

LICENSING COMMITTEE

**Minutes of a meeting of the Licensing Committee held on Tuesday
24th March 2015 at 6.00 pm at Addenbrooke House, Ironmasters Way, Telford**

PRESENT

Councillors C Mason (Chair), L Murray, J Seymour, R Sloan (substitute for A Mackenzie), B J Thompson and C Turley

Officers in attendance: L Noakes (Assistant Director: Health, Wellbeing and Public Protection), N. Minshall (Service Delivery Manager: Public Protection), L Fletcher (Public Protection Manager), S Fisher (Principal Licensing Officer), C Phillips (Licensing Technical Officer), T Street (Solicitor) and P Smith (Democratic Services Team Leader)

LC-5 MINUTES

RESOLVED – that the minutes of the Licensing Committee meeting held on 9 July 2014 be confirmed and signed by the Chair.

LC-6 APOLOGIES FOR ABSENCE

Councillors A Mackenzie and R Scammell

LC-7 DECLARATIONS OF INTEREST

None.

LC-8 STREET TRADING CONSENT POLICY AND CONDITIONS

The Licensing Technical Officer presented the report of the Service Delivery Manager – Public Protection, which outlined a proposal to amend the current Policy and Conditions in respect of Street Trading Consents, subject to an eight week consultation period with affected bodies.

The current Policy and Conditions applicable to street trading were reviewed in early 2014, which resulted in the introduction of street trading day consents in addition to the full year consents. The cost of a day consent (for a period up to 7 days) was agreed at £60 for the first day and £18 for each additional day. The Licensing Service had since received concerns from event organisers about the prohibitive cost of the day consents, given that each commercial trader at the event was required to apply for a consent. It had been suggested that an ‘umbrella’ consent could be introduced to cover a number of commercial traders at one event. Following discussions with local event organisers, it was proposed that such an ‘umbrella’ consent would consist of a day consent for up to five commercial traders limited to one specific event. It was considered that there would still be a demand for day consents from individual traders, and this option should continue to be offered.

Appendix 1 of the report identified revisions to the existing Conditions, along with the addition of some new conditions in order to reflect the proposed changes and to provide clarification of existing conditions. New conditions were proposed in relation to requirements for wash hand facilities and a temperature probe to ensure correct food temperatures were maintained. Guidance notes for applicants had also been modified and were attached to the report, along with a Community Impact Assessment.

It was proposed to undertake an 8 week consultation exercise on the proposed changes to the Policy and Conditions with all current licensed street traders in the Borough and other interested bodies/organisations. Consultation responses would be considered by the Licensing Service in association with the Chair, and any significant comments would be brought back to the Committee.

During the ensuing discussion on the proposed 'umbrella' consent, a question was asked about how the Council could ensure that each of the traders covered under such a consent met the conditions. The Licensing Technical Officer advised that the application process would be the same, with the necessary certificates/checks being required for each trader. It was accepted that the process could take longer, and therefore any applications for an 'umbrella' consent would have to be submitted at least 14 days before an event. Members referred to the potential extra costs and Licensing Officer time in processing 'umbrella' consent applications, and asked how the figure of up to 5 commercial traders had been determined. The Service Delivery Manager: Public Protection and the Licensing Technical Officer stated that there would be a different fee structure for 'umbrella' consents that would reflect the need for additional checking etc. The number of potential street traders operating under an 'umbrella' consent had been based on the optimum cost recovery basis – any more would be prohibitive for organisers. However, costs arising from environmental/trading standards checks of traders could not be recouped through the licensing process.

Members broadly welcomed the proposal for an 'umbrella' consent which would help to make local events more cost effective, and simpler to organise. It was suggested that if adopted following the consultation period, the new consent should be reviewed after a few months operation.

RESOLVED -

- (a) that the amendments to the Street Trading Consent Policy and Conditions, as set out in the report and appendices, be approved for consultation for an eight week period.**
- (b) that authority be delegated to the Principal Licensing Officer, in consultation with the Chair, to consider and determine the results of the consultation, subject to any significant comments being brought back to Licensing Committee for consideration.**

LC-9 LICENCE FEES REVIEW

The Principal Licensing Officer presented the report of the Service Delivery Manager – Public Protection, which detailed the proposed level of fees and charges for 2015/16 for Hackney Carriages, the Private Hire trade, Gambling and General Licences.

