town centre appears busier, it is not unreasonable (though of course undesirable), to expect the number of incidents to increase.

Richmond

Figure 3. Richmond: Incidents vs pedestrian counts 2005/07/09/11

	2005	2007	2009	2011
Incident total	451	411	374	334
Pedestrian total	11,422	12,469	11,729	8,352
Incident ratio per user	1:25	1:30	1:31	1:25

Taking into account the caveats shown in the footnotes, the figures suggest that in 2011 Richmond was considerably less busy after dark than in 2009, 2007 or 2005.

This means that although numbers of incidents are at a record low, the *number of incidents per visitor* has increased slightly to 1:25.

³ It is also important to note that a pedestrian count is not a count of unique users in the town centre – it is a count of users passing specific points over a 10 minute period each hour. Therefore, there will be duplication (people passing the same point twice or two different points over the course of an evening). However, because the count takes place over 10 minutes every hour, on balance the figure is likely to *underestimate* the number of unique users of the town centre over the course of an evening. The pedestrian count is used in this study to give a comparable indicator of 'busy-ness' to the observations, rather than as a absolute measure of unique town centre users.

Twickenham

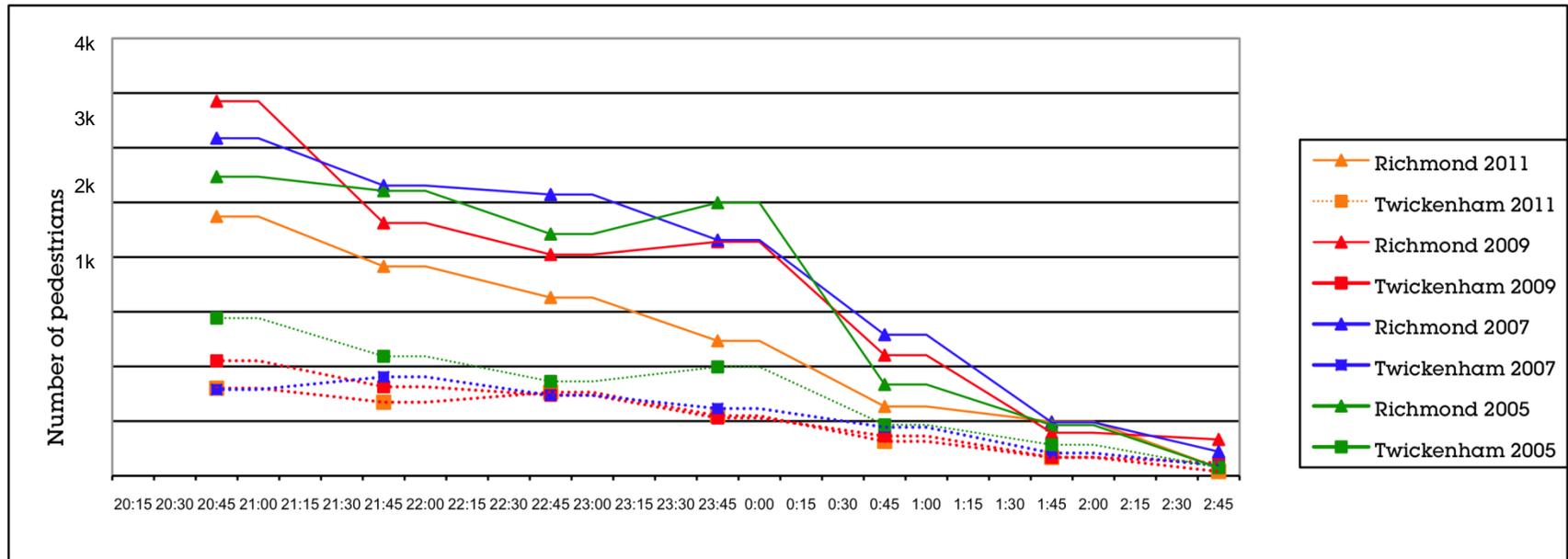
Figure 4. Twickenham: Incidents vs pedestrian counts 2005/07/09/11

	2005	2007	2009	2011
Incident total	400	155	192	165
Pedestrian total	5,221	3,788	3782	3,309
Incident ratio per user	1:13	1:24	1:20	1:21

The ratio of incidents per person in Twickenham remained relatively steady at around 1 per 20 pedestrians counted in 2011 and 2009. This is still a positive change on the first year of the study in 2005.

