

Statement of Licensing Policy

January 2016

DRAFT

Note: The following changes have been made in this draft policy but have not been highlighted in the document:

- Grammatical and formatting changes, and changes to the table of contents.
- Changes to legal terms, names of groups and titles of publications.
- References to the Department for Culture, Media and Sport (DCMS). Responsibility for alcohol licensing and in particular the issuing of the Guidance under section 182 of the Licensing Act 2003, is no longer the responsibility of the DCMS but is now administered by the Home Office. All References to the DCMS have been changed to read the Home Office where appropriate and contact details have been changed accordingly.
- Changes to other contact details have been made.
- Appendix D, the Pool of proposed conditions, which is included in the current policy and was taken from the S.182 guidance has now been removed from the S.182 guidance and so has also been deleted from this Policy.
- The reading order of some sections of this policy has been changed to allow the order of the contents to flow better. These changes are not highlighted if the content of the paragraph has not been changed.

These changes do not materially affect the content of the Policy, but update any changes which have been made by outside parties, and make the document easier to read. If you wish to compare these changes, please contact the Licensing Authority who can provide you with a copy of the current Statement of Licensing Policy.

All other content changes from the previous policy have been tracked for ease of reading and are highlighted in blue.



Telford & Wrekin

C O U N C I L

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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۔

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1. Introduction

Telford & Wrekin is a unique area that is being transformed at a fast pace into a major focus for world-wide industry and commerce, new technology, modern housing, quality recreational facilities and first rate education. The night-time economy of the area plays a large part in Telford's image as a dynamic, innovative and attractive place to live, work and relax.

Comment [OH1]: This section was in our original policy but taken out at one of the previous reviews. It has been suggested by the LGA in their best practice framework that a description of the authority area should be included in the policy.

The Borough covers an area of 112 square miles. Telford is the major focus of the area and includes a number of small towns which existed before the designation of the New Town in 1963, all of which have a strong character and identity of their own. Newport, a historic market town, is a main focal point for the Borough's substantial rural area.

Although Telford is a modern town, the area has a long history of pioneering industrial development. The Ironbridge Gorge World Heritage Site was at the heart of the Industrial Revolution. Belying this industrial past and present, however, Telford has an extensive "Green Network" which creates a high quality environment, but which also demands considerable resources to maintain.

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 attract.

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

- encourage young diversity of 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. There are a number of other mechanisms available for addressing problems away from a licensed premises. These include but are not restricted to:

- Planning control;
- Provision of CCTV surveillance in town and district centres;
- Taxi ranks and transport links to enable departure from centres;
- Powers of local authorities to deal with statutory nuisance;
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices.

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 Home Office Guidance issued under section 182 of the Licensing Act 2003.

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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.

Licensing is about regulating licensable activities on licensed premises, by qualifying clubs, and at temporary events. The licensable activities are;

- 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).

This policy sets out how applications will be looked at and determined under the Licensing Act 2003. It also sets out the expectations of the Licensing Authority on the ways that the Licensing Authority and licensed premises can work together with other partners to improve the licensing economy of the Borough, both during the day and night. The Licensing Authority will refer to this policy if its discretion is engaged to make decisions under the Licensing Act 2003.

Under Section 5 of the Licensing Act 2003, the Licensing Authority must publish a statement of its licensing policy every ~~three~~five 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 ~~2012~~2021, 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 and public open spaces, as well as shops, stores and supermarkets, off licences, late night food premises, and vehicles selling ~~hot food or hot drink~~ late night refreshment.

In determining this policy, the Licensing Authority will consult widely, as set out in **Appendix C**. Due consideration will be given to the views of all those who respond 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, community safety and partners such as Street Pastors and the Town Centre Management, 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 and health statistic evidence¹ shows that the consumption of alcohol is a significant contributory factor to levels of crime and disorder and it affects public health. 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. This website also has links to a large number of other useful websites.

¹ Based on evidence from:

- a) Crime Survey for England and Wales 2014
- b) Alcohol Concern – Statistics on alcohol
- c) West Mercia Police – Joint Policing Plan 2013 - 2017
- d) Office of National Statistics: Drinking – Adults behaviour and knowledge 2009

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-accredited~~ associations such as the British Institute of Inn Keeping Awarding Body, www.biiab.org, EDI (Educational Development International), www.ediplc.com and HABC (Highfield Awarding Body of Compliance) www.highfieldabc.com.

