

**Appendix A**



**Telford & Wrekin**

C O U N C I L

**Statement of Licensing Policy**  
**January 2008**

If you would like this information in alternative formats, such as large print, Braille or audio tape, please contact 01952 382122

If you would like free help to understand this document in your own language, please phone Telford & Wrekin Council on 01952 382122

#### Chinese

如果你想利用我們的免費中文協助來幫助你明白這份資訊，請打電話 01952 382121 與泰爾福&瑞慶區政府聯絡。

#### 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۔

## **Introduction**

Introduction of the Licensing Act 2003 in 2005 heralded a real change in the law relating to alcohol sales, public entertainment and late night refreshment. A significant part of this change was that Telford & Wrekin Council assumed responsibility for the licensing of all outlets within the Borough that sell alcohol. In addition, premises that provide public entertainment and those premises that provide late night refreshment between the hours of 11pm and 5am are required to be licensed by this Authority under the Act.

The Licensing Act 2003 provides greater freedom and flexibility for the leisure and hospitality industry so that in turn the public are offered a wider choice. However, these greater freedoms are balanced by powers afforded to the Police and other Responsible Authorities, to the Courts and to Licensing Authorities to deal with those who seek to undermine such freedoms.

Licensing emphasis will be on the control of licensable activities which take place on licensed premises, or at qualifying clubs and at temporary events. Licence Conditions will focus on matters that are within the control of individual licensees and which also relate to the premises or places being used for licensable activities and the impact of those activities in the vicinity of the premises. There will also be focus on the direct impact of any licensable activities taking place on those living, working or otherwise engaged in the near locality.

It should also be remembered that the Licensing Act 2003 should not be seen as a mechanism for the control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of those with responsibility for managing and controlling such premises.

The aim of this licensing 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.

This Statement of Licensing Policy was consulted upon between June – September 2007 in accordance with the relevant provisions of the Licensing Act 2003. Where appropriate, the consultation responses have been incorporated into this revised Statement of Licensing Policy.

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

**Licensing Authority  
Telford & Wrekin Council  
January 2008.**

## **Purpose and Scope of the Licensing 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 district.

Under Section 5 of the Licensing Act 2003, the Licensing Authority is obliged to 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 Policy takes effect on the 7<sup>th</sup> January 2008 and will remain in force for a period of 3 years when it will be subject to review and further consultation unless such review or consultation is required in the interim.

When carrying out these 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.**

In determining its licensing policy the Licensing Authority has consulted among others:

- the Chief Officer of Police for the area
- the Fire Authority for the area
- representatives of existing licence holders
- local businesses and their representatives
- local residents and their representatives
- bodies representing consumers, tourism and other neighbouring authorities

A full list of those people consulted is included at Appendix 3 of this Policy Statement.

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

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

Regulated Entertainment includes:

- a performance of a play
- an exhibition of a film
- an indoor sporting event

- entertainment by way of boxing or wrestling competition
- a performance of live music
- any playing of recorded music
- a performance of dance
- provision of facilities for making music
- provision of facilities for dancing.

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. 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.

### **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 places obligations on employers and operators such as The Health and Safety at Work Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.

### **Enforcement**

Where breaches of the Licensing Act 2003 are identified, action may be taken in accordance with the Enforcement Policy for Telford & Wrekin Council. (Available to view at [www.telford.gov.uk](http://www.telford.gov.uk)). To this end, the key principles of consistency, transparency and proportionality are to be maintained.

### **Integrating 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 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.

The Council's Licensing Committee will therefore 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 and contributes to its social and economic prosperity, and that all members of the community have a right to equality of opportunity, fairness and equal access.

Applicants and licensees must have due regard to 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.

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 business to operate their premises without unnecessary restraint.

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.

### **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. The Licensing Authority will monitor the impact of licensing on the provision of regulated entertainment.

In order to encourage the growth of cultural diversity within the Borough of Telford & Wrekin the Council may consider whether to apply for a premises licence in its own name for some public areas.

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 licence holder for any proposed regulated entertainment in the areas identified.

### **Planning**

Applications under the Licensing Act 2003 should not to be seen as a re-run of a planning application process and there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency.

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.

### **Temporary Event Notices**

Although 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, 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 1 of this Policy Statement.

### **Cumulative Impact**

The Licensing Authority will not operate a quota of any kind which would pre-determine an application, nor will it seek to impose general limitations on trading hours or type of premises in particular areas. Instead, regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs (including High Volume Vertical Drinking (HVVD) establishments if such exist in this borough), nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be given to those differences and the differing impact they are likely to have on the promotion of the licensing objectives.

The Licensing Authority itself will not initiate any specific policy relating to the cumulative impact of premises in a particular area. Such a policy would only be considered following relevant representations from the police or other

responsible authorities or from interested parties within the vicinity of the premises concerned.