Overall pedestrian counts

Figure 5. Richmond & Twickenham: ped counts
2005/07/09/11



This figure is included to highlight briefly how overall pedestrian flows (shown as a 'trendline') change over the evening in each of the study years in both town centres.

The main change worth noting in 2011 is that Richmond was considerably less busy than in 2009 (at least until 01:30hrs when all years tail off to virtually zero pedestrian flows).

In Twickenham the pedestrian flows are similar to previous years although approximately 10% lower.

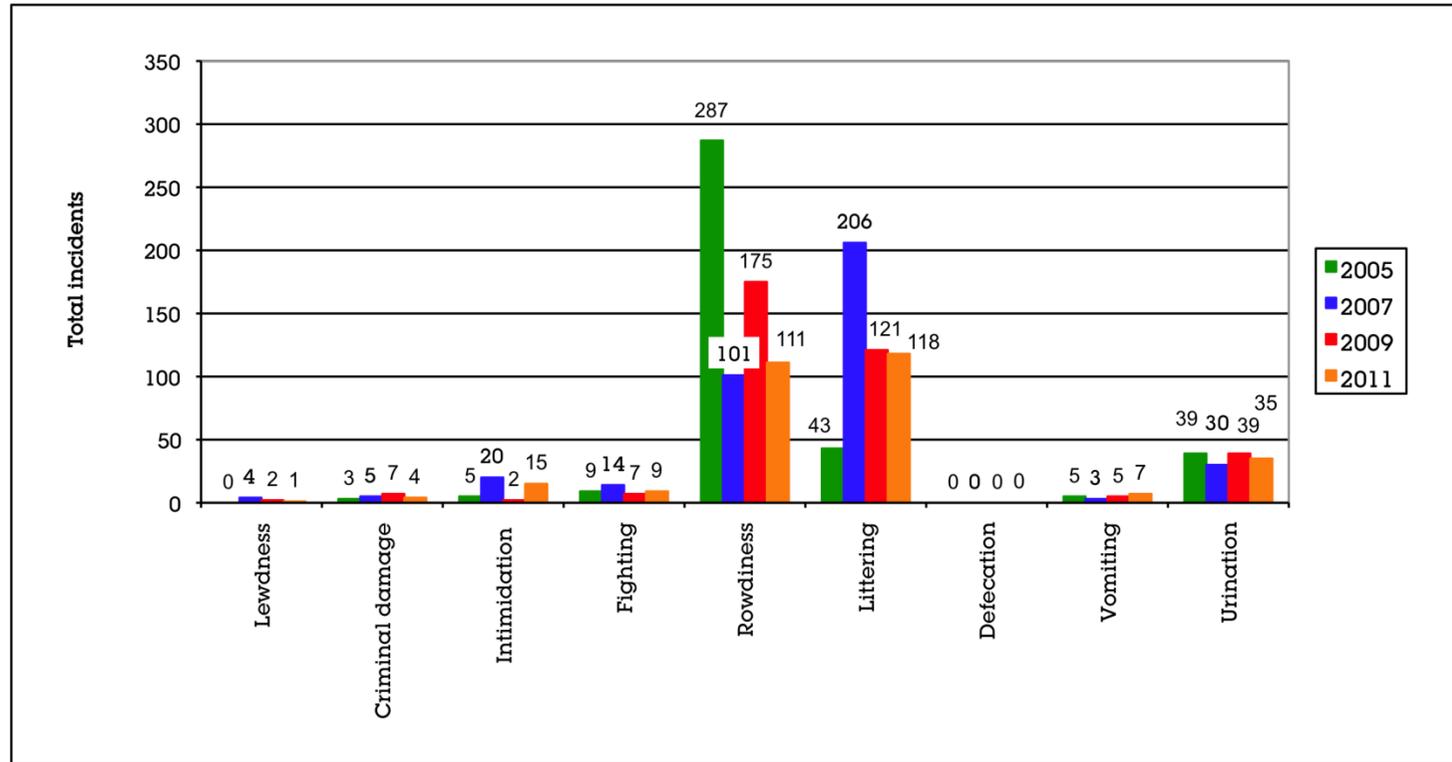
However, it is worth noting that the peak in incidents in Twickenham (around 21:45 to 22:30hrs) is at a time when pedestrian numbers at this time of have night in, 2011, fallen to their lowest level of the four studies.