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.

The Licensing Authority will expect to work in close partnership and to share information with the responsible authorities which are laid down in the Licensing Act 2003.

These are:

- the relevant licensing authority
- the chief officer of police
- local fire and rescue authority
- relevant enforcing authority for the Health and Safety at Work etc. Act 1974
- local authority with responsibility for environmental health
- local planning authority
- body responsible for the protection of children from harm
- local authority's Director of Public Health
- local trading standards authority

This list may be amended by the Home Office through changes to legislation.

Contact details are included in Appendix A of this policy.

The Telford & Wrekin Health & Wellbeing Board has agreed tackling the impact of alcohol as one of its priorities in the 2013-15 Health & Wellbeing Strategy. The Community Safety partnership reports to the Health & Wellbeing Board on this issue and has developed a strategy and action plan.

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

3.5 Initiatives

Safer Telford & Wrekin Partnership

Under Section 5 of the Crime and Disorder Act, Crime and Reduction Partnerships were established between the Local Authority and the Police. The Safer Telford & Wrekin 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.

The Safer Telford & Wrekin Partnership has 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.

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 Telford & Wrekin Partnership website can be accessed here; www.safertelford.org.uk

3.5 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)~~

Comment [e2]: This is no longer mentioned in the S.182 Guidance.

3.6 Alcohol Harm Reduction Strategies

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

3.7 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.

3.8 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.

3.9 Integrated Strategies

There are a wide range of related legislation, and local and national policies, strategies, responsibilities and guidance documents which complement the Licensing Policy and should be taken into account when reading this policy.

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

Police

Fire Service

~~Health Authorities~~ Public Health

Education Authorities

Environmental Health

Trading Standards

Planning

Transport

Tourism

Community Safety

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 or by contacting the relevant team within the Council.

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.
- Impact of alcohol on the health of the residents in the borough

This policy has taken into account the Telford and Wrekin Equality and Diversity Policy and the protected characteristics; age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, in its formulation.

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 **Equalities Act 2010** and the need to eliminate unlawful discrimination, harassment and victimisation.

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 Sale by retail of alcohol and supply of alcohol to club members

All sales of alcohol or supply of alcohol to members of a club or their guests must be licensed under the authorisation of a premises licence, a club premises certificate or a temporary event notice.

4.2 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 determining the application until such time as primary use issues may be resolved to their satisfaction.

4.3 Regulated entertainment

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

Comment [OH3]: Entertainment facilities no longer require licensing

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 (which includes a contest, exhibition or display which combines boxing or wrestling with one or more martial arts ("combined fighting sports"))
- a performance of live music
- any playing of recorded music
- a performance of dance
- or entertainment of a similar description to ~~above~~ a performance of live music, any playing of recorded music or a performance of dance.

The Live Music Act 2012 came into force on 1st October 2012 and has made a number of changes to the hours and the audience size during which entertainment requires regulation. These changes are ongoing as further deregulation is introduced, and so the Licensing Authority advises applicants to check the council website www.telford.gov.uk or contact them if they are unsure if their entertainment needs to be regulated.

~~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.~~

4.4 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 the control of the Licensing Authority and are a matter for the parties involved.

4.5 Sexual Entertainment

Telford & Wrekin Council has a Policy in place regarding Sexual Entertainment Venues (SEVs) which can be accessed on the Council website, www.telford.gov.uk. A premises can provide sexual entertainment no more than eleven times within 12 months, not longer than 24 hours on each occasion and more than one month between each event before requiring an SEV licence.

Where a premises holds an SEV licence which has similar conditions to those on the premises licence, then the more rigorous conditions will apply.

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 other persons, 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.

Comment [OH4]: The Licensing Authority is now a responsible authority and so it can make representations.

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 appropriate 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 appropriate 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. Addressing key issues within the operating schedule on the application form can help alleviate concerns of responsible authorities and other persons and may make the application less likely to attract representations.

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 Home Office website, www.gov.uk, together with [supporting guidance on the Licensing Objectives in Part B of this Policy](#). ~~specimen documents.~~

[Application forms are available on the Council website, \[www.telford.gov.uk\]\(http://www.telford.gov.uk\) and online applications can also be made through this website.](#) 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. [Contact details can be found in Appendix A.](#)

5.5 Relevant Representations

Any relevant representations received from Responsible Authorities or Other Persons will be considered by the Licensing Authority. Other Persons may request a representative to act on their behalf. This could be a legal representative, a friend, an MP or Councillor. [A relevant representation may be comments in support of an application as well as objections to an application.](#)

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 licensing matters. They may refer the person to a fellow Councillor.

