

# Statement of Licensing Policy

January 2011



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Punjabi

ਜੇ ਤੁਸੀਂ ਇਸ ਜਾਣਕਾਰੀ ਜਾਂ ਪਰਚੇ ਨੂੰ ਆਪਣੀ ਬੋਲੀ ਵਿਚ ਸਮਝਣ ਵਾਸਤੇ, ਟੈਲਫੋਰਡ ਐਂਡ ਰੀਕਿਨ ਕਾਊਂਸਿਲ ਦੀ ਮੁਫਤ ਸੇਵਾ ਲੈਣੀ ਚਾਹੁੰਦੇ ਹੋ ਤਾਂ ਉਹਨਾਂ ਨੂੰ 01952 382121 ਉੱਤੇ ਫੋਨ ਕਰੋ।

Urdu

اگر آپ کو اس دستاویز میں دی گئی معلومات کو اپنی زبان میں سمجھنے کیلئے کسی بھی قسم کی مدد کی ضرورت ہے تو برائے مہربانی ٹیلیفون ڈائریکٹریکٹ کو 01952 382121 پر فون کریں۔

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## **1. Introduction**

Licensed entertainment makes a valuable contribution towards the continuing development of Telford and Wrekin and provides a vital boost to the local economy of the area through tourism and cultural development. However it is also recognised that such entertainment can lead to increased noise, nuisance and crime and disorder if not properly controlled.

The Licensing Authority wishes to minimise any negative impact from licensed premises on residential households whilst encouraging the economic diversity and prosperity such premises can encourage.

This policy aims to integrate its objectives and aims with other initiatives, policies and strategies that will:

- encourage young people and culture
- encourage arts and entertainment activities
- reduce crime and disorder
- encourage tourism
- encourage an early evening and night time economy which is viable and sustainable.
- reduce alcohol misuse
- encourage employment
- encourage the self sufficiency of local communities
- reduce the burden of unnecessary regulation on business

The Licensing Act 2003 is not a mechanism for the control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and beyond the direct control of those responsible for managing such premises.

The aim of this policy is to find a balance between securing the safety and amenity of the residential and business communities in Telford & Wrekin while responsibly maintaining and developing entertainment and cultural facilities in the Borough.

Unless otherwise stated, any statement in this policy document will be relevant to all licensed premises in the Borough.

**NB: It should be noted that this policy should be read in conjunction with the Department for Culture, Media and Sport (DCMS) Guidance issued under section 182 of the Licensing Act 2003 (March 2010).**

## **2. Purpose and scope of policy**

Telford & Wrekin Council (The Licensing Authority) is the authority responsible for granting the licences and permissions required under the Licensing Act 2003 in the Telford & Wrekin area.

Under Section 5 of the Licensing Act 2003, the Licensing Authority must publish a statement of its licensing policy every three years. This policy will explain how the Licensing Authority intends to exercise its licensing functions.

This version, subject to consultation, and any required amendments, will remain in force until 2014, when it will be subject to review and further consultation as laid down by the legislation, unless such review or consultation is required in the interim.

When carrying out licensing functions the Licensing Authority will at all times take into account the four licensing objectives. These are –

- **the prevention of crime and disorder**
- **public safety**
- **the prevention of public nuisance**
- **the protection of children from harm.**

This policy cannot detail all factors that influence the achievement of the licensing objectives, or all control measures that may be appropriate. This policy covers a wide variety of premises and associated activities including theatres, cinemas, restaurants, public houses, nightclubs, private members clubs, village halls and community centres, as well as shops, stores and supermarkets, off licences, late night food premises and vehicles selling hot food or hot drink.

In determining this policy, the Licensing Authority consulted widely, as set out in **Appendix C**. Due consideration was given to the views of all those who responded to the consultation process.

### **3. Night Time Economy and Integrated Strategies**

The night-time economy encompasses a range of activities for inhabitants of and visitors to the Borough. It comprises pubs and clubs, cinemas, theatres, cafés and restaurants etc. It is supported by public transport, taxis and many public services such as the police, council services such as cleaning, refuse collection, planning and licensing, and impacts upon the health service.

The growth of the night time economy as a whole has been taken into account in the revision of this policy, and in particular the continuing expansion of various areas of the Telford & Wrekin area, such as the Southwater Development.

The promotion and advancement of the night time economy will be actively pursued by partnership working, responsible retailing and management, increased training and the promotion of good practice.

#### **3.1 Good Practice**

National and local crime statistic evidence<sup>1</sup> shows that the consumption of alcohol is a significant contributory factor to levels of crime and disorder. Good management and practice procedures in licensed premises can and do make an important contribution to lessening that impact.

The Licensing Authority will encourage licence and certificate holders to work together to share good practice and information to help them achieve the licensing objectives.

Membership of schemes such as Pubwatch will be actively promoted and supported by both the Licensing Authority and the Police. Licence and certificate holders will also be encouraged to take into account the wide range of initiatives detailed in the various good practice guides published by trade associations and other interested bodies such as the Portman Group.

The British Beer and Pub Association (BBPA) have consolidated good practice, including good practice on combating violence in licensed premises, into a number of guides to assist the trade on the following subjects:

- Managing Safety in Bars, Clubs and Pubs
- Security in design
- Drugs and pubs
- Licensed Property Noise Control

This information and materials on responsible drinking and the Proof of Age Standards Scheme (PASS) can be downloaded or accessed from their website at [www.beerandpub.com](http://www.beerandpub.com).

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<sup>1</sup> Based on evidence from:

- a) British Crime Survey 2007/08
- b) Alcohol Concern – Alcohol and Statistics
- c) West Mercia Police – Joint Policing Plan 2008-2011
- d) Home Offices Findings from 2003 Offending, crime and justice survey: alcohol related crime and disorder
- e) Office of National Statistics: Drinking – Adults behaviour and knowledge 2004

### **3.2 Responsible Management**

The Licensing Authority seeks to promote the responsible and professional management of premises and events by licence or certificate holders as it recognises that effective control and supervision of premises and events is a key factor in achieving all the licensing objectives.

### **3.3 Supervision and training**

The Licensing Authority also recognises the importance of good supervision and training of both staff and management and will encourage the acquisition of qualifications from relevant Trade Associations such as the British Institute of Inn Keeping Awarding Body. [www.biiab.org](http://www.biiab.org)

### **3.4 Partnerships and other Initiatives**

The Licensing Authority is committed to working in partnership with licence and certificate holders and other relevant parties to realise its aim to make the Borough a safer place to live, work and visit.

This is part of the Council's wider corporate vision, of a community in which everyone's quality of life is improved in a responsible way, which takes account of the effects on future generations, and where no individual, family, group or area is so excluded as to be unable to participate in its economic, social, political, physical and cultural life.

Many integrating strategies may not be directly related to the promotion of the licensing objectives, but may impact, indirectly, upon them. Therefore the co-ordination and integration of policies, strategies and initiatives is vital to support and uphold the licensing objectives.

A number of initiatives are already underway to address the issue of excessive alcohol consumption such as campaigns to target under age drinking, reduce binge drinking and to promote sensible attitudes to alcohol. This has led to the production and adoption of a formal Alcohol Strategy for Telford.

Under Section 5 of the Crime and Disorder Act, Crime and Reduction Partnerships were established between the Local Authority and the Police. The Safer and Stronger Communities Partnership is responsible for the production of the Telford Alcohol Misuse and Harm Reduction Strategy. The Partnership has a number of powers under additional legislation in addressing alcohol related crime and disorder, and works with the Licensing Authority, Responsible Authorities and Night Time Economy Officers to promote the licensing objectives.

### **3.5 Initiatives**

#### **Safer Nights Campaign**

Telford & Wrekin Safer & Stronger Communities Partnership have launched a Safer Nights programme. The programme links activities, interventions and marketing campaigns across the Partnership to prevent and raise awareness of



alcohol related violent crime, and tackle anti social behaviour in the night time economy.

### **Telford & Wrekin Bar-Code**

The Bar-Code campaign provides key safety messages and advice to help the public to BE SAFE – BE SENSIBLE when using the entertainment facilities of the Borough.