This can be reflected in ad hoc observations that suggest the behaviour of gangs of young people at this time of night 'stand out' from the rest of the town centre's users going about their business.

Type of incident

Richmond

Figure 6. Richmond: type of incident by year



There are hardly any major changes between 2005, 2007, 2009 and 2011 in the proportions of incident 'types' in either town.

It is evident that Richmond town centre (figure 6) remains a relatively safe place in the evening and at night, with very few serious incidents (e.g. criminal damage, intimidation, fighting etc.).

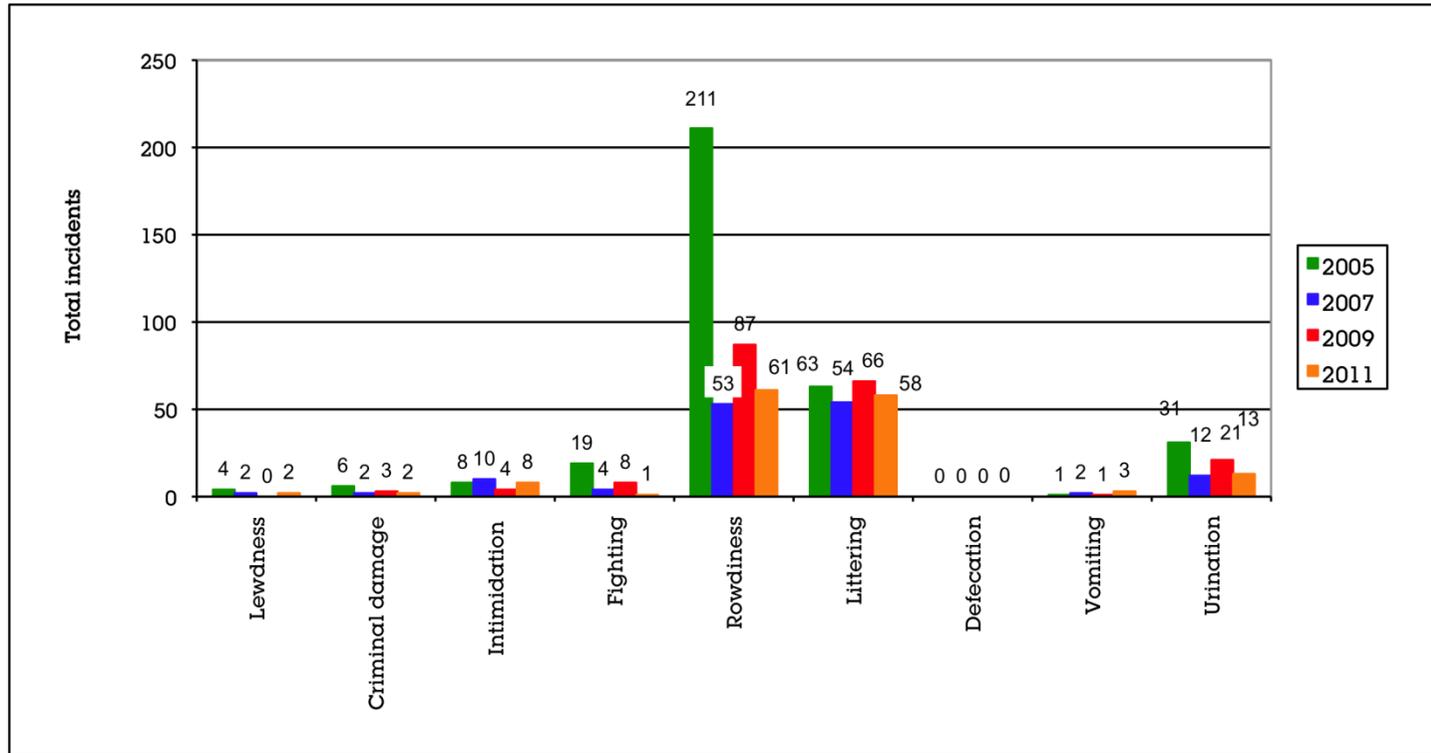
Indeed, rowdiness, which increased in 2009, has again fallen back in 2011.

