

DRINKING OUTSIDE LICENSED PREMISES AND IN PUBLIC PLACES

Hackney Council and the Police have prepared the following guidance for licensees to help you manage outside drinking.

Under the new Licensing Act 2003 it is your responsibility to make sure the licensing objectives are upheld at all times and you comply with other relevant legislation.

Where a bar, club, shop, off licence or any other licensed premises is identified as contributing to crime and disorder or creating nuisance, a responsible authority can call for a review of the licence.

1. The problem

Outside drinking particularly in the summer months can generate noise, anti-social behaviour and litter, as well as obstructing the pavement, and is an inappropriate use of parks and open spaces. Members of the public can feel intimidated by drinkers and be put off visiting public areas where unregulated drinking occurs.

Drinking must be contained within areas that are part of licensed premises, such as beer gardens, terraces or, where a street trading licence has been granted by the Council, tables and chairs on the pavement.

2. Managing outside drinking

Licensees are responsible for managing how your patrons behave both on your premises and within the vicinity.

Under the new Licensing Act 2003 if you are selling alcohol on your premises, you must have a nominated Designated Premises Supervisor (DPS). Your DPS must hold a personal licence.

The DPS will normally be the person 'in charge' and the first point of contact for the police, fire brigade or council officers. A key responsibility for the DPS is to monitor and control the behaviour of patrons. Your DPS must never knowingly sell alcohol to be consumed in public areas that are not covered by a premises licence or other permission such as a temporary events notice.

3. Other considerations for outside drinking

a) Do you own or lease the land to be used for outside drinking?

Yes, then you must:

- include it in your floor plan and operating schedule submitted with your premises licence application
- have planning permission for its use and hours of use, or be able to demonstrate that permission is not required
- make sure your public liability insurance covers the area
- store outside furniture in a secure enclosed area, preferably inside when the premises is closed, for health and safety reasons and to discourage loitering
- comply with Hackney's licensing policy, in particular LP5 which relates to crime and disorder and LP7 which relates to public nuisance

b) Is the land public highway?

Yes, then you must:

- have a street trading licence in addition to the measures above

It is an offence, under the Highways Act 1980 and /or the London Local Authorities Act 1990, to place tables and chairs on the public highway without the required licence. The Council take legal action against any licensed premises without the required licence.

If your premises is on a Red Route, the Council will consult with Transport for London (TfL) as part of the application process.

What about off sales and off licences?

You must not sell alcohol to take away to people who have been identified by the Police as problem street drinkers. Neither should you sell alcohol where its consumption is likely to lead to crime and disorder or nuisance, such as drinking in the street or other public places.

If problem street drinkers buy alcohol from your premises you may want to consider ceasing the sale of extra strong alcoholic drinks in order to prevent a review of your licence being requested.

Please note that it remains an offence under the Licensing Act 2003 to serve alcohol to a person who is already drunk.

What do I have to do to apply for a street trading licence?

Apply to Hackney Markets and Street Trading Service.

The Council will consider specific legal restrictions and local factors when deciding on applications. They will need to be satisfied that the proposed area for tables and chairs:

- will not restrict pedestrian access to the pavement into your premises, any adjoining premises, emergency access points or street furniture, such as signposts, litter bins or benches
- Will not obstruct the pavement for pedestrians including disabled people and those with pushchairs.
- is not adjacent to parked cars, taxi ranks or bus stops, or busy roads with high speed traffic
- will not block site lines or prevent vehicles entering or leaving adjoining premises
- has planning permission to operate as an outdoor dining area or that permission is not required
- has measures in place to avoid injury from broken glass

Any agreed licence may have a condition attached requiring that you cease serving to outside areas at a specific time prior to closing.

Do I need to include details of outside drinking areas in my premises licence application?

Yes, when you apply for a premises licence you must list all the activities taking place on the premises, detailing where they take place and the hours of operation. This includes any outside drinking in beer gardens, terraces or tables and chairs on the highway.

Your operating schedule needs to reference the statement of licensing policy. Clearly identify outside areas and the use of chairs and tables, when you address the following matters:

- LP4: Operating Schedule - Whether you supply alcohol for consumption on or off the premises, or both.
- LP5: Crime and Disorder - Whether or not you will be serving alcohol in glass or plastic containers. If using glass containers, identify what measures will be taken to make sure patrons cannot take glass outside the premises. (Please note that plastic containers should be stamped to comply with weights and measures legislation)
- LP7: Public Nuisance - Provide details of the location of gardens, open air areas with the number of tables and chairs within the property boundary for use by patrons, and the hours of use.

Please remember:

- If you have not included details of an outside drinking area in your operating schedule and on your premises floor plan, it will not be considered to be part of your premises licence.

- Responsible authorities and interested parties can make objections about matters in your operating schedule, including outside drinking. From 25 November 2005 they can call for a review of your licence
- It is an offence to place tables and chairs on the public highway without a licence and you are likely to be prosecuted. In addition, all non-perishable goods, such as tables and chairs, can be seized.
- It is an offence under the Licensing Act 2003 to serve alcohol to a person who is already drunk.

A handwritten signature in blue ink that reads "Christine Bop".

Chair – Regulatory Committee
Hackney Council

A handwritten signature in black ink that reads "Chief Superintendent Pountain".

Chief Superintendent Pountain
Hackney Borough Commander

Contact Details

For further information please contact:

Hackney Council

For queries relating to a Shop Front Trading Licence to place tables and chairs outside your premises:

- By Post to Markets and Street Trading
81 Downham Road
London N1 5TR
- By telephone on 020 8356 3367 / 3702
- By fax on 020 8356 4916
- By e-mail to janice.rowe@hackney.gov.uk

For queries relating to Premises Licence:

- By post to Hackney Licensing Service,
Dorothy Hodgkin House,
12 Reading Lane
London E8 1HJ
- By telephone on 020 8356 4931
- By fax on 020 8356 4974
- By e-mail to licensing@hackney.gov.uk

Metropolitan Police

- By post to Stoke Newington Police Station
33 Stoke Newington High Street
Stoke Newington
London N16 8DS
- By telephone on 020 7739 1212
- By e-mail to hackney.police@met.police.uk