The Safer and Stronger Communities website can be accessed here; [www.safertelford.org.uk](http://www.safertelford.org.uk)

### **3.6 Liaison Group**

If there is a recognised need, the Licensing Authority will form a liaison group that includes representation from responsible authorities and the community, to assess the impact of current licensable activities and the possible cumulative effect in an area. The purpose of this will be to:

- a) monitor developments in the area
- b) identify and resolve any issues within the community
- c) assess the cumulative impact of any concentration of licensed premises
- d) ensure the licensing objectives are being met
- e) ensure an up to date understanding of the legislation involved and the powers of regulatory bodies.

This is as recommended by the DCMS Guidance issued under Section 182 of the Licensing Act 2003. (March 2010)

### **3.7 Alcohol Harm Reduction Strategies**

The Licensing Authority supports and encourages applicants to adopt the provisions of the Telford Alcohol Misuse and Harm Reduction Strategy produced by the Safer & Stronger Communities Partnership and the Government Alcohol Harm Reduction Strategy.

### **3.8 Portman Code of Practice**

For premises where the sale or supply of alcohol takes place the Licensing Authority recommends that applicants consider adopting The Portman Group's Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks, and their Best Practice Guidelines.

### **3.9 Accredited proof of age cards and Challenge Schemes**

The Licensing Authority supports the need for credible photographic proof of age evidence to be requested, by licence holders and all other relevant employees, from any person who appears to be under 18 years of age and is seeking access to premises or seeking to purchase or consume alcohol on the premises.

Such acceptable evidence shall include a photograph of the customer, and will be either a passport, photographic driving licence, or proof of age card carrying a "PASS" (Proof of Age Standards Scheme) hologram logo.

The Licensing Authority is in favour of such schemes as Challenge 21 and Challenge 25, which are voluntary measures to challenge all persons who appear to be under 21 or 25 respectively when seeking access to premises or seeking to purchase or consume alcohol.

### **3.10 Integrated Strategies**

The Licensing Authority acknowledges the importance of securing proper integration with other services such as:

Police  
Fire Service  
Health Authorities  
Education Authorities  
Environmental Health  
Trading Standards  
Planning  
Transport  
Tourism  
Race Equality Schemes  
Parish and Town Councils  
Licensed Trade Bodies and Organisations

Telford & Wrekin Council strategies and policies are available to view either on the Council website [www.telford.gov.uk](http://www.telford.gov.uk) or by contacting the relevant team within the Council.

This policy has taken into account the Telford and Wrekin Equality and Diversity Policy and the 6 equality strands; Gender, ethnicity, disability, age, religious belief and sexual orientation, in its formulation.

The Council's Licensing Committee will receive reports, when appropriate, on the strategic issues facing other relevant services including: -

- The needs of the local tourist economy
- The cultural strategy for the local area
- The employment situation in the area and the need for new investment and employment where appropriate
- Planning and transport.

This policy recognises that the diversity of the local community enriches the Borough, contributes to its social and economic prosperity, and that all members of the community have a right to equality of opportunity, fairness and access.

Applicants and licensees must have due regard to the requirements of the **Disability Discrimination Act 1995, the Race Relations (Amendment) Act 2000, the Sex Discrimination Act 1975 (As Amended 1999)** and the **Sexual Orientation and Religion or Belief Regulations 2003**.

Part 3 of the **Disability Discrimination Act** requires the removal of physical barriers that hinder the access for disabled persons to licensed premises.

The Licensing Authority expects applicants to be aware of and comply with all legislation relating to unlawful discrimination.

The Licensing Authority is under a duty to protect the rights of residents to privacy and family life under **Article 8 of the European Convention on Human Rights**. At the same time, the Licensing Authority must recognise the right of legitimate businesses to operate their premises without unnecessary restraint.

#### **4. Licensable Activities**

Telford & Wrekin Council acting as the Licensing Authority is responsible for granting licences and permissions required under the Licensing Act 2003 in the Telford & Wrekin area.

This policy relates to all '**licensable activities**' as defined by the Act, namely:

- sale by retail of alcohol
- supply of alcohol to club members
- provision of regulated entertainment
- provision of late night refreshment (the supply of hot food and/or hot drink from any premises between 11pm and 5am).

##### **4.1 Regulated entertainment**

The provision of regulated entertainment covers the provision of entertainment and/or entertainment facilities.

The descriptions of entertainment in the Licensing Act are:

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

To be "regulated entertainment" the entertainment must take place in the presence of an audience and be provided for the purpose of, or for the purposes, which include, entertaining that audience.

"Entertainment facilities" are facilities for enabling people to take part in entertainment for the purpose of being entertained, for example a dance floor.

## **4.2 Live Music, Dancing and Theatre**

The Licensing Authority is aware of the need to encourage and promote a broad range of entertainment, particularly live music and dancing as well as a range of traditional theatre performances for the wider cultural benefit of communities generally.

In carrying out its licensing functions, care will be taken by the Licensing Authority to avoid measures which might deter live music, dancing or theatre by imposing indirect costs of a disproportionate nature.

In order to encourage the growth of cultural diversity within the Borough of Telford & Wrekin the Council, [acting separately from the Licensing Authority](#), may consider whether to apply for a premises licence in its own name for public areas [such as market squares, village greens, parks, public buildings etc.](#)

This would mean that performers or entertainers wishing to perform in such places would no longer have to apply for a licence themselves although permission would still be required from the Council as the licence holder for any proposed regulated entertainment in the areas identified.

[As the owners of the public spaces, the Council service that deals with such areas may wish hirers for events to comply with terms and conditions of hire.](#)

**[It should be noted that these terms and conditions are outside of the control of the Licensing Authority and are a matter for the parties involved.](#)**

## **4.3 Garages and service stations:**

[Applications for the sale of alcohol at such premises should include evidence of primary use. This is to enable the Licensing Authority to determine the nature of the premises in light of Section 176 of the Act which prohibits the sale or supply of alcohol from premises that are used primarily as a garage, or are part of a premises used mainly as a garage.](#)

[If there is insufficient evidence to establish primary use the Licensing Authority may defer granting the licence until such time as primary use issues may be resolved to their satisfaction.](#)

## **5. Licensing Objectives**

[As part of their application for a licence, applicants will be expected to address each of the licensing objectives in their operating schedules having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.](#)

Each application made to the Licensing Authority under the Licensing Act 2003 will be considered on its own merits in the context of the four licensing objectives. These are:

- **the prevention of crime and disorder**
- **public safety**
- **the prevention of public nuisance**
- **the protection of children from harm.**

**Unless relevant representations are received from responsible authorities or interested parties, there is no provision for a licensing authority to impose conditions on a licence other than according to the voluntary steps which the applicant proposes to make in their application.**

Furthermore, there is no provision for a Licensing Authority itself to make representations. If no representations are made in respect of an application, the authority is obliged to issue the licence on the terms sought [and the licence will be deemed as granted by the Licensing Act 2003.](#)

## **5.1 Risk Assessments**

Applicants for premises licences, club premises certificates or for variations to an existing premises licence are advised to conduct a thorough risk assessment with regard to the licensing objectives when preparing their applications.

This risk assessment should cover the premises, events, activities and the customers expected to attend and will inform any necessary steps to be set out in the operating schedule to promote the licensing objectives.

Whilst the Licensing Authority cannot require such risk assessments to be documented, it considers them good practice and a useful tool in the instruction and training of staff,

Additional measures may be necessary on occasion, such as a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions), which may attract larger, different audiences and which may impact on the licensing objectives.

Reference should be made in an applicant's operating schedule, where applicable, to such occasions and any additional measures planned to achieve the licensing objectives.

## **5.2 Aims and Factors to consider**

In the sections relating to each licensing objective [in Part B of this policy](#), the Licensing Authority has defined its intended aims.

Each section lists a number of potential factors that may influence the achievement of that objective. Due to the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive.

Applicants will know their premises best and will be expected to address in their operating schedules all aspects relevant to the individual style and characteristics of their premises and activities.