For a representation to be taken into account it must concern at least one of the licensing objectives and relate to the premises for which the application has been made. Where made by an Other Person, the Licensing Authority will determine if the representation is relevant. It may be rejected if it is considered irrelevant, frivolous and/or vexatious. Less weight may be given to any representations which are anonymous or are from a false address.

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 appropriate 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 three Members of the Council's Licensing Committee at a hearing.

5.6 The Licensing Authority as a responsible authority

The Licensing Authority may make representations about an application or request a review of a licence. In these circumstances, the Licensing Authority will ensure that there is a clear separation of responsibilities between the Officer making the representation and the Officer presenting the report to Committee.

The Licensing Authority would not normally make a representation or request a review of a licence where the evidence clearly shows that this could be done by another responsible authority or other person. An example of when the Licensing Authority might intervene in this way could be when a number of small unconnected incidents occur which on their own would not be enough for one person to make a complaint, but when taken together show breaches of licence conditions or undermine the Licensing Objectives.

5.7 Health as a Responsible Authority

The local authority Director of Public Health has now been added as a responsible authority.

The Director for Public Health is in a unique position to contribute information to the Licensing Authority about the alcohol related health issues in the area. With the necessary processes in place they can link alcohol harm to specific areas within Telford & Wrekin, and can pinpoint problem premises. This information can be used to deal with problem premises, and to inform Licensing Authority policy making and decisions on Late Night Levy's and Early Morning Alcohol Restriction Orders.

The Licensing Authority will work with the Director of Public Health to share information and advise them of what measures are available under the Licensing Act 2003 to address alcohol related harm in the area.

5.8 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.

If planning permission imposes a terminal hour which is different to the licensing hours, the earlier operating time must be observed.

6. Conditions

Each application will be considered on its individual merits. Only those conditions appropriate 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 The Health & Safety (First Aid) regulations 1981 and the Regulatory Reform (Fire Safety) Order 2005). 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. Any conditions proposed by the applicant which duplicate other regulatory regimes or are not enforceable may not be incorporated into the conditions on the licence. When conditions are written onto the licence, they will be clear, enforceable and expressed in plain language so that they can be easily understood by those expected to comply with them.

Some licences may contain conditions which are no longer enforceable or are now covered by other legislation. These conditions can only be removed from a licence by way of a minor or full variation, and so the authority strongly recommends that any premises which is intending to submit a variation takes the opportunity to look at the conditions on their licence and consider the removal of any conditions which are no longer enforceable, are covered by other legislation or are no longer relevant to the operation of the premises.

~~Conditions may also be taken from the Pool of Conditions in the Guidance issued by the Home Office. These are available to view on the Home Office Website: www.gov.uk~~

Comment [OH5]: The pool of conditions are no longer in the s.182 guidance.

Each application will be unique and any additional conditions beyond the existing legislative requirements and those proposed on the operating schedule will only be attached after receipt of relevant representations, and where it is reasonable and proportionate to do so to promote the e licensing objectives, unless all parties agree that a hearing is unnecessary. 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 Guidance² at 10.38.~~

Comment [e6]: No longer included in S.182 guidance.

6.1 Home Office Mandatory Conditions

~~The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 Paragraphs 1-3 came into force on 6th April 2010.~~

~~The Home Office has introduced a number of mandatory conditions which These apply to all licensed premises and those with a club premises certificate which sell or supply alcohol and:~~

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

~~Paragraphs 4 and 5 came into effect on 1st October 2010. These;~~

- 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.~~
- ensure that all alcohol is sold for a minimum permitted price.

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 Home Office.

Comment [OH7]: This publication no longer exists

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

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, or unless it does so under the authority of an Early Morning Restriction Order (EMRO).

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 e.g. noise and light pollution
- 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 ~~and an increase in the availability of alcohol resulting in health concerns~~.

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

The Licensing Authority ~~can consider if a special policy, called a Cumulative Impact Policy, would be an effective control on the numbers of licensed premises in an area.~~ ~~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. ~~Therefore~~ ~~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. ~~This decision will be reviewed if sufficient evidence becomes available.~~

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.~~

Comment [OH8]: This paragraph duplicates wording which is already included in section 6, conditions.