The current level of licence fees was implemented on 1 May 2014. In reviewing the level of fees and charges, the Committee needed take account of the need to recover the costs of administering licences so as not to subsidise the service area to the detriment of front line services, but at the same time to have regard to the impact that any increase might have upon the livelihood of licence holders. The licence fees had been reviewed in conjunction with an analysis of the costs of administering the licensing service. Appended to the report was a table showing the current and proposed new licence fees. The table also showed the projected cost recovery for each licence for the 2015/16 financial year, with the proposed licence fees largely corresponding with the cost recovery figure. A couple of minor typographical errors in the Gambling Licences fees were amended, and there was a missing line for new Sex Establishment licence applications – the figures for this were current licence fee £3000, cost recovery for 2015/16 £1161, proposed 2015/16 fee £1161. The fees and charges had been benchmarked against several other local authorities, and this information had been appended to the report and displayed at the meeting. A Community Impact Assessment had been carried out, and was appended to the report.

In response to a question about the costs that the Council could recover, the Principal Licensing Officer advised that the administrative cost of processing and issuing a licence could be recouped, but that enforcement costs for taxi licensing could not be recovered through the fees charged to licensees. A question was asked about the proposed increase in the cost of the street knowledge repeat test for taxi drivers from £10 to £128. The Service Delivery Manager – Public Protection responded that the driver training element of the licensing process was being taken out of the fee charged, so that effectively the first street knowledge test would be free. If an applicant needed to re-take the test, the £128 fee was based on the cost of administering the test. A further question was asked about the increase in cost for a performing animal registration and what checks were made on such animals, to which the Principal Licensing Officer advised that checks were done before the licence was issued, but there were no regular planned follow-up checks unless information was received from the public. Concern was also raised at the increase in fees for riding establishments given the pressures facing small businesses. The Service Delivery Manager – Public Protection stated that such establishments had to be visited by an Officer and the cost of administering this particular licence was reflected in the proposed fee.

Members acknowledged that there were significant variations in the cost of some licences, but were satisfied that the costs of administering and issuing the licences had been rigorously assessed and that the proposed fees now more accurately reflected these costs. It was noted that income targets and the administrative costs of the licences would continue to be monitored to ensure that an efficient and effective service was being provided.

RESOLVED - that the level of proposed fees, as shown at Appendix A of the report as amended, be approved to come into force on 1 June 2015, subject to any consultation responses received.

The meeting closed at 7.00pm.

Chairman:

Date:

Telford & Wrekin Council

Licensing Committee – 9th June 2015

Review of the Council's Statement of Licensing Policy

Report of the Service Delivery Manager – Public Protection

1. Purpose

- 1.1 To inform Members of the requirement to review the current Statement of Licensing Policy and to approve a twelve week consultation with affected persons and bodies.

2. Recommendations

- 2.1.1 That Members approve the revised Statement of Licensing Policy.
- 2.1.2 That Members approve a twelve week consultation to review the Statement of Licensing Policy beginning on 22nd June 2015 and ending on 14th September 2015.

3. Summary

- 3.1 The first Statement of Licensing Policy issued under the Licensing Act 2003 by this Licensing Authority, came into effect on 7th January 2005. It was revised on 7th January 2008, and an interim review revised it again on 1st December 2009. The Statement of Licensing Policy was previously reviewed every three years, but now must be reviewed every five years as a statutory requirement, and the current Statement of Licensing Policy has been in place since 7th January 2011.
- 3.2 The revised Statement of Licensing Policy which is the subject of this report, must be consulted on with persons and bodies listed in section 5(3) of the Licensing Act 2003, and will need to be approved by Full Council on 26th November 2015. The policy must take effect from 7th January 2016.

4. Previous Minutes

- 4.1 **Licensing Committee 13th October 2010 Minute No. LC-35**
Borough of Telford & Wrekin 25th November 2010 Minute No. 58

5 Information

5.1 Background.

5.1.1 The Licensing Act 2003 requires the Licensing Authority to review, consult, determine and publish a Statement of Licensing Policy every five years detailing how it will exercise its licensing functions under the 2003 Act.

5.1.2 The current Statement of Licensing Policy issued by this Licensing Authority came into effect on 7th January 2011 and must now be reviewed again.