**Where any factor(s) is/are not relevant in respect of particular premises or activities, the Licensing Authority clearly will not expect it or them to be addressed in the operating schedule**

### **5.3 Control Measures**

Many control measures achieve more than one objective but have not necessarily been listed under each one.

The lists of possible control measures are not to be regarded as absolute requirements or as “check lists” and will not be used by the Licensing Authority to create standard conditions.

Control measures should be realistic and within the control of the applicant and management of the premises.

The design, layout and type of premises are important factors to be considered in promoting the licensing objectives, and should be considered in conjunction with the following:

- the nature of the premises or event
- the nature of the licensable activities being provided
- the provision or removal of such items as temporary structures, such as a stage, or furniture
- the number of staff available to supervise customers both ordinarily and in the event of an emergency
- the age of the customers
- the attendance by customers with special needs, or whose first language is not English
- availability of suitable and sufficient sanitary accommodation
- nature and provision of facilities for ventilation

### **5.4 Assistance for Applicants**

In order to assist applicants with the carrying out of risk assessments and the preparation of operating schedules, further information is available in the Licensing Authority application guidance packs and in the Secretary of State’s National Guidance, which can be accessed via the Department of Culture, Media and Sport website, together with specimen documents.

In addition, advice on specific issues e.g. crime and disorder or noise, can be obtained by contacting the relevant Council Officers and other agencies, who will offer as much advice and guidance as resources permit.

## **5.5 Relevant Representations**

Any relevant representations received from Responsible Authorities or Interested Parties will be considered by the Licensing Authority. Any Interested Party may request a representative to act on their behalf. This could be a legal representative, a friend, an MP or Councillor.

A Councillor who is a member of the Licensing Committee will be advised not to become involved in making either written or oral representations on behalf of constituents regarding to licensing matters. They may refer the person to a fellow Councillor.

For a representation to be taken into account they must concern at least one of the licensing objectives. Where made by an Interested Party, the Licensing Authority will determine if the representations are relevant. It may be rejected if it is considered irrelevant, frivolous and/or vexatious.

The Licensing Authority **cannot** impose any conditions unless its discretion has been engaged following receipt of a relevant representation. The Licensing Authority must also be satisfied at a hearing of the Licensing Sub Committee, that any additional conditions are necessary for the promotion of the Licensing Objectives.

Only where relevant representations are made will the determination of the application be made by a Sub-Committee consisting of 3 Members of the Council's Licensing Committee at a hearing.

## **6. Conditions**

Each application will be considered on its individual merits. Only those conditions necessary to meet the licensing objectives will be imposed. The Authority will avoid the imposition of disproportionate conditions where there is no need for them.

The Authority will seek to avoid duplication with other regulatory regimes. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public (for example, health and safety at work and fire safety legislation). However, the Authority will expect licensees to maintain compliance with those regulatory regimes and would encourage licence holders to adopt best practice wherever possible.

When submitting operating schedules, applicants will be required to outline the measures which are being taken in order to meet the four licensing objectives. These measures will then be incorporated into conditions which will be attached to a premises licence.

Conditions may also be taken from the Pool of Conditions in the Guidance issued by the DCMS (Annex D) under s.182 Licensing Act 2003. These are available to view on the DCMS Website: [www.culture.gov.uk](http://www.culture.gov.uk)

Each application will be unique and any additional conditions beyond the existing legislative requirements will only be attached after receipt of relevant representations and where it is reasonable and proportionate to do so to promote this objective. Any such conditions will take into account the nature of the premises and the scale and type of activity to be provided.

However, the Licensing Authority will not impose conditions on any licence issued by it that restricts lawful competition or deals with issues that are operational matters for a premises licence holder. This is in accordance with the DCMS Guidance<sup>2</sup> at 10.38.

### **6.1 Home Office Mandatory Conditions**

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 Paragraphs 1- 3 came into force on 6<sup>th</sup> April 2010. These apply to all licensed premises and those with a club premises certificate and will:

- ban irresponsible drinks promotions
- ban the dispensing of alcohol directly into the mouth
- ensure that customers have access to free water so that they can space out their drinks and not get intoxicated too quickly.

At the time of writing, it is proposed that paragraphs 4 and 5 will come into effect on 1<sup>st</sup> October 2010. This will:

- require an age verification policy to be in place to prevent underage sales
- ensure that customers have the opportunity to choose small measures of beers, ciders, spirits and wine.

It should be noted that all drinks promotions will be assessed in accordance with the previous history of the premises including any past issues that may have compromised the licensing objectives, and with regard to the Home Office Guidance: Selling Alcohol Responsibly: The new mandatory licensing conditions, and the Guidance issued under Section 182 of the Licensing Act 2003 by the Department of Culture, Media and Sport.

## **7. Smoke Free Premises**

The Health Act 2006 made provision for the prohibition of smoking in certain premises, places and vehicles. Premises are to be smoke free if they are open to the public, used as a place of work, or a place where members of the public might attend for the purpose of seeking or receiving goods or services from the person or persons working there.

Licensed premises should consider the provision of external smoking areas, and obtain relevant planning permission.

More information on smoke free premises can be obtained at:  
[www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk)

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<sup>2</sup> Department of Culture, Media and Sport – Guidance issued under Section 182 of the Licensing Act 2003 (June 2007)  
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The Licensing Authority recognises that external smoking areas may impact on the Licensing Objectives, such as the prevention of crime and disorder and the prevention of public nuisance. It is suggested that all such arrangements are discussed at an early stage with the relevant authorities to ensure compliance with the law.

## **8. Licensing Hours**

The Government strongly believes that fixed and artificially early closing times can lead to binge drinking close to closing times and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously. Longer opening hours are considered important in contributing to the gradual departure of customers from licensed premises over time rather than all leaving at set terminal hours.

The expectation is that this will contribute to a change in the culture of drinking and reduce the concentration of people on the street late at night at any one time. It is argued that as a consequence there should be a reduction in disorder and disturbance in particular around late night refreshment venues and transport facilities.

There are no fixed restrictions on terminal hours for any particular areas of Telford & Wrekin. Such a restriction would cause the migration of customers from one area to another and create the circumstances that this legislation aims to avoid. Staggered dispersal of customers is an important factor in reducing friction at late night food outlets, taxi ranks and other sources of transport in the areas.

In general, the Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. The Licensing Authority cannot restrict opening hours unless it receives representations to an application [and it is relevant to the promotion of the licensing objectives to do so](#).

It is for the applicant to show in their operating schedule what measures they will take to address crime and disorder issues. They will need to ensure that they do not cause nuisance or disturbance to their neighbours in the immediate vicinity of the premises, to protect the public at their premises and to protect children from harm. The later the terminal hour applied for, the greater the need to address these issues.

When considering applications for premises licences, the Licensing Authority will take into account an applicant's request for terminal hours in the light of;

- a) environmental quality
- b) residential impact and amenity
- c) the character and nature of a particular area
- d) the nature of the proposed activities to be provided at the premises

Applicants should note however, that stricter conditions, particularly in terms of licensing hours to control noise, are likely to be imposed in the case of premises situated in largely residential areas where relevant representations have been received and are suitably proven.

Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual premises which are known to be a focus of disorder and disturbance then, subject to proven and relevant representations, some limitation on licensing hours may be appropriate.

## **9. Cumulative Impact**

The Licensing Authority is aware of the cumulative impact that can arise from a concentration of licensed premises in an area, as a result of the increased number of people dispersing from licensed venues or congregating in streets late at night. Such impact can include an increase in crime, an increase in noise and other disturbance to residents, parking difficulties and general traffic congestion and an increase in littering or fouling.

In such cases, the amenity of local residents can be adversely affected but may not be readily attributable to any individual premises.

The Licensing Authority currently does not have sufficient evidence to demonstrate, to the extent necessary, that any particular part of Telford & Wrekin has such a concentration of licensed premises as to cause a cumulative impact on the licensing objectives.

The Licensing Authority does not intend at present to adopt a special policy of refusing applications for new licences or certificates, or for material variations to existing licences or certificates, on the basis of cumulative impact.