Littering remains the second most common incident in Richmond, and this has remained similar to 2009.

Urinations remain a problem, though they have fallen back slightly from 2009.

Twickenham

Figure 7. Twickenham: type of incident by year



Twickenham continues to remain relatively static in terms of both more serious incidents and low-level nuisance.

It is positive that levels of rowdiness remain much lower in 2011 than they did in 2005. However, this may be, at least in part, because pedestrian flows have substantially fallen over the past few years.

Urinations also fell back in 2011.



Location Richmond

The Station (both right and left) remains the hotspot for activity in Richmond town centre with over 44% of activity still taking place here in 2011.

However, these two observation points have also seen

the largest falls in incidents in 2011.

It is impossible to be certain why this is, but it may have something to do with the change of operational

model of the former Edward's premises (now 1 Kew Road). This venue was a particular problem in

2005, and remained so when it's name changed to the Bull in 2007/9.

The new gastro pub format has virtually no problems associated with its clientele.

The other salient observation is a considerable fall in activity around the Riverside and the Green. These

areas also appear to be quieter than previous years.

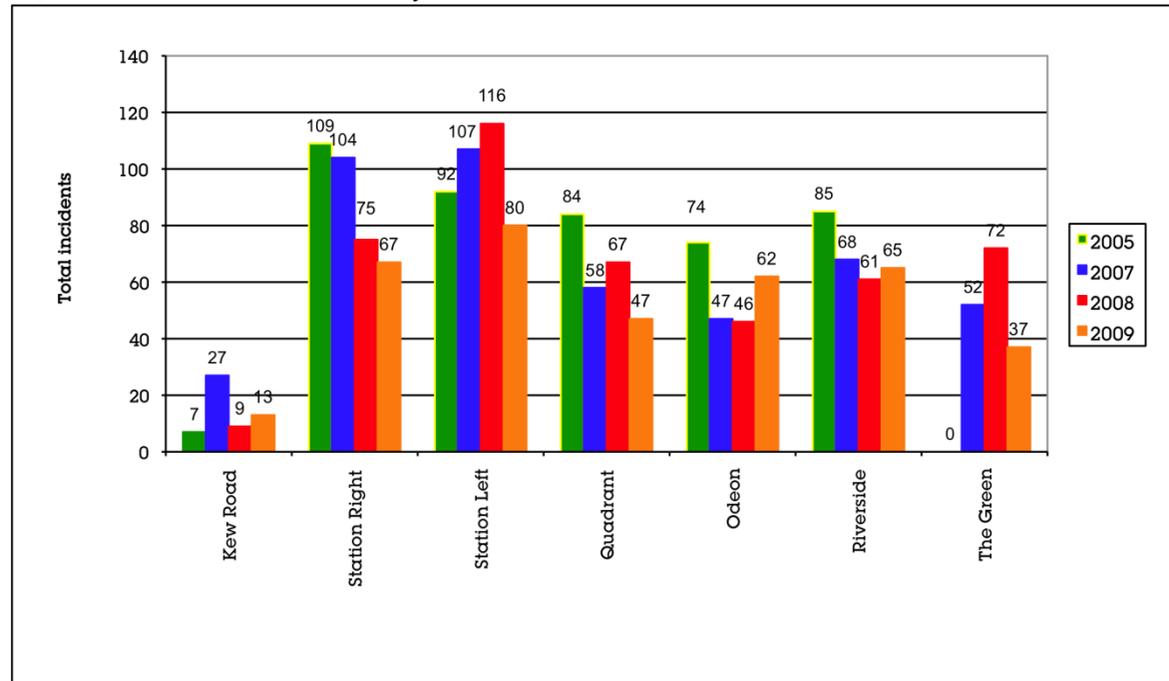
However, it is worth noting that during the 2011 study, a notable minority of the low level problems around the Riverside came from