5.1.3 To assist Licensing Authorities in the drafting of a revised Statement of Licensing Policy, the Home Office has issued Guidance under s.182 Licensing Act 2003. The most recent version of the guidance has been followed when reviewing the policy document, along with Best Practice Guidance issued by the Local Government Association (LGA) and the Licensing Policy Forum.

5.1.4 The Licensing Authority must carry out its functions, including its Statement of Licensing Policy, with a view to promoting the Licensing Objectives which are:

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

5.1.5 The majority of the proposed changes to the policy are due to changes in the law, and so some sections have been amended to reflect these changes, and other sections have been added on the following:

- Sexual Entertainment
- The Licensing Authority as a responsible authority
- Health as a responsible authority
- Early Morning Restriction Orders
- Late Night Levy
- Non-Payment of Annual Fee

The policy has also been revised in places to ensure the document is more user-friendly for applicants, officers, responsible authorities and the public.

5.1.6 Some changes to the Statement of Licensing Policy, such as changes to legal terms, titles of publications or contact details, have not been highlighted in the revised policy. These changes and the reasons for not highlighting them are explained in red on the first page of the

policy. All other amendments are highlighted in blue on the revised policy document at **Appendix A**.

5.1.7 Section 5 of the Licensing Act 2003 requires the Licensing Authority to consult with:

- the chief officer of police for the licensing authority's area,
- the fire authority for that area,
- each 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 act 2006 are exercisable in respect of any part of which is in the licensing authority's area
- such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
- such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
- such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
- such other persons as the licensing authority considers to be representative of businesses and residents in its area.

In addition to the statutory consultees, the Licensing Authority will also write to all premises licence holders in the area, town and parish councils, local community organisations and national organisations inviting comments. A full list of those we have consulted with will be at Appendix C of the Statement of Licensing Policy. The revised Statement of Licensing Policy will also be made available at Council Offices and local libraries and a copy will be posted on the Council's website similarly inviting comments.

5.2 Equal Opportunities

5.2.1 As described in the revised Statement of Licensing Policy and as part of the consultation process, a wide range of organisations, bodies and individuals will be approached and given the opportunity to make their views known in relation to the Revised Statement.

5.2.2 The legislation is designed through the promotion of the licensing objectives to take account of the interests of local residents and businesses and the protection of children from harm in determining any application.

5.2.3 Following the formal consultation, a Communities Impact Assessment will be carried out which will be included with the report when the review of the Statement of Licensing Policy goes back before Licensing Committee in October 2015.

5.3 Environmental Impact

5.3.1 Not applicable for the purposes of this report.

5.4 Legal Comment

5.4.1 **The Licensing Act 2003 section 5 states that each licensing authority must in respect of each five year period determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy before that date.**

Before determining its policy for a five period, a licensing authority must consult

- (a) the chief officer of police for the licensing authority's area,
- (b) the fire and rescue authority in that area,
- (ba) each Local Health Board for an area any part of which is in the licensing authority's area
- (bb) each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area,
- (c) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
- (d) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
- (e) such persons as the licensing authority considers to be representative of holders of personal licences issued by that local authority, and
- (f) such other persons as the licensing authority considers to be representative of business and residents in its area.

A licensing statement must specify the five year period to which it relates.

TS 12 May 2015

5.5 Links with Corporate Priorities

5.5.1 This report has links to the following Corporate Priorities:

- protect and create jobs as a 'Business Supporting, Business Winning Council'
- protect and support our vulnerable children and adults
- ensure that neighbourhoods are safe, clean and well maintained

- improve the health and wellbeing of our communities and address health inequalities

5.6 Financial Comment

5.6.1 There are no financial implications for this report.

5.7 Opportunities and Risks

5.7.1 In proposing the decision to be made concerning the review of the Statement of Licensing Policy under the Licensing Act 2003 the Corporate Risk Management Methodology has been complied with. This approach is not intended to eliminate risks but to identify the risks and manage them. However, not all risks can be managed all of the time and some risks may not have been identified.

5.7.2 The following key risks and opportunities associated with this decision have been identified and assessed and arrangements will be put in place to manage them.

5.7.3 A failure to consult widely with those statutory consultees listed in section 5(3) of the Licensing Act 2003, and a failure to publish the Statement of Licensing Policy by 7th January 2016 and in a form that is too prescriptive or significantly deviates from Guidance issued to Licensing Authorities under s182 of the Licensing Act 2003, could give rise to challenge by way of judicial review and the associated costs involved with this. Having identified this risk, processes and procedures have been put in place to ensure that the review of the Statement of Licensing Policy is carried out in a manner and within a timescale that should minimise such a risk so far as possible.