## **10. Duplication**

Duplication with other statutory or regulatory regimes is to be avoided as far as possible. In circumstances where existing legislation and regulation already effectively promote the licensing objectives, it is likely that no additional conditions will be necessary.

In particular, this policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators such as The Health and Safety at Work Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.

## **11. Planning and Building Control**

The Licensing Authority will ensure that the planning, building control and licensing regimes are properly separated to avoid duplication and inefficiency.

Applications for premises licenses for permanent commercial premises should normally be from businesses with planning consent for the property concerned.

Licensing applications should not be a re-run of the planning application, and the granting by the Council's Licensing Committee of any variation of a licence which involves a material alteration to a building will not relieve the applicant of the need to apply for planning permission or building control approval where appropriate.

Applicants are recommended to make inquiries of the local planning and building control departments where applicable.

It should be noted that there is no legal basis for a Licensing Authority to refuse a licence application because it does not have planning permission.

## **12. Licence Reviews**

The Licensing Authority is keen to work in partnership to achieve the promotion of the licensing objectives and responsible authorities will try to give licensees early warning of any concerns identified at their premises.

Where problems persist, a responsible authority or interested party (but not the Licensing Authority) can apply for the review of a licence. An Interested Party can be just one individual.

The Licensing Authority will administer the process and determine its outcome at a hearing where an evidential basis for the concerns and allegations made will need to be submitted.

The 2003 Act empowers the Licensing Authority to take the following steps (as appropriate) when determining the review of a licence. Such steps would only be taken if the Licensing Authority considers them necessary for the promotion of the licensing objectives;

- modify the conditions of the licence
- exclude a licensable activity from the scope of the licence
- remove the Designated Premises Supervisor
- suspend the licence for a period not exceeding three months
- revoke the licence

## **13. Minor variations**

On 29<sup>th</sup> July 2009 the minor variation system came into effect by the insertion of Sections 41A and 41C to amend the Licensing Act 2003. This simplified system will apply to all small variations that will not impact adversely on the licensing objectives.

Each application will be decided upon its own individual merits in accordance with the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 and with regard to the Guidance issued under Section 182 of the Licensing Act 2003 by the Department of Culture, Media and Sport.

## **14. Temporary Event Notices**

A statutory period of 10 working days prior to an event is the minimum notice that must be given to the Licensing Authority and the Police for a Temporary Event Notice. Section 7.19 of the DCMS Guidance issued under Section 182 of the Licensing Act 2003 (March 2010) states that this is exclusive of the day on which the notice is served and the day on which the event is to start.

This gives very little time for the Licensing Authority to process the application and for the Police to respond. The Licensing Authority would therefore prefer that notice of temporary events be served on the Licensing Authority and Police **no later** than 20 working days prior to the event. This time frame is an expectation of the Licensing Authority and is not stipulated by the legislation.

Addresses for serving the Licensing Authority and Police with copies of a Temporary Event Notice can be found at Appendix A of this policy.

The serving of a notice of a temporary event does not mean that the premises or event is exempt from the requirements of all other relevant legislation. Premises users/event organisers are required to ensure the licensing objectives are still promoted.

It should be noted that the Police are the only body who may make representations to a temporary event notice, and can only do so if to allow the event would undermine the Crime prevention objective.

The Licensing Authority cannot attach any terms or conditions on such events other than those set down in legislation.

The various Responsible Authorities and other Council services will be able to advise on health and safety matters, noise nuisance, crime and disorder, public safety, child safety, and the building of temporary structures, as far as time and resources permit.

## **15. Personal Licences**

The Licensing Act 2003 establishes a regime for the granting of personal licences to individuals to supply, or to authorise the supply of alcohol. The personal licence is separate from the licence which authorises the premises to be used for the supply of alcohol.

The licensing of individuals separately from the licensing of premises allows the movement of personal licence holders from one premise to another, allowing greater flexibility and preventing publicans from being tied by licences to the premises where they work.

**The personal licence relates only to the supply of alcohol under a premises licence. An individual will not require a personal licence for the other licensable activities.**

A personal licence does not authorise its holder to supply alcohol anywhere, but only from establishments with a premises licence authorising the supply of alcohol in accordance with the premises licence or a Temporary Event Notice. An individual may hold only one personal licence at any one time.

More than one individual at the licensed premises may hold a personal licence, although it is not necessary for all staff to be licensed. However, all supplies of alcohol under a premises licence must be made by or under the authority of a personal licence holder.

## **15.1 Duration of licence**

A personal licence is issued for ten years in the first instance and can be renewed on application for a further ten years if the licence holder has not been convicted of any relevant or foreign offence.

Applicants for personal licences will need to obtain an accredited qualification [prior to submitting an application](#). The aim of the qualification is to ensure that licence holders are aware of licensing law and the wider social responsibilities attached to the sale of alcohol.

An applicant for a personal licence will also need to obtain a basic criminal record check.

## **15.2 Relevant offences**

If there are no unspent criminal convictions for the relevant offences set out in the Act, and the application has been correctly applied for then a licence will be granted.

Applicants with unspent criminal convictions for relevant offences set out in the Licensing Act 2003 are encouraged to discuss their intended application with the police before making an application.

The holder of a licence is required by the Act to notify the relevant licensing authority of any convictions for relevant offences. Failure to do so is an offence. The court is similarly required to inform the licensing authority of such convictions, whether or not they have ordered the suspension or forfeiture of the licence.

## **15.3 Hearings**

Where an applicant is found to have a relevant or foreign offence and the police object to the application on the grounds of crime prevention, the applicant is entitled to a hearing before the Licensing Authority.

The Secretary of State in the DCMS Guidance issued under Section 182 of the Licensing Act recommends that, where the Police have issued an objection notice, the Licensing Authority should normally refuse the application unless there are exceptional and compelling circumstances which justify granting it.

Applicants will be given all the reasons for any decision that is made.

## **16 Designated Premises Supervisor**

The sale of alcohol, because of its wider impact on the community, carries with it a greater responsibility than that associated with the provision of entertainment and late night refreshment. The main purpose of a Designated Premises Supervisor is to ensure that there is always a named individual who can be readily identified at the premises.

This person will play a pivotal role in terms of management and supervision of the premises, although they are not legally required to be on the premises at all times.

It is good practice, when a Designated Premises Supervisor is not at the premises, for them to provide written authority to staff detailing that sales are authorised. Where possible, it is also good practice to have more than one personal licence holder amongst the staff.

It should be noted that this does not remove any criminal liability for staff for offences under the Act, such as serving under age persons, or persons already intoxicated.

### **16.1 Removal of requirement for a designated premises supervisor (DPS)**

As of 29<sup>th</sup> July 2009 new legislation was introduced to amend Section 19 of the Licensing Act 2003. This involves village halls and community premises such as church halls, chapels, parish halls, community halls etc.

This has the effect of permitting community premises to apply to have the section relating to the requirement all premises licensed for the sale of alcohol to have a DPS and for all sales of alcohol to be made or authorised by a person who holds a personal licence to be removed from their premises licence.

**This change will enable community premises to operate without a DPS and for sales of alcohol to be made on such premises without the authorisation of a personal licence holder.**

All applications to do so will be processed in accordance with the amended legislation, the Licensing Act 2003 (Premises Licence and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009 and with regard to the Guidance issued under Section 182 of the Licensing Act 2003 by the Department of Culture, Media and Sport.

## **17. Enforcement**

The Licensing Authority recognises the interests of both citizens and businesses, and will work closely with partners to assist licence holders to comply with the law and the four licensing objectives. However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law.

A licensing enforcement policy exists that is based around the principles of targeting, consistency, transparency and proportionality as set out in the Regulator's Compliance Code and explains how the Council will undertake its role as Licensing Authority and how the principles of effective enforcement will be achieved.

This policy supports the Government's Better Regulation Agenda and the recommendations of the Hampton Report. The approach to regulatory enforcement and inspection will be fair, proportionate and flexible enough to allow economic progress in the area.

The Council will implement an inspection regime which will be dependant on the type of premises to be inspected i.e. well managed and maintained premises will not require the same number of inspections as problem and high risk premises.