10. 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 other person can apply for the review of a licence. Other persons includes any individual, body or business entitled to make representations. Advice on applying for the review of a premises licence can be found on the Home Office website at www.gov.uk.

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 appropriate 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

11. Early Morning Restriction Orders

On 31st October 2012, Section 119 of the Police Reform and Social Responsibility Act 2011 amended sections 172A to 172E of the Licensing Act 2003 and brought in powers for a Licensing Authority to introduce an Early Morning Restriction Order (EMRO). An EMRO allows the Licensing Authority to restrict sales of alcohol for a specified time between 12am and 6am in the whole or part of the Licensing Authority area.

An EMRO is designed to tackle serious problems of alcohol-related crime and disorder, anti-social behaviour and public nuisance within an area which cannot be directly linked to one specific premises.

The decision to implement an EMRO must be taken by the Full Council and must be evidence based. A consultation will follow any decision to implement an EMRO and the results of the consultation will be considered before a final decision is made.

At this time, Telford & Wrekin Council has made the decision that there is no evidence that an EMRO should be introduced in any part of its area. If evidence is received that an EMRO would be the appropriate measure to tackle alcohol related problems in the area, then that evidence will be placed before Full Council.

12. Late Night Levy

On 31st October 2012, Sections 125 to 139 of the Police Reform and Social Responsibility Act 2011 introduced powers for the Licensing Authority to introduce a Late Night Levy.

This allows a Licensing Authority to charge a levy for all premises in its area who sell alcohol between 12am and 6am to contribute towards the costs of policing the night-

time economy. They have the power to exempt certain types of premises from the levy, and to reduce the levy charge for certain types of premises. Any revenue from the levy must be divided between the Licensing Authority and the Police, with at least 70% of the revenue paid to the Police.

Telford & Wrekin Council has decided that the introduction of a Late Night Levy is not appropriate at this time.

13. Minor variations

On 29th 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 applies to all An application for a small variations that will not impact adversely on the licensing objectives can be made by way of a minor variation.

Each application will be decided upon its own individual merits and the decision to consult with each responsible authority will be made based upon the content of the minor variation requested. in accordance with the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 and These decisions will be made with regard to the Guidance issued by the Home Office under Section 182 of the Licensing Act 2003 and the minor variation guidance issued on the Home Office website www.gov.uk. It is advised that an applicant reads this guidance before making an application to ensure that their licence can be changed by the minor variation process rather than applying for a full variation.

14. Temporary Event Notices

There are two types of Temporary Event Notices (TEN) – a standard TEN and a late TEN. If the Police or Environmental Health object to a late TEN, there is no provision for a hearing of the Licensing Sub-Committee and the licensable activities will not be authorised.

A statutory period of 10 clear working days prior to an event is the minimum notice that must be given to the Licensing Authority and the Police for a standard TEN, and between 5 and 9 clear working days for a Late TEN. This is exclusive of the day on which the notice is served and the day on which the event is to start. The Licensing Authority would prefer that notice of temporary events be served on the Licensing Authority, the Police and Environmental Health 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.

Comment [OH9]: The Licensing Authority cannot stipulate any time frames other than those laid down in the legislation.

Addresses for serving the Licensing Authority, the Police and Environmental Health with copies of a TEN 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 and Environmental Health are the only responsible authorities who may make representations to a temporary event notice, and can only do so if to allow the event would undermine the licensing objectives. The Licensing Authority cannot attach any terms or conditions on such events unless a

representation has been received. The only conditions which can be imposed on a TEN following receipt of a representation are those conditions which are currently on a premises licence or club premises certificate. They may only be imposed on a TEN at a hearing, unless the authority, the premises user and the responsible authority making the representation agree that a hearing is not necessary.

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 premises 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 ~~once issued has no expiry. 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.~~

Comment [OH10]: Legislation has been passed which means that personal licences no longer need to be renewed.

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~~disclosure.

If a personal licence holder moves from their home address, they must return their licence to the issuing local authority with the appropriate fee to have the address changed on the licence.

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.~~

Comment [OH11]: This section is no longer in the S.182 Guidance.

Applicants and the Police 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 (DPS) 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 DPS 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. If a DPS leaves a premises, it is important for the Premises Licence Holder to apply to vary the DPS at the premises as soon as possible so that the Licensing Authority and other responsible authorities can identify the person in day to day control at the premises.