6. Ward Implications

6.1.1 This report has implications for all wards in the Borough.

7. Background Papers

7.1 Licensing Act 2003

7.2 Guidance issued under S.182 of the Licensing Act 2003

7.3 Telford & Wrekin Statement of Licensing Policy.

Report prepared by, Helen Owen – Licensing Technical Officer - For further information please telephone 01952 381818 or email licensing@telford.gov.uk.

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

If you would like this information in alternative formats, such as large print, Braille or audio tape, please contact 01952 380000

If you would like free help to understand this document in your own language, please phone Telford & Wrekin Council on 01952 380000

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.

DRAFT

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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Telford & Wrekin

C O U N C I L

Statement of Principles

Gambling Act 2005

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This Statement of Licensing Principles was approved by [x] Council on [date]

All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, Edition (5th Edition)

1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

This licensing authority is aware that, in making decisions about premises licences and temporary use notices, and in accordance with Section 153 of the Gambling Act, it should aim to permit the use of premises for gambling in so far as it thinks it is:

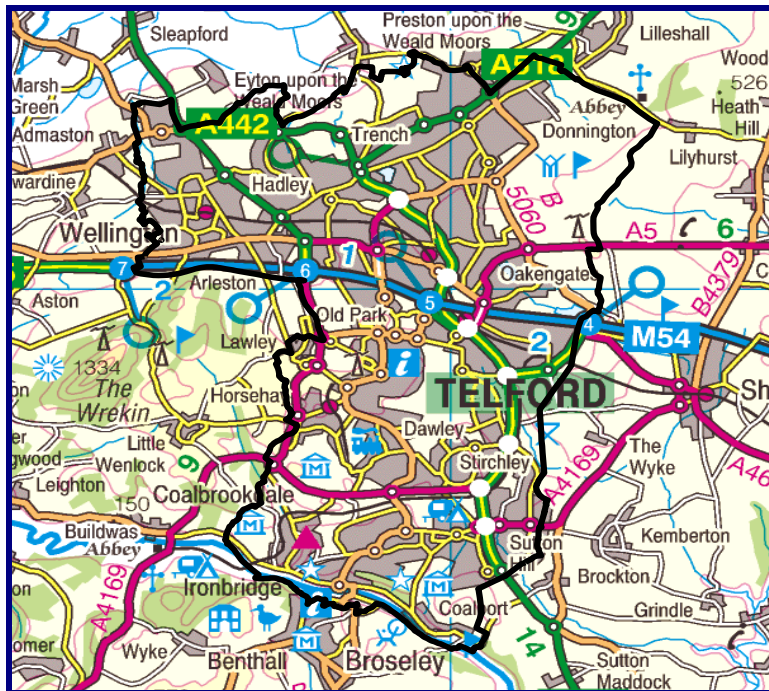
- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- in accordance with the authority’s statement of principles

2. Introduction

Telford & Wrekin Council is situated in the County of Shropshire which contains one other Unitary Council. The Council area has a population of just over 166,000 making it the smallest in the County in terms of population. In terms of area it is the smallest, covering 112 square miles. The Council area is a mixture of urban and rural districts; which includes the market town of Newport on the north-east corner of the borough and the central retail area of Telford town centre. These areas are shown in the maps below and include areas targeted for major housing projects.