clients leaving or standing around outside Vodka Revolution. In

previous years problems in this area had almost exclusively come from those who had visited the greenspace at the riverside to drink off-sales.

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Figure 8. Incident levels by observer location



05/07/09/11⁴

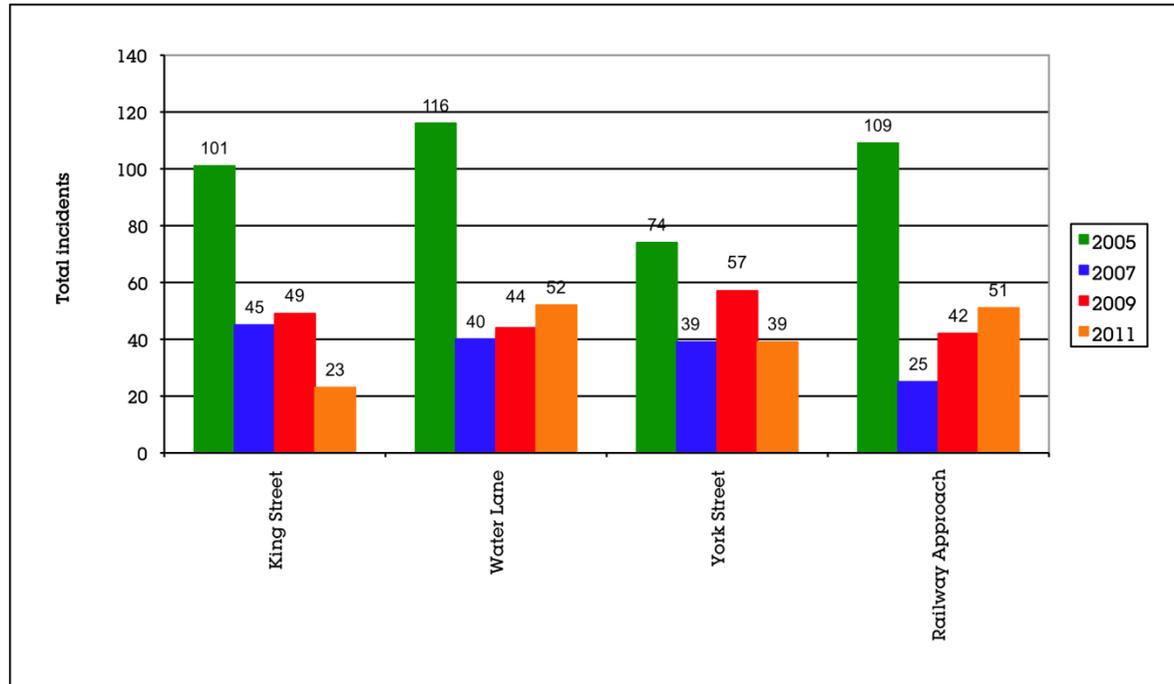
While there are limited changes to be noted in 2011, it is worth highlighting some key findings.

Kew Road remains the quietest location as in previous years.

⁴ NB. The Green was not an observational location in 2005. This was introduced in 2007. To this end when comparing overall totals year on year, adjustments have been made for the additional incidents recorded in this location, so that the results remain comparable year on year.

Twickenham

Figure 9. Incident levels by observer location
2005/07/09/11



Water Lane has increased its number of incidents even though pedestrian numbers appear lower than ever in the town. This again may be due to the location here of KFC, which since the closure of McDonald's in 2005 has become the venue of choice for under-18s.