The Licensing Authority will continue to seek to work actively with the Responsible Authorities in enforcing Licensing legislation.

The Licensing Enforcement Officers will continue to investigate allegations of unlicensed activities and to ensure compliance of licence conditions. It should be noted that, in some instances, the issues concerned may be better addressed by other legislation, or licence review.

### **18. Delegation**

Appendix B of this Policy Statement sets out the delegation of decisions and functions to the Licensing Committee, its Sub-Committees and to Officers.

## Part B - Licensing Objectives

These objectives form the basis on which the licensing authority determines what is in the public interest when carrying out its functions.

**A licensing authority may only restrict licensable activities where it is necessary for the promotion of these licensing objectives.**

Each objective is of equal importance and aims to ensure that everyone involved in the licensing regime is focused on common goals essential to the fair balance of differing interests and the well being of our communities in relation to licensable activities.

As part of the application for a premises licence an applicant must submit an operating schedule that includes a statement of the steps they propose to take to promote these objectives.

Conditions attached to a premises licence, whether volunteered in the operating schedule or added at a Licensing hearing further to relevant representations, have to be necessary (and not just aspirational) for the promotion of the licensing objectives and must be tailored to the individual style and characteristics of the premises and activities undertaken there.

Where no relevant representations are made about an application for, or application to vary, a premises licence, the licensing authority **cannot** impose any conditions other than those which are mandatory under the Act.

The following are intended to offer guidance to applicants as to what they should consider in making an application under the Licensing Act 2003.



## **1. The prevention of crime and disorder**

### **1.1 Aims**

The promotion of this objective places a responsibility on licence/certificate holders to become key partners in achieving a positive outcome. Following the carrying out of a risk assessment, applicants will be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained, to minimise or prevent crime and disorder, in and around the vicinity of their premises.

They are expected to be relevant to the individual style and characteristics of their premises and activities.

### **1.2 Factors to consider**

In addition to responsible management, appropriate training and supervision and the adoption of good practice set out above, the Licensing Authority expects applicants to consider and address the following specific control measures.

This should be done within the operating schedules where these are relevant with regard to their particular premises and/or activities and where existing legislation does not provide adequately for the prevention of crime and disorder;

- number of people attending the premises
- customer profile, including age of patrons and potential for underage drinking
- condition, design and layout of the premises
- potential for misuse of drugs and abuse of alcohol including drunkenness
- potential for anti-social behaviour
- nature of the activities to be provided
- the hours of operation and hours of opening if different
- the location of the premises including proximity to other licensed premises
- physical environment of the premises including both internal and external elements, e.g. external lighting and litter bins. This is particularly relevant when planning the design of new premises or the refurbishment or alteration of existing premises.
- provision of effective CCTV in and around the premises
- documentation in relation to admission to premises and/or age related sales
- the employment of Security Industry Authority licensed door staff, including female door staff, where appropriate.
- provision of toughened glass or plastic glasses and bottles
- provision of bottle bins within premises
- the provision of secure deposit boxes for confiscated items
- provision of appropriate communication systems including links to the police and other licence or certificate holders e.g. the use of text/radio pagers
- prohibition on the removal of alcohol in open containers from the premises
- the setting of maximum occupancy levels
- the proper use of point of sale promotions
- the provision of appropriate signage

- the provision of appropriate furniture for patrons
- relevant control measures as contained in the Safer Clubbing guidance e.g. various drug control measures, provision of safe transport home.

This list is not intended to be an exhaustive list but is indicative of matters that may be relevant.

The emphasis should be on deterring and preventing crime and disorder to provide a safe environment for both customers and staff.

The Licensing Authority accepts that an individual who engages in anti-social behaviour is accountable in their own right and other criminal legislation is available to deal with this type of incident. However, this should not prevent the licence holder for a premises, club or temporary event, or personal licence holder including the designated premises supervisor and/or other responsible persons from taking positive action to deal with or inform the relevant responsible authority of an incident.

Each application will be unique and any conditions beyond the existing legislative requirements relating to this part of the policy will only be attached after receipt of relevant representations, and where it is reasonable and proportionate to do so to promote this objective.

Any such conditions will take into account the nature of the premises and the scale and type of entertainment to be provided.

Applicants may wish to consult a professional body, trade organisation or association who have experience in the relevant field to advise them with regard to any risk and steps to promote this licensing objective.

In the first instance, the applicant should contact the Police Licensing Officer, as detailed in Appendix A.

## **2. Public Safety**

### **2.1 Aims**

The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised.

Following the carrying out of a risk assessment an applicant will be expected to demonstrate, in their operating schedule, that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety both in and around the vicinity of their premises. Such measures should be relevant to the individual style and characteristics of their premises and activities.

### **2.2 Factors to consider**

In addition to responsible management, appropriate training and supervision and the adoption of good practice set out above, the Licensing Authority expects applicants to consider and address the following specific control measures. This should be done within the operating schedules where these are relevant and having regard to their particular premises and/or activities and where existing legislation does not provide adequately for public safety;

- the provision of sufficient, suitably trained persons employed or engaged to secure the safety of the premises and patrons
- suitable facilities for disabled people and people with special needs
- provision of flame-retardant curtains, hangings, decorations and upholstery
- provision of various safety measures, including fire and electrical safety
- proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. relevant to public safety
- the provision of crowd management measures e.g. queuing
- the provision of first aid facilities
- the setting of maximum occupancy levels
- the use of special effects
- the provision of special measures resulting from particular types of entertainment e.g. indoor sport events, hypnotism, and facilities for dancing by patrons
- the provision of access for emergency vehicles
- relevant control measures contained in the Safer Clubbing guidance e.g. provision of free cold water
- liaison with public transport providers
- the number of people attending the premises
- the condition, design and layout of the premises, including the means of escape in case of fire
- the nature of the activities to be provided (whether licensable or not), in particular the sale or supply of alcohol, and including whether those activities are of a temporary or permanent nature
- the hours of operation and hours of opening if different
- customer profile e.g. age, disability, special needs etc.

This list is not intended to be an exhaustive list but is indicative of matters that may be relevant

Each application will be unique and any conditions beyond the existing legislative requirements relating to this part of the policy will only be attached after receipt of relevant representations, and where it is reasonable and proportionate to do so to promote this objective.

Any such conditions will take into account the nature of the premises and the scale and type of entertainment to be provided.

Applicants may wish to consult a professional body, trade organisation or association who have experience in the relevant field to advise them with regard to any risk and steps to promote this licensing objective.

In the first instance, the applicant should contact Telford and Wrekin Council Environmental Health, Health and Safety team and Shropshire Fire Service, as detailed in Appendix A.

### **3. The prevention of public nuisance**

Licensed premises have a significant potential to impact adversely on communities through the public nuisance which can arise from their operation.

The Licensing Authority recognises the need to maintain and protect the living and working amenity and environment of residents and businesses whilst balancing these against the interests of licence or certificate holders and of those attending licensed premises.

It is recognised that noise is a major concern for residents and workers in premises close to licensed premises.

The control of noise is already catered for to some extent by existing legislative requirements.

The Legislation referred to includes:

- Environmental Protection Act 1990
- Clean Neighbourhoods and Environment Act 2005
- The Noise Act 1996
- Control of Pollution Act 1974
- Noise and Statutory Nuisance Act 1993

The Licensing Authority recognises that different people have different levels of tolerance to the unavoidable activities involved in the everyday provision of entertainment and refreshment.

The Licensing Authority, upon receipt of relevant representations, will look carefully at the impact of licensed premises with regard to noise and disturbance in the vicinity of the premises, especially where entertainment takes place late at night and during other times when the activities may be more intrusive.

#### **3.1 Aims**

Following the carrying out of their risk assessment, applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified. These should be implemented and maintained in order to minimise or prevent public nuisance, in its broadest terms, in and around the vicinity of their premises. Such measures should be relevant to the individual style and characteristics of their premises and activities.

#### **3.2 Factors to consider**

In addition to responsible management, appropriate training and supervision and the adoption of good practice set out above, the Licensing Authority expects applicants to consider and address the following specific control measures.