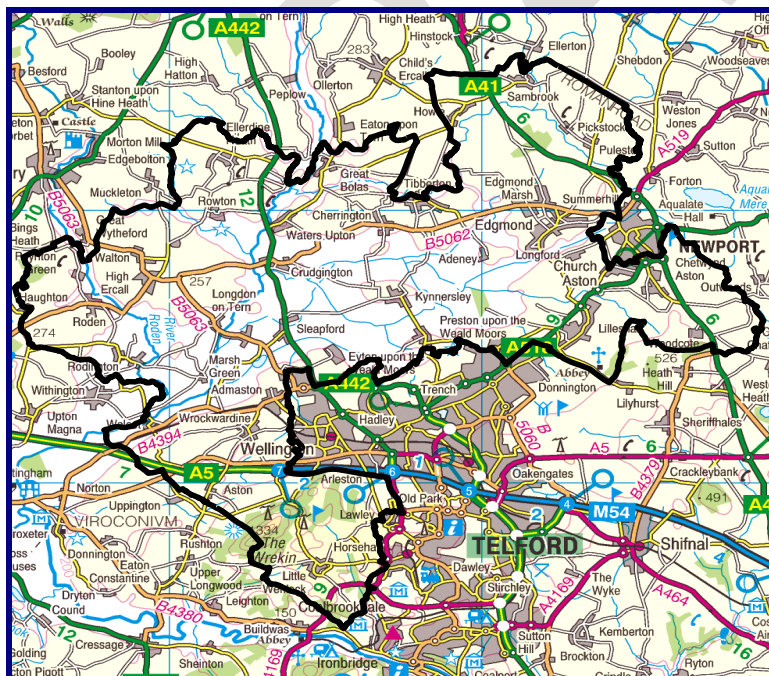
Telford & Wrekin Council is a Co-operative Council, working with local communities to transform and improve the borough is a key priority for Telford & Wrekin Council. We are currently making a major investment in regenerating towns and centres to make them more attractive and accessible to residents and visitors.

Telford & Wrekin – Urban Areas



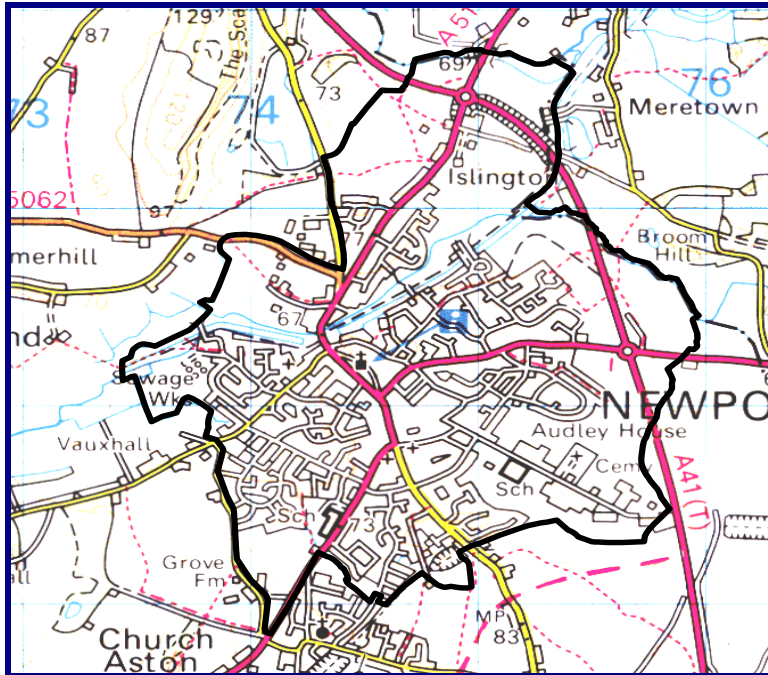
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Telford & Wrekin – Rural Areas



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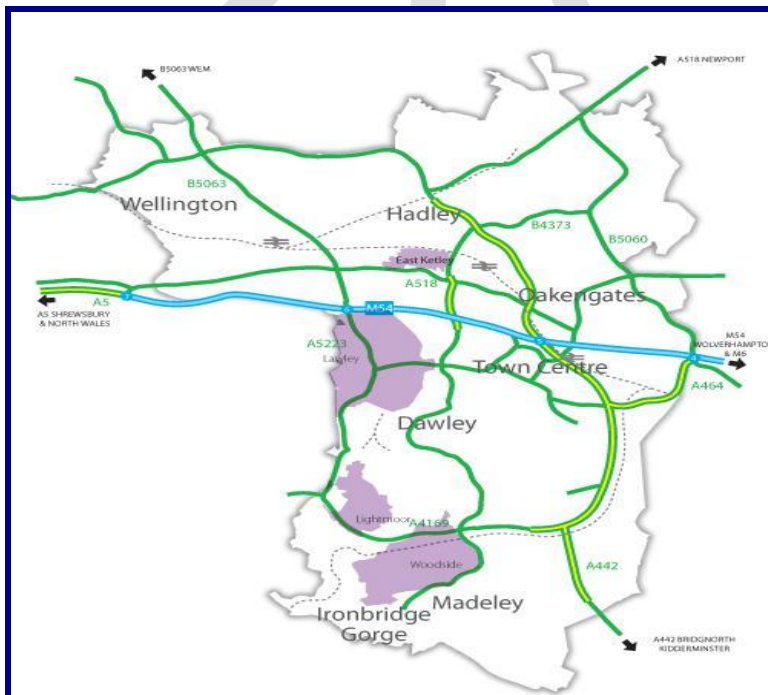
Telford & Wrekin - Newport



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Telford & Wrekin - Major Housing projects



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Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

Telford & Wrekin Council is consulting widely upon this statement before finalising and publishing. The changes which have been made from the current statement are shown in red.