It is also worth noting that the fall in both York Street and King Street incident numbers reflect the changing nature of these two areas, which are now much quieter than previous years.

In particular, pubs have either closed or changed into restaurants on King Street and this area is generally much less threatening late at night, although the kebab shop is increasingly rowdy and this may need some careful attention in coming months.

The large falls in incidents in Twickenham seen between 2005 and 2007 remain in place, though there have been some small rises around Water Lane and Railway Approach.

Both observers and the field manager noted that there had been a more rowdy crowd (not necessarily problematic) at the Cabbage Patch and very loud levels of noise and aggressive customer behaviour from a small number of Wetherspoon's customers. Both these venues can be seen from the Railway Approach observation point.

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Appendix 1: How the study was undertaken

Background

The section below highlights how the research was undertaken.

Researchers

As per 2005, 2007 and 2009, the field researchers were university graduate qualified. A short formal recruitment process was undertaken and observers were chosen on the basis of their skills and ability to convince MAKE that they would be reliable and capable of carrying out the work accurately.

The field researchers received full training on research methods, research ethics and how to use the Observation Research Tool (see below). They also were taken through safety and communication protocols.

Observation

The field researchers were briefed at the start of each session and supported throughout with a series of visits from the research manager over the course of each evening. The quality of work was checked each night and was found to be accurate and thorough. The observers rotated between each position to avoid fatigue and to maintain interest and therefore concentration and quality of work.

As in 2005, 2007 and 2009, the observers observed for 50 minutes in each hour, for example, 20:00hrs to 20:50hrs and then they moved to their next site in the remaining ten minutes of each hour, allowing a short break when moving between sites.

Therefore, the number of observed hours is slightly lower than at first glance. For example, on a Sunday night (when observers worked from 20:00hrs to 02:00hrs) this 6-hour or

360-minute period encompassed 300 minutes of active observation.

Therefore, when analysing the number of incidents per hour it should be noted while it is not possible to extrapolate with complete certainty, it is likely that the number of incidents may have been around a sixth greater than the totals reported in the main body of the report.

Timing

To ensure that the study gave a 'typical' or 'average' picture, it was deliberately undertaken outside of summer, when town centre managers, police and licensees all say there are increases in both the number of town centre users and incidents of alcohol-related crime etc. This is particularly important in Richmond with its popular areas of the Riverside and the Green.

Likewise, it was not undertaken in winter when the weather may depress activity in the two town centres' public spaces. The study was also undertaken in a week free of significant rugby events, as this would skew the results, particularly in Twickenham.

For 2011, an 'ordinary' week in May was chosen. This differed to 2005/7/9 when the study took place in April. However, it is reasonable to say that because the weather was similar for all studies (cold, dry, overcast) the change by a month is likely to have made little material difference.

May is known in the trade to be a slightly better month for the licensed trade than April due to the generally better weather and longer evenings, and so it is likely that the reduction in pedestrian numbers in both Twickenham and particularly Richmond, is a result of the recession biting, as opposed to 2009 when the effects were still to be really felt.

Hours of observation 2011

Date	Time
Thursday 24 th	20:00 to 02:00hrs
Friday 25 th	20:00 to 03:00hrs
Saturday 26 th	20:00 to 03:00hrs
Sunday 27 th	20:00 to 02:00hrs

Location

The observers were sited in the following locations and adopted the position with the least obstructed views. They were identical to those in 2009.

Locations

Town	No	Location	Details
Richmond	1	Kew Road	Looking to restaurants (left) and left to Shaftesbury Arms etc. (right)
Richmond	2	Station Right	Looking from 1 Kew Road (though not including it) right towards The Orange Tree
Richmond	3	Station Left	Looking left including 1 Kew Road and O'Neil's
Richmond	4	Quadrant	Looking left towards Dickins & Jones & right back towards station
Richmond	5	Odeon	Looking left towards Hill Rise, straight towards Bridge Street and right towards All Bar One
Richmond	6	Riverside	By the river on the terracing- looking left towards White Cross and right to Pitcher and Piano
Richmond	7	The Green	On corner of the Green – looking 360° but with focus from The Cricketers to The Prince's Head. This was a new observation for 2007.
Twickenham	1	King Street	Opposite The George looking left towards Riley's snooker hall and right towards Water Lane
Twickenham	2	Water Lane	In small public space looking down Water Lane and up London Road
Twickenham	3	York Street	Outside Pizza Express looking left towards Up and Under and right towards The Bear
Twickenham	4	Railway Approach	Looking right toward the town centre and left to the Station.