This should be done within the operating schedules where these are relevant having regard to their particular premises and/or activities and where existing legislation does not provide adequately for the prevention of public nuisance.

These may include:-

- the location of the premises and proximity to residential properties
- the number of people attending the premises
- the hours of operation and opening (especially between 23.00 – 07.00hrs)
- the nature of the activities to be provided, including whether they are temporary or permanent and whether they are to be held inside or outside the premises
- the design and layout of the premises and the presence of any noise limiting features
- the provision of measures to control the use of fireworks, pyrotechnics etc
- rowdy behaviour
- disposal of waste and bottle bins, litter collection and bins
- plant and machinery
- food preparation including cleaning of premises and equipment
- use of gardens, play areas, car parks, open air areas and temporary structures
- suitability of collection and delivery points and times if these are during a period when disturbance may be caused
- the provision of measures to prevent disturbance caused by patrons, staff and vehicles, including taxis, delivery and refuse vehicles etc. arriving at or leaving the premises, especially between 23.00 and 7.00
- the need for any additional measures resulting from the proximity of the premises to residential and business properties or other noise sensitive premises, e.g. nursing homes, hospitals, hospices or places of worship
- the provision of measures to control litter, fly posting and unauthorised signs in the vicinity of the premises,
- the provision of measures to control the emission of noxious smells from the premises
- the provision of a dispersal policy
- the provision of a 'wind down period'

This list is not intended to be an exhaustive list but is indicative of matters that may be relevant.

Each application will be unique and any conditions beyond the existing legislative requirements relating to this part of the policy will only be attached after receipt of relevant representations, and where it is reasonable and proportionate to do so to promote this objective.

Any such conditions will take into account the nature of the premises and the scale and type of entertainment to be provided.

Applicants may wish to consult a professional body, trade organisation or association who have experience in the relevant field to advise with regard to any risk and steps to promote this licensing objective.

In the first instance, the applicant should contact Telford and Wrekin Council Environmental Health Pollution Control, as detailed in Appendix A.

Applicants may also wish to consult publications such as the Institute of Acoustics' Good Practice Guide on the Control of Noise from pubs and clubs 2003 and good practice guides issued by trade associations, particularly where licensable activities are to take place between 11pm and 7am

## **4. The protection of children and harm**

### **4.1 Aims**

The Licensing Authority is committed to ensuring the protection of children from physical, moral and psychological harm, whilst recognising the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, take-away outlets, community halls and schools.

### **4.2 Children and Licensed Premises**

The 2003 Act made it 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 where that activity is carried on under the authority of a temporary event notice.

Similarly, it is an offence to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5.00am at premises supplying alcohol for consumption on the premises under the authority of any premises licence, club premises certificate or temporary event notice.

Outside of these hours, the offence does not prevent the admission of unaccompanied children under 16 to the wide variety of premises where the consumption of alcohol is not the exclusive or primary activity.

Other than these two restrictions, there is no presumption in favour of giving access to children and young persons under 18 generally or indeed preventing their access.

Each application and the situation in relation to each premise will be considered on its own merits.

In cases where it is considered necessary, options available for limiting access by children could include:

- a limit on the hours when children may be present
- a limitation or exclusion when certain activities are taking place
- the requirement to be accompanied by an adult
- access being limited to parts of the premises only
- age limits.

The Local Safeguarding Children Board as a Responsible Authority and as the body deemed competent by the Licensing Authority to advise on the protection of children from harm will be given an opportunity to consider and comment upon all relevant applications under the Licensing Act 2003.

Examples of areas which may give rise to concern in respect of children include premises:

- where nudity or entertainment of an adult or sexual nature is provided



- where there is a strong element of gambling taking place
- with a known association with drug taking or dealing
- where there have been convictions for serving alcohol to those under 18
- with a reputation for underage drinking

### **4.3 Child Employment**

The Children (Performances) Regulations 1968 set out requirements for children performing in a show. The Licensing Authority recognises the requirements of these Regulations and will not duplicate any of these requirements. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority will consider the matters concerned.

Any queries in relation to the employment of children in any capacity at licensed premises, or at temporary events should be made to the Child Employment Officer for Telford and Wrekin Council on 01952 385223.

### **4.4 Films**

In the case of premises which are used for film exhibitions, a mandatory condition will be applied requiring that access will be restricted only to those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification, or in specific cases, the Local Authority.

Where a large number of children are likely to be present on any licensed premises, for example, at a children's show or pantomime, applicants will need to demonstrate the presence of a sufficient number of adult staff to ensure the well being of children during an emergency.

### **4.5 Factors to be considered**

Where no licensing restriction on the admission of children is considered necessary, their admission will remain a matter for the discretion of the individual licence or certificate holder and the Licensing Authority will not seek to require their admission.

In addition to responsible management, appropriate training and supervision and the adoption of good practice set out above, the Licensing Authority expects applicants to consider and address the following specific control measures.

This should be done within the operating schedules where these are relevant having regard to their particular premises and/or activities and where existing legislation does not provide adequately for the protection of children from harm.

When addressing this issue, applicants must demonstrate that those factors which impact on the protection of children from harm have been considered.

These may include:-

- types of licensable activities taking place at the premises, including any entertainment of an adult or sexual nature

- customer profile e.g. age, target audience
- the hours of operation and hours of opening if different
- suitability of the premises for children, including risk of exposure to noise
- the condition, design and layout of the premises, including the means of escape in case of fire and any specific hazards
- the provision of child friendly facilities e.g. play area, baby changing area
- the provision of additional safety measures e.g. electrical socket covers
- the provision of additional control measures for the supervision and protection of children including sufficient additional staff
- the requirement for patrons to produce accredited proof of age
- documentation in relation to admission to premises and/or age restricted sales
- the proper use of point of sale promotions
- the requirement for compliance with the Portman Group Code of Practice on Naming, Packaging and Promotion of Alcoholic Drinks
- the provision of environmental protection measures e.g. control on noise levels and smoke-free areas

Where an applicant has decided to exclude children completely from the premises there will be no need to detail in the operating schedule steps to be taken to promote the protection of children from harm.

This list is not intended to be an exhaustive list but is indicative of matters that may be relevant.

Each application will be unique and any conditions beyond the existing legislative requirements relating to this part of the policy will only be attached after receipt of relevant representations, and where it is reasonable and proportionate to do so to promote this objective.

Any such conditions will take into account the nature of the premises and the scale and type of entertainment to be provided.

Applicants may wish to consult a professional body, trade organisation or association who have experience in the relevant field to advise them with regard to any risks and steps to promote this licensing objective.

In the first instance, the applicant should contact the Local Safeguarding Children Board as detailed in Appendix A.

## **Contact Details**

For information, advice and guidance relating to licensing and the application process please contact;



Licensing Service  
Telford & Wrekin Council,  
Darby House,  
Lawn Central,  
Telford,  
TF3 4LB

Telephone: 01952 383267/383266

Fax: 01952 383269

Email: [licensing@telford.gov.uk](mailto:licensing@telford.gov.uk)

A full list of all contact details is set out at **Appendix A** to this Policy Statement.