The Gambling Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.

List of statutory consultees this authority consulted:

- Chief Officer of police West Mercia Police, Telford
- Association of British Bookmakers
- BACTA
- GamCare

The consultation for this policy is taking place between 22nd June 2015 and 14th September 2015 and follows best practice as set out by the Department for Business, Innovation and Skills

The full list of comments made and the consideration by the Council of those comments will be available once the consultation process has ended by request to: Licensing Service, Telford & Wrekin Council, Darby House, Lawn Central, Telford, TF3 4JA / via the Council’s website at: www.telford.gov.uk.

Information provided in response will be dealt with in accordance with the access to information regimes. These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations (2004). Please refer to the accompanying Guidance on the Code of Practice.

The proposed policy will be put to the Full Council on 26th November 2015 and will be published via our website on 3rd January 2016. Copies of this consultation document have been placed in the public libraries of the area as

well as Southwater, Addenbrooke House and Darby House receptions.

To express your opinions on the proposed policy document, please write, fax or email, as detailed below:

By post : Licensing Service, Telford & Wrekin Council, Darby House, Lawn Central, Telford, TF3 4JA

By fax: (01952) 381993

By e-mail: **licensing@telford.gov.uk**

It should be noted that this statement of licensing principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

In producing the final statement, this licensing authority declares that it will have had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

4. Responsible Authorities

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- *the need for the body to be responsible for an area covering the whole of the licensing authority's area; and*
- *the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.*

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities (5th Edition), this authority designates Telford and Wrekin Safeguarding Children Board (SCB) for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: www.telford.gov.uk

5. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- a) *lives sufficiently close to the premises to be likely to be affected by the authorised activities,*
- b) *has business interests that might be affected by the authorised activities,*
or
- c) *represents persons who satisfy paragraph (a) or (b)”*

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance to Licensing Authorities at (Section 8) and any decisions on premises licences and temporary use notices must be “in accordance” with Gambling Commission Guidance (Section 153). It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MP’s. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represent the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Service, Telford & Wrekin Council, Darby House, Lawn Central, Telford, TF3 4JA.

6. Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission (5th Edition) on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005. **The licensing authority strongly encourages data sharing by operators and would expect routine access to data such as the number of self-exclusions from premises and figures relating to the number of underage persons attempting to gamble.**

Should any protocols be established as regards information exchange with other bodies then they will be made available.

Please contact the Licensing Service, Telford & Wrekin Council, Darby House, Lawn Central, Telford, TF3 4JA for further information on our protocols.

7. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- *Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;*
- *Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;*
- *Consistent: rules and standards must be joined up and implemented fairly;*
- *Transparent: regulators should be open, and keep regulations simple and user friendly; and*
- *Targeted: regulation should be focused on the problem, and minimise side effects.*

As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences.

It should be noted that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This Licensing Authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

In accordance with the principle of transparency, this Licensing Authority's enforcement policy is available upon request to the Licensing Service, Telford & Wrekin Council, Darby House, Lawn Central, Telford, TF3 4JA. Our risk methodology is also available upon request.

8. Licensing authority functions

Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')

- Maintain registers of the permits and licences that are issued under these functions

It should be noted that Licensing Authorities are not to be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

Part B

Premises Licences: Consideration of Applications

1. General Principles

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

(i) Decision-making

This Licensing Authority is aware that in making decisions about premises licences, **and in line with Section 153 of the Gambling Act**, it should aim to permit the use of premises for gambling in so far as it thinks fit:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's Statement of Licensing Principles.

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities 'moral objections to gambling are not a valid reason to reject applications for premises licences' (except as regards any 'no casino resolution' - see section on Casinos – Part 17) and also that unmet demand is not a criterion for a licensing authority.

(ii) Definition of “premises”

In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises.