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 29th 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 such as village halls, church halls, and community halls can ~~to~~ apply to have the section relating to the requirement for 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 enables 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, but under the authorisation of the committee or board of individuals who are the licence holder.

17 Non-Payment of Annual Fee

Under the amendments brought about by the Police Reform and Social Responsibility Act 2011, the Licensing Authority must suspend premises licences and club premises certificates if the annual fee has not been paid. Whilst the licence is suspended, no licensable activities may take place at the premises, and the suspension will be lifted upon payment of the annual fee. Continuing to provide licensable activities whilst a licence is suspended is an offence and may leave the licence holder open to prosecution.

A letter will be sent to the licence holder reminding them that the annual fee is due, however it is always the responsibility of the licence holder to ensure that the annual fee is paid by the due date, regardless of whether a reminder has been received or not. If the due date has been reached, and payment has not been made, a warning letter will then be sent to the licence holder to remind them that the annual fee is still outstanding and that the licence will be suspended seven days from the date of the letter. A letter will be sent to the licence holder and to the premises after seven days to say that the licence has been suspended until payment of the outstanding fee has been received.

If the Licence Holder believes there is an administrative error related to the annual fee, or the Licence Holder wishes to dispute the annual fee, the Licence Holder must contact the Licensing Authority on or before the due date of the annual fee. If the issue of the administrative error is not resolved during the following 21 day period, the licence will be suspended.

Annual fees can be paid by cheque, cash at reception at Darby House or at First Point Telford Southwater One, online at www.telford.gov.uk, over the phone (01952 381818) or by BACs payment. If making any payments online or by BACs or at a Council contact centre please quote the Premises Licence number and contact Licensing to let them know that payment has been made so that they can credit the payment to the licence.

18. 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 Public Protection Enforcement Policy exists [which can be found on the website, www.telford.gov.uk](#), that is based around the principles of targeting, consistency, transparency and proportionality as set out in the Regulator's Compliance Code, ~~and the Corporate Enforcement Policy~~ 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 dependent 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 Council will implement a compliance monitoring regime which will be based on the risk profile of the premises and intelligence received.~~

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

The Public Protection ~~Compliance~~ 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. [In these instances the matter will be referred to the appropriate service area or regulatory body.](#)

19. 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 appropriate 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 wellbeing 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 appropriate (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 ~~and supervision~~, appropriate training ~~with regard to the responsibilities under the Licensing Act 2003 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 and supervision, appropriate training with regard to the responsibilities under the Licensing Act 2003 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 Business Regulation Team, ~~Health and Safety team~~ and Shropshire Fire Service, as detailed in Appendix A.

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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 **and supervision**, appropriate training **with regard to the responsibilities under the Licensing Act 2003 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

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4. The protection of children from 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 appropriate, 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 appropriate 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 385700.

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 wellbeing of children during an emergency.

4.5 Factors to be considered

Where no licensing restriction on the admission of children is considered appropriate, 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 and supervision, appropriate training with regard to the responsibilities under the Licensing Act 2003 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
- 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 4JA

Telephone: 01952 381818
Fax: 01952 381993
Email: licensing@telford.gov.uk
Website: www.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 Home Office website at www.gov.uk

Appendix A

Licensing

Telford & Wrekin Council
Darby House
Lawn Central
Telford
Shropshire
TF3 4JA
Tel: 01952 381818
Fax: 01952 381993
E-mail: licensing@telford.gov.uk

Police

Telford & Wrekin Licensing Department
Malinsgate Police Station
Telford
Shropshire
TF3 4HW
Tel: 01952 214822
E-mail: licensing.telford-wrekin@westmercia.pnn.police.uk

Local Safeguarding Children Board

30 West Road
Wellington
Telford
Shropshire
TF1 2BB
Tel: 01952 385678

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

Environmental Health (2 copies needed*)

~~(1 copy to Environment & 1 copy to Health & Safety)~~

Telford & Wrekin Council
Darby House
Telford
TF3 4JA
Tel: 01952 381818
Fax: 01952 381993
E-mail: environmental.health@telford.gov.uk

Trading Standards

Telford & Wrekin Council
Darby House,
Lawn Central,
Telford,
TF3 4JA
Tel: 01952 381818
Fax: 01952 381993
E-mail: tradingstandards@telford.gov.uk

Planning

Telford & Wrekin Council
Wellington Civic & Leisure Centre
Larkin Way
Off Tan Bank
Wellington
Telford
TF1 1LX
Tel: 01952 380380
E-mail: planning.control@telford.gov.uk