Incident recording

An 'Observation Research Tool' was used to record incidents. This is available from the council and was identical to previous studies. All types of activity that might be considered 'criminal' or 'nuisance' by residents, businesses, visitors etc. were recorded in the following categories:

All forms of recordable incident

Category	Types of behaviour
Criminal damage	Vandalism, graffiti, smashing windows, damaging cars / car mirrors etc.
Defecation	Self explanatory
Fighting	Scuffling. This may be within groups, with other socialisers / door supervisors / police etc.
Intimidation	Verbal / physical of other citizens, door supervisors, police etc.
Lewdness	Exposure of sexual body parts, sexually provocative behaviour, intimate sexual contact
Littering	Bottles smashing, late night food cartons, paper, spitting of chewing gum etc.
Premises noise	Noise from sound systems, air conditioning units, empty bottles being recycled.
Rowdiness	Shouting, singing, hollering etc.
Urination	Self explanatory
Vomiting	Self explanatory
Other	Kicking bottles, unlicensed taxis
Public drinking	Any individual carrying a vessel of alcohol, open or closed, whether or not they are drinking from that vessel.

In terms of the point where a call or raised voice becomes a shout / holler / scream is an arbitrary one without sound recording equipment. However, when out in the field, the discernment of the fieldworkers develops very quickly and what is recorded is very consistent. Field researchers were asked to only record the sound if somebody living nearby would be disturbed, woken up by it or their quality of life diminished by the shout / holler if this happened on a regular basis over the course of a night. Clearly, residents living in town centres must expect some level of street noise.

Incidents, whether they are committed by an individual or by a group are considered as a single incident. So, for example, six men together walking down the street shouting loudly are considered the same as if it is one individual. Overall, the collective impact of a group might be larger, but to maintain consistency across the study and between observers this method was adopted in all three studies.

This effect is probably balanced out to some extent by the double counting phenomenon. This is where any incident committed by the same individual or individuals in the different locations is recorded each time. This methodological decision was taken because a group shouting at one end of Richmond will cause a completely different set of residents or visitors nuisance if they are still shouting when they reach the other end of Richmond.

Therefore, while it is likely that these two quirks will balance each other out, overall it must not be taken that the study is a complete representation of all crime, disorder, nuisance and ASB behaviour in the town. The seven points in Richmond and four in Twickenham will capture the most as they are cited to cover virtually all of the main routes through the town centre. However, there are locations that are not observed in the town centres, e.g. alleyways in Richmond, as well as routes home, which will be subject to incidents beyond the scope of the study.

Incidents taking place in premises are not counted, unless they spill out on to the street. This is because they should be dealt with under relevant legislation applying to individual premises, and are not issues that a cumulative impact policy or public drinking policy can or should attempt to address.

Pedestrian counts

In addition to the observational work, pedestrian counts were undertaken. This was done to ensure that we could gain some perspective on the volumes of people using each space being surveyed so that we could make fair judgments about the quantity of incidents relevant to the volume of users. We followed a tried and tested method of counting on both sides of the street on the main entry points into the town centres, e.g. for Richmond, the bridge, the start of the Kew Road, Hill Rise etc. They were all undertaken at the same time periods, between 40 and 50 minutes past each hour.

However, as useful as they are in giving us an idea of the 'busy-ness' of a particular place, they are not an indicator of the total volume of town centre users for two reasons. Firstly, they do not take account of people entering or leaving by smaller entrances. Secondly, they do not give a measurable number of 'unique' people because some people who move around the town will cross the same counter twice and only count every ten minutes in each hour.