This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing

authorities should pay particular attention if there are issues about subdivisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the 5th edition of its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

This Licensing Authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity names on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This Authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.6 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Please note that in accordance with Section 166 Gambling Act 2005, the licensing authority has passed a 'no casino resolution' (refer to Section 4 of this policy).

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

Betting Shops

- Access must be from a street (as per para 7.6 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this Authority will also take into account in its decision-making.

(iii) Premises “ready for gambling”

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs **Section 7** of the Guidance.

(iv) Location

This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being

made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

(v) Planning:

The Gambling Commission Guidance to Licensing Authorities states:

7.56 'In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.'

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

7.63– 'When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.'

Betting Premises should be reminded of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 which took effect on the 15th April 2015.

Amongst the changes in this Order was the reclassification of Betting Shops. Previously Betting Shops were included within class A2 (financial and professional services). They are now in a stand alone class. In certain circumstances property occupiers can change from one use to another within the same classification without the need for planning permission. Prospective Betting Shop Operators will no longer be able to take advantage of this flexibility, unless the premises is currently trading as a Betting Shop or held a Betting Shop Premises Licence pre 15th April 2015. If that is not the case a specific planning application will be required. All prospective new applications are advised to contact the Planning Authority for further advice on this matter.

(vi) Local Risk Assessments

As of 6th April 2016, all operators with Premises Licences will have an obligation to produce a local risk assessment. This is to assist the local licensing authority when considering applications. This is a new requirement and therefore, constitutes a mandatory condition for licensees.

Licensees will be required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.

Licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

(vii) Clustering

Currently, Telford & Wrekin Council has not witnessed a high concentration of gambling premises in one area ('clustering').

If this situation does arise at some point in the future, then the licensing authority may consider the introduction of a 'Bet Watch Scheme'. Such a scheme would enable the licensing authority to engage with other relevant organisations (such as betting shops and West Mercia Police). This scheme could be used as a forum to share information, look at crime rates around the Borough in relation to betting premises, share best practice and to enable the operator's security managers to raise any issues that they are having where the local authority or West Mercia Police could provide support.

As yet, such a scheme is not in place, but operators should be mindful that the licensing authority may consider this necessary if clustering does occur at some point in the future.

(viii) Duplication with other regulatory regimes

This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which

are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section– see page 21).

Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis.

Conditions - Any conditions attached to licences will be proportionate and will be:

- *relevant to the need to make the proposed building suitable as a gambling facility;*
- *directly related to the premises and the type of licence applied for;*
- *fairly and reasonably related to the scale and type of premises; and*
- *reasonable in all other respects.*

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- *all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;*
- *only adults are admitted to the area where these machines are located;*
- *access to the area where the machines are located is supervised;*
- *the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and*
- *at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.*

These considerations will apply to premises including buildings where multiple

premises licences are applicable.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- *any condition on the premises licence which makes it impossible to comply with an operating licence condition;*
- *conditions relating to gaming machine categories, numbers, or method of operation;*
- *conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and*
- *conditions in relation to stakes, fees, winning or prizes.*

Door Supervisors - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

Test Purchasing – The licensing authority are aware that test purchase exercises are often undertaken at gambling premises by both the Gambling Commission and the premises' own organisation. These are often undertaken without the co-operation of the licensing authority. As a result, Telford & Wrekin Council seeks to encourage operators to share the results of any such exercises with the licensing authority.

2. Adult Gaming Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This licensing authority may consider measures to meet the licensing objectives such as:

- *Proof of age schemes*
- *CCTV*
- *Supervision of entrances / machine areas*
- *Physical separation of areas*
- *Location of entry*
- *Notices / signage*
- *Specific opening hours*
- *Self-exclusion schemes*
- *Provision of information leaflets / helpline numbers for organisations such as GamCare.*

This list is not mandatory, nor exhaustive, and is merely indicative of example measures

3. Family Entertainment Centres (Licensed)

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority may consider measures to meet the licensing objectives such as:

- *CCTV*
- *Supervision of entrances / machine areas*
- *Physical separation of areas*
- *Location of entry*
- *Notices / signage*
- *Specific opening hours*
- *Self-exclusion schemes*
- *Provision of information leaflets / helpline numbers for organisations such as GamCare.*

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This licensing authority will, as per the Gambling Commission's Guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises

licences, when they have been published.

4. Casinos

This licensing authority has passed a 'no casino' resolution on the basis that there was no requirement to consider such a resolution in accordance with Section 166 Gambling Act 2005 and in line with advice provided by the Local Authorities Co-ordinators of Regulatory Services. This decision is consistent with the discretionary nature of Section 166 and the authority may continue to take into account any principle or matter outside the licensing objectives. Furthermore, the maintenance of a neutral stance should be considered attractive because it neither ruled the licensing authority in or out of considering applications for casino licences in the future.

However, potential licence applicants should note that as a 'no-casino' resolution has been passed by this authority and no applications for casino premises licences will be considered. Any applications received will be returned with a notification that a 'no-casino' resolution is in place.

This resolution came into effect on 31st January 2010.

5. Bingo premises

This licensing authority notes that the Gambling Commission's Guidance states:

18.5 of the Guidance states that Licensing Authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

18.6 of the guidance states that children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

6. Betting premises

Betting machines (bet receipt terminals) – are not gaming machines as they

are designed or adapted for use to bet on future real events thus automating the betting process. Therefore, they do not count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. However, this does not include machines that are capable of taking bets on computer generated 'virtual races'.

Sec 181 Gambling Act 2005 contains an express power for licensing authorities to restrict the number of betting machine, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence.

This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

Primary Gambling Activity – An Operating Licence condition provides that gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn of the outcome and collect any winnings. Where betting facilities are provided only by betting machines, the number of betting machines must exceed the number of gaming machines made available for use.

7. Tracks

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This licensing authority may consider measures to meet the licensing objectives such as:

- *Proof of age schemes*

- CCTV
- *Supervision of entrances / machine areas*
- *Physical separation of areas*
- *Location of entry*
- *Notices / signage*
- *Specific opening hours*
- *Self-exclusion schemes*
- *Provision of information leaflets / helpline numbers for organisations such as GamCare*

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Gaming Machines - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Betting machines - This licensing authority will, as per **Part 7** of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans – Sec 51 Gambling Act requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and

because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

8. Travelling Fairs

This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

Sec 204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- *they concern matters which could not have been addressed at the provisional statement stage, or*
- *they reflect a change in the applicant's circumstances.*

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- *which could not have been raised by objectors at the provisional statement stage;*
- *which in the authority's opinion reflect a change in the operator's circumstances; or*
- *where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.*

10. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- *in accordance with any relevant Code of Practice issued by the Gambling Commission;*
- *in accordance with any relevant guidance issued by the Gambling Commission;*
- *reasonably consistent with the licensing objectives; and*
- *in accordance with the authority's statement of principles.*

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason

which it thinks is appropriate.

Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;*
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;*
- (c) suspend the premises licence for a period not exceeding three months; and*
- (d) revoke the premises licence.*

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder*
- the applicant for review (if any)*
- the Commission*
- any person who made representations*
- the chief officer of police or chief constable; and*
- Her Majesty's Commissioners for Revenue and Customs*

PART C

Permits/Registrations/Temporary & Occasional Use Notice

1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under **section 24**. The Gambling Commission's Guidance to Licensing Authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.8)

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes. (24.9)

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and

prizes.

2. (Alcohol) Licensed premises gaming machine permits – {Schedule 13 paragraph 4(1)}

Entitlement (Automatic): two machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority.

The Licensing Authority has no discretion to consider or turn down a notification but can remove the automatic authorisation in respect of any particular premises if:

- *provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;*
- *gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);*
- *the premises are mainly used for gaming; or*
- *an offence under the Gambling Act has been committed on the premises.*

Entitlement (Permit): Three or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help.

As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- *that they understand the limits to stakes and prizes that are set out in Regulations;*
- *that the gaming offered is within the law*
- *Clear policies that outline the steps to be taken to protect children from harm.*

In making its decision on an application for this permit the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission Guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- *the limits on participation fees, as set out in regulations, must be complied with;*
- *all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;*
- *the prize for which the game is played must not exceed the amount set*

out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and

- *participation in the gaming must not entitle the player to take part in any other gambling.*

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.

Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;*
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;*
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;*
- (d) a permit held by the applicant has been cancelled in the previous ten years; or*
- (e) an objection has been lodged by the Commission or the police.*

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to

Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

(a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;

(b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or

(c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5.Small Society Lotteries

The local authority is responsible under the Act for the registration of small lotteries in its area. Sec 2 of the Act defines 'licensing authorities' and sec 25 defines 'local authorities