Public Health
Director of Public Health
Telford & Wrekin Council
Addenbrooke House
Ironmasters Way
Telford
TF3 4NT
01952 385001

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

*1 Hagley Road
Birmingham
B16 8HS
Tel: 0845 345 0055
Fax: 0121 607 6349*

Appendix B

Table of Delegations of Licensing Functions

Matter to be Dealt With	Full Committee	Sub-Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary 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 or Environmental Health objection to a temporary event notice		All cases	

Comment [OH12]: The delegations are currently under review, and this appendix will be updated if any of these delegations change before publication of the Statement of Licensing Policy in January 2016.

Matter to be Dealt With	Full Committee	Sub-Committee	Officers
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
Determination of application to vary premises licence at community premises to include alternative licence condition		If a Police Objection	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases
Suspend a premises licence or club premises certificate for non-payment of the annual fee			All cases
Impose existing conditions on a premises licence, club premises certificate and temporary event notice where all parties agree a hearing is unnecessary			All cases
Make representations as a responsible authority			All cases

Comment [OH13]: Personal licences no longer need to be renewed.

Appendix C



Service Area	Health, Wellbeing and Public Protection
Service Delivery Unit	Public Protection
Team	Licensing

Statement of Licensing Policy – Licensing Act 2003 – Consultation

Consultation of this licensing policy was undertaken by post, email and on the Council Website. It was also advertised in the local press.

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
- [Local Health Board for an area any part of which is in the licensing authority's area](#)
- [Each local authority in England whose public health functions within the meaning of the National Health Service 2006 are exercisable in respect of an area any part of which is in the licensing authority's 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
Statutory Director of Public Health
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 will consult with:

- [Police and Community Consultative Group – Malinsgate Police Station](#)
- [Local Safeguarding Children Board](#)
- [Environmental Health Section – Telford & Wrekin Council](#)
- [Trading Standards – Telford & Wrekin Council](#)

- [Planning – Telford and Wrekin Council](#)
- [Health and Wellbeing - Telford & Wrekin Council](#)
- [Regeneration Section – Telford & Wrekin Council](#)
- [Tourism Section – Telford & Wrekin Council](#)
- [Equalities and diversity – Telford & Wrekin Council](#)
- [Licensed Club Premises in Telford & Wrekin](#)
- [Licensed Premises in Telford & Wrekin](#)
- [Personal Licence holders](#)
- [Disability Forum](#)
- [Safer and Stronger Communities partnership – Telford & Wrekin Council](#)
- [British Institute of Innkeepers \(BII\)](#)
- [British Beer and Pub Association \(West Midlands Region\)](#)
- [British Hospitality and Restaurant Association](#)
- [British Transport Police](#)
- [Business in Sport and Leisure Organisation](#)
- [Alcohol Concern](#)
- [Alcohol Education and Research Council](#)
- [Association of British Theatre Technicians](#)
- [Association of Convenience Stores](#)
- [Association of Licensed Multiple Retailers](#)
- [CAMRA](#)
- [Civic Trust](#)
- [Cleaner Safer Greener Communities](#)
- [Committee of Registered Clubs Association](#)
- [Drinkaware Trust](#)
- [Equity](#)
- [Federation of Licensed Victuallers Associations](#)
- [Guild of Master Victuallers](#)
- [Lap Dancing Association](#)
- [Musicians Union – Midlands Regional office](#)
- [National Federation of Retail Newsagents](#)
- [National Operatic and Dramatic Association](#)
- [National Pubwatch](#)
- [Night Magazine](#)
- [Noctis UK \(Was the Bar Entertainment and Dance Association\)](#)
- [Morning Advertiser Magazine](#)
- [The Publican Magazine](#)
- [Small Business Federation](#)
- [Telford Citizen's Advice Bureau](#)
- [ACRE – Actions with Communities in Rural England \(Village Halls etc.\)](#)
- [Wine and Spirit Trade Association](#)
- [Working Mens Club and Institute Union](#)
- [Youth Offending Services Telford and Wrekin Council](#)

[Town and Parish Councils:](#)

[Telford Housing Associations:](#)

[Residents Associations](#)

Training providers for personal and premises licence holders:

Community Organisations:

Schools

Libraries

(A full list of consultees will be added to the Policy after the consultation process has been completed)

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