### **Licensing Hours**

Consideration will always be given to the individual merits of any application but the presumption will be to grant the hours requested unless there are properly evidenced and specific objections to those hours raised by responsible authorities or interested parties and are relevant to one or more of the licensing objectives.

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.

### **Children and Licensed Premises**

The Licensing Authority recognises 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. However, 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 permit the presence of children under 16 who are not accompanied by an adult between midnight and 5.00am at other 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 premises will be considered on its own merits.

The Licensing Authority will not seek to limit the access of children to any premises unless it receives representations to that effect based on the

protection of physical, moral or psychological harm to children. When submitting their operating schedule, applicants should propose any prohibitions or restrictions in circumstances where they feel that the presence of children on the premises would be undesirable or inappropriate.

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. The address and contact details for The Local Safeguarding Children Board can be found at Appendix 1 of this Policy Statement.

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

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.

### **The Portman Group Code of Practice**

For premises where the sale or supply of alcohol takes place as a licensable activity the Licensing Authority wishes to recommend that applicants familiarise themselves and adopt The Portman Group's Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. Where appropriate, the Licensing Authority would favour imposing a condition of

licence to ensure that the age of a purchaser of alcohol is verified before the sale of alcohol takes place.

The Licensing Authority also supports and encourages applicants to adopt the provisions of the Government's Alcohol Harm Reduction Strategy, for example discouraging irresponsible drink promotions and the appropriate use of plastic or toughened glasses. However, the Licensing Authority will not impose conditions on any licence issued by it that restricts lawful competition or deals with issues that are properly operational matters for a premises licence holder.

### **Conditions of Licence**

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.

Similarly and as a result of relevant representations received from responsible authorities or interested parties in respect of a particular application, the Licensing Authority may impose conditions on a licence. Such conditions will only be imposed in cases where they are considered necessary to meet the licensing objectives.

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)

Any conditions which are attached to licences and other authorisations will be tailored to the individual style and characteristics of the premises and events concerned.

### **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.

However, where problems persist, a responsible authority or interested party (but not the Licensing Authority) can apply for the review of a licence. 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

### **The Licensing Process**

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.

Unless there are relevant representations made in respect of an application by responsible authorities or interested parties, the issue of a licence is delegated to officers of the Licensing Authority.

Where relevant representations are made, the determination of the application will be made by a Sub-Committee consisting of 3 Members of the Council's Licensing Committee.

Appendix 2 of this Policy Statement sets out the delegation of decisions and functions to the Licensing Committee, its Sub-Committees and to Officers.

### **Contact Details**

For information, advice and guidance relating to licensing and the application process including application forms, please contact the Licensing Team at Telford & Wrekin Council.

A full list of all contact details is set out at Appendix 1 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 1**

Licensing  
Borough of Telford & Wrekin  
Darby House  
Lawn Central  
PO Box 212  
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 385686  
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  
PO Box 214  
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  
PO Box 214,  
Darby House,  
Lawn Central,  
Telford,  
TF3 4LB  
Tel: 01952 381999  
Fax: 01952 381993  
E-mail: [tradingstandards@telford.gov.uk](mailto:tradingstandards@telford.gov.uk)

Health & Safety Executive (for government bodies, schools and hospitals  
amongst other things)  
The Marches House  
Midway  
Newcastle-under-Lyme  
ST5 1DT  
Telephone: 01782 602300

Planning  
Environment & Economy  
PO Box 212  
Darby House  
Lawn Central  
Telford  
TF3 4LB  
Tel: 01952 380380  
E-mail: [planning.control@telford.gov.uk](mailto:planning.control@telford.gov.uk)

## Appendix 2

### 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 3**

### **List of Consultees**

#### **Statutory consultees:**

Chief Constable for West Mercia Police  
Shropshire Fire and Rescue Service  
Licensed Victuallers Association  
Business Development Centre manager for small businesses  
Telford Development Agency  
Shropshire Chamber and Business Link  
Wellington Chamber of Commerce  
Newport Chamber of Commerce  
Ironbridge Chamber of Trade  
Telford & Wrekin Council Members

#### **In addition the Licensing Authority consulted with:**

Local Safeguarding Children Board  
Environmental Health Section – Borough of Telford & Wrekin  
Musicians Union  
Planning Section – Borough of Telford & Wrekin  
Regeneration Section – Borough of Telford & Wrekin  
Tourism Section – Borough of Telford & Wrekin  
Trading Standards Section – Borough of Telford & Wrekin  
British Institute of Innkeepers (BII)

#### **Copies of the draft policy were sent for consultation to:**

545 Licensed premises  
38 Licensed club premises

#### **Copies of the policy were made available for consultation at:**

Telford & Wrekin Council website  
Local libraries  
Darby House reception  
Civic Offices reception