Further information on all matters relating to the Licensing Act 2003 is available on the Department for Culture Media and Sport (DCMS) website at [www.culture.gov.uk](http://www.culture.gov.uk)

## **Appendix A**

### **Licensing**

Telford & Wrekin Council  
Darby House  
Lawn Central  
Telford  
Shropshire  
TF3 4LB  
Tel: 01952 383267/383266  
Fax: 01952 383269  
E-mail: [licensing@telford.gov.uk](mailto:licensing@telford.gov.uk)

### **Police Licensing Officer**

Wellington Police Station  
Victoria Road  
Wellington  
Telford  
Shropshire  
TF1 1LQ  
Tel: 01952 214822  
E-mail: [licensing.telford-wrekin@westmercia.pnn.police.uk](mailto:licensing.telford-wrekin@westmercia.pnn.police.uk)

### **Local Safeguarding Children Board**

30 West Road  
Wellington  
Telford  
Shropshire  
TF1 2BB  
Tel: 01952 385678  
E-mail: [David.goss@telford.gov.uk](mailto:David.goss@telford.gov.uk)

### **Shropshire Fire and Rescue Services**

The Fire Safety Department  
St Michael's Street  
Shrewsbury  
Shropshire  
SY1 2HJ.  
Tel: 01743 260260  
Email: [firesafety@shropshirefire.gov.uk](mailto:firesafety@shropshirefire.gov.uk)

### **Environmental Health**

(1 copy to Pollution Control & 1 copy to Health & Safety)  
Telford & Wrekin Council  
Darby House  
Telford  
TF3 4LE  
Tel: 01952 381818  
Fax: 01952 381806  
E-mail: [environmental.health@telford.gov.uk](mailto:environmental.health@telford.gov.uk)

**Trading Standards**

Telford & Wrekin Council  
Darby House,  
Lawn Central,  
Telford,  
TF3 4LE  
Tel: 01952 381999  
Fax: 01952 381993  
E-mail: [tradingstandards@telford.gov.uk](mailto:tradingstandards@telford.gov.uk)

**Planning**

Telford & Wrekin Council  
Darby House  
Lawn Central  
Telford  
TF3 4LB  
Tel: 01952 380380  
E-mail: [planning.control@telford.gov.uk](mailto:planning.control@telford.gov.uk)

*Health & Safety Executive (An application only has to be sent to this address if it relates to a government bodies, schools or hospitals)*

*The Marches House*

*Midway*

*Newcastle-under-Lyme*

*ST5 1DT*

*Telephone: 01782 602300*

## **Appendix B**

### **Table of Delegations of Licensing Functions**

<b>Matter to be Dealt With</b>	<b>Full Committee</b>	<b>Sub-Committee</b>	<b>Officers</b>
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	

<b>Matter to be Dealt With</b>	<b>Full Committee</b>	<b>Sub-Committee</b>	<b>Officers</b>
Acknowledgments of Notices, Applications and other documents			All cases
Renewal of personal licence – Police objection		All cases	
Renewal of personal licence – no police objection			All cases
Revocation of personal licence under s.124 Licensing Act 2003		All cases	
Review of premises licence following closure order under s.167 Licensing Act 2003		All cases	
Issue of counter-notice to Temporary Event Notice under s.107 Licensing Act 2003			All cases

## **Appendix C**



<b>Service Area</b>	<b>Community Protection</b>
<b>Service Delivery Unit</b>	<b>Public Protection</b>
<b>Team</b>	<b>Licensing</b>

### **Statement of Licensing Policy – Licensing Act 2003 – Consultation**

#### **List of consultees**

#### **Statutory Consultees (as defined in Section 5 (3) of the Licensing Act 2003:**

- Chief officer of police for the area
- Fire and rescue authority for the area
- Persons/bodies representative of local holders of premises licences
- Persons/bodies representative of local holders of club premises certificates
- Persons/bodies representative of local holders of personal licences
- Persons/bodies representative of businesses and residents in its area.

Chief Constable for West Mercia Police  
Police Licensing Officer for Telford and Wrekin area  
Shropshire Fire and Rescue Service  
Licensed Victuallers Association  
Business Development Centre Manager for small businesses  
Transforming Telford  
Shropshire Chamber and Business Link  
Wellington Chamber of Commerce  
Telford and Wrekin Council Members

#### **In addition the Licensing Authority Consulted with**

(Full list of consultees to be added after consultation process)



## Appendix D

### Pool of proposed conditions

Annex D – K taken from the Department of Culture, Media and Sport Guidance issued under section 182 of the Licensing Act 2003

The Department of Culture, Media and Sport Guidance issued under Section 182 of the Licensing Act 2003 states that this pool of conditions is not an exhaustive list.

- These conditions **could** be used where necessary and appropriate to the particular circumstances of individual licensed premises.
- It is important that they should not be applied universally and treated as standard conditions irrespective of circumstances.

### Annex D

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

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

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

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

#### General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when licensing authorities are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options should be considered as measures which, if necessary, would promote the prevention of crime and disorder.

Whether or not any risk assessment shows these options to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should also be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

Under no circumstances should the following measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of possible conditions drawn from experience relating to differing situations and to offer guidance.

Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

## **Text/Radio pagers**

Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Such pagers provide two-way communication, both enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that text or radio pagers should be considered appropriate necessary conditions for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. Following individual consideration of the particular circumstances of the venue, such conditions may also be appropriate and necessary in other areas for the prevention of crime and disorder.

It is recommended that a condition requiring the text/radio pager links to the police should include the following elements:

- a requirement that the text/pager equipment is kept in working order at all times;
- a requirement that the pager link be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- a requirement that any police instructions/directions are complied with whenever given; and
- a requirement that all instances of crime or disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

## **Door supervisors**

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

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside of venues prone to such queuing.

Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches). Door supervisors also have a role to play in ensuring public safety (see Annex E).

## **Bottle bans**

Glass bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises.

It is recommended that a condition requiring that no sales of beverages in glass bottles for consumption on the premises should be expressed in clear terms and include the following elements:

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
- no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (**note:** this needs to be carefully worded where off-sales also take place);

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

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

### **Plastic containers and toughened glass**

Glasses containing drinks may be used as weapons during incidents of disorder and in untoughened form, can cause very serious injuries. Consideration could therefore be given to conditions requiring either the use of plastic containers or toughened glass which inflicts less severe injuries where considered necessary. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

It should be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety (see Annex E).

### **CCTV**

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

NB Licensees who install CCTV at licensed premises are required to notify themselves as a data controller with the Information Commissioner's Office (ICO).

Please note that any CCTV installed must comply with the ICO CCTV Code of Practice. They can be contacted via the website: [www.ico.gov.uk](http://www.ico.gov.uk)

### **Open containers not to be taken from the premises**

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

### **Restrictions on drinking areas**

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

## Capacity limits

Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

## Proof of age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of “proof of age” before such sales are made. This should not be limited to recognised “proof of age” cards, but allow for the production of other proof, such as photo driving licences, student cards and passports. The Secretary of State strongly supports the PASS accreditation system (see paragraph 12.8 of the Guidance) which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences and passports.

It should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This would ensure that most minors – even those looking older – would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.

## Crime prevention notices

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

## Drinks promotions

Standardised conditions should not be attached to premises licences or club premises certificates which promote fixed prices for alcoholic drinks. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind. This can risk creating cartels. Using conditions to control the prices of alcoholic drinks in an area may also breach competition law. Conditions tailored to the individual circumstances of particular premises which address **irresponsible** drinks promotions may be permissible provided they are necessary for the promotion of the licensing objectives, but licensing authorities should take their own legal advice before a licence or certificate is granted in that form. Judgements may be subjective, and on occasions, there will be a very fine line between responsible and irresponsible promotions but an even greater distinction to whether the promotion in question can be subject to the imposition of a condition. It is therefore vital that such matters are considered objectively in the context of the licensing objectives and with the benefit of appropriate legal advice.

In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or discounting and levels of crime and disorder on or in the vicinity of the premises, it would be appropriate for the licensing authority to consider whether the imposition of a new condition prohibiting irresponsible sales promotions or discounting of prices of alcoholic beverages is necessary at those premises. However, before pursuing any form of restrictions at all, licensing authorities should take their own legal advice.

## Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)

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

Where necessary and appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises (if not volunteered by the venue operator and following representations on such grounds) which require adherence to:

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit.

**Conditions relating to public safety (including fire safety)**

**It should be noted that conditions relating to public safety should be those which are necessary, in the particular circumstances of any individual premises or club premises, and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Fire Precautions (Workplace) Regulations 1997 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks. Conditions enforcing those requirements would therefore be unnecessary.**

**General**

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote public safety. Additional matters relating to cinemas and theatres are considered in Annex F. It should also be recognised that special issues may arise in connection with outdoor and large scale events.

Whether or not any risk assessment shows any of the measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

In addition, to considering the points made in this Annex, those preparing operating schedules or club operating schedules, licensing authorities and responsible authorities should consider:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through: [www.streetartsnetwork.org.uk/pages/publications.htm](http://www.streetartsnetwork.org.uk/pages/publications.htm)
- The London District Surveyors Association’s “Technical Standards for Places of Public Entertainment” ISBN 0 9531229 2 1

The following British Standards should also be considered:

- BS 5588 Part 6 (regarding places of assembly)
- BS 5588 Part 9 (regarding ventilation and air conditioning systems)

- BS 5588 Part 9 (regarding means of escape for disabled people)
- BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

However, in consulting these texts, which were prepared prior to the coming into force of the Licensing Act 2003, those creating operating schedules or club operating schedules, licensing authorities and responsible authorities should again note that under no circumstances should any conditions be regarded as standard for all premises.

Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

### **Disabled people**

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

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

### **Escape routes**

It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- all exits doors are easily to open without the use of a key, card, code or similar means;
- doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- any removable security fastenings are removed whenever the premises are open to the public or occupied by staff;
- all fire doors are maintained effectively self-closing and shall not be held open other than by approved devices (for example, electromagnetic releases operated by smoke detectors);
- fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut; and
- the edges of the treads of steps and stairways are maintained so as to be conspicuous.

### **Safety checks**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- safety checks are carried out before the admission of the public; and
- details of such checks are kept in a Log-book.

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

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- hangings, curtains and temporary decorations are maintained in a flame-retardant condition;
- any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990;
- curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment; and
- temporary decorations are not used without prior notification to the licensing authority/fire authority.

### **Accommodation limits**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

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

### **Fire action notices**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration.

### **Outbreaks of fire**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- the fire brigade must be called at once to any outbreak of fire, however slight, and the details recorded in a Fire Log-book.

### **Loss of water**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- the local Fire Control Centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

### **Access for emergency vehicles**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:



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

### **First aid**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

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

### **Lighting**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

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

### **Temporary electrical installations**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

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

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

### **Indoor sports entertainments**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- if necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature;
- where a ring is involved, it is constructed and supported by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame-retardant;
- at any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring; and
- at water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

### **Alterations to the premises**

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

### **Special effects**

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

Special effects which should be considered include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority or [inspection by] the fire authority.

## Annex F

### **Theatres, cinemas, concert halls and similar places (promotion of public safety)**

In addition to the points made in Annex E, there are particular matters in the context of public safety and fire safety which should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and should be established through risk assessment and standardised conditions should be avoided. The points which follow are for consideration and do not represent a mandatory list.

#### **Premises used for closely seated audiences**

##### **Attendants**

- (a) The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:

<b>Number of members of the audience present on a floor</b>	<b>Minimum number of attendants required to be present on that floor</b>
1 – 100	One
101 – 250	Two
251 – 500	Three
501 – 750	Four
751 -1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

- (b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- (c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- (d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.
- (e) No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.
- (f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

#### **Standing and sitting in gangways etc.**

- (a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
- (b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- (c) In no circumstances shall anyone be permitted to-
- (i) sit in any gangway;
  - (ii) stand or sit in front of any exit; or
  - (iii) stand or sit on any staircase including any landings.

## **Drinks**

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

## **Balcony Fronts**

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

## **Special effects**

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Specials effects include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority or [inspection by] fire authority.

## **Scenery**

Any scenery should be maintained flame-retardant.

## **Safety curtain**

Where a safety curtain is provided, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non-combustible material or inherently or durably treated flame-retardant fabric.

## **Ceilings**

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide when a further inspection would be necessary and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

## **Seating**

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

## Premises used for film exhibitions

### Attendants – premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1 – 250	Two
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

### Attendants – premises with a staff alerting system

(a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of other staff on the premises who are available to assist in the event of an emergency
1 – 500	Two	One
501 – 1000	Three	Two
1001 – 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

(b) Staff shall not be considered as being available to assist in the event of an emergency if they are:

- (i) the holder of the premises licence or the manager on duty at the premises; or
- (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
- (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.

(d) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.

(e) The staff alerting system shall be maintained in working order.

### Minimum lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

### Flammable films

No flammable films should be allowed on the premises without the prior notification of the licensing authority/fire authority.

### **Conditions relating to the prevention of public nuisance**

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

#### **General**

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote the prevention of public nuisance.

Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for licences and certificates will also depend on local knowledge of the premises.

#### **Hours**

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted (other than where they are protected by the transitional provisions of the Licensing Act 2003) by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which results from artificially early fixed closing times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

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

#### **Noise and vibration**

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises;
- prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and

- the placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

### **Noxious smells**

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

### **Light pollution**

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

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

**Conditions relating to the protection of children from harm**

**It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.**

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

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for individual licensing authorities. Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the licensing authority considers it necessary to protect children from harm. Whilst applications in relation to premises licences and club premises certificates must be judged by licensing authorities on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- for any premises with known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:

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

- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:

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

- in any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.



## **Age Restrictions – specific**

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities following relevant representations made by responsible authorities and interested parties will need to consider a range of conditions that are to be tailored to the particular premises and their activities where these are necessary. Licensing authorities are expected to consider:

- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- types of event or activity in respect of which no age restrictions may be needed, for example;
  - family entertainment; or
  - non-alcohol events for young age groups, such as under 18s dances,
- Similarly, types of event or activities which give rise to a more acute need for age restrictions than normal, for example;
  - during “Happy Hours” or on drinks promotion nights;
  - during activities outlined in the first bullet point in the first paragraph above.

## **Age restrictions – cinemas**

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of section 20, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 or by the licensing authority itself, conditions restricting the admission of children to film exhibitions should include:

- a condition that where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- a condition that when films are classified, by either the film classification body as specified in the licence or the licensing authority, they should be classified in the following way:
  - U – Universal. Suitable for audiences aged four years and over
  - PG – Parental Guidance. Some scenes may be unsuitable for young children.
  - 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
  - 15 – Passed only for viewing by persons aged 15 years and over.
  - 18 – Passed only for viewing by persons aged 18 years and over.
- that conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film;
- a condition that when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

“Where a programme includes a film recommended by the licensing authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –

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

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

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

### **Theatres**

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

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

### **Performances especially for children**

Where performances are presented especially for unaccompanied children in theatres and cinemas conditions are anticipated to be needed which require:

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

Licensing authorities are expected, having regard to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

### **Children in performances**

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

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- **Fire safety** – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- **Special effects** – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- **Care of children** – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

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

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

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

### **Proof of Age cards**

Proof of age cards are discussed under Annex D in connection with the prevention of crime and disorder. However, where necessary and appropriate, a requirement for the production of proof of age cards before any sale of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm. Any such requirement should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences and passports. The Secretary of State strongly supports the PASS accreditation system (see paragraph 12.8 of the Guidance) which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences, student cards and passports. As for conditions relating to crime and disorder, it should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This would ensure that most minors – even those looking older – would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.

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

## **Annex J**

### **The Safer Clubbing Checklist for club owners, managers and event promoters**

The role of club owners, managers and event promoters is to ensure that all aspects of their venue are designed and run in ways which maximise the safety of customers, performers and staff.

#### **Key activities of club owners, managers and event promoters include:**

- Communicating all safety requirements clearly to performers ensuring that they are familiar with and understand the safety requirements for the venue
- Developing a constructive working relationship with licensing authority officers and police officers with licensing responsibilities
- Developing a venue drug policy in consultation with licensing and police officers
- Ensuring that all staff are aware of their responsibilities within the drug policy and that they receive training and support to discharge these fully
- Employing door supervisors from a reputable company and with SIA accreditation
- Employing experienced and fully trained first aiders
- Providing free and easily accessible supplies of cold water and ensuring the provision of water is supervised to prevent contamination of water by others
- Liaising with appropriate drug service personnel to provide training to staff, and information, advice and support to clubbers
- Considering inviting and supporting drug outreach work, including integrating outreach workers into the staff team
- Sharing intelligence on drug use and drug dealing with police officers and other local venues
- Informing clubbers of their rights and responsibilities, and encouraging feedback on safety issues
- Considering the provision of safe transport home
- Ensuring that all staff are aware of the law and the responsibilities of the club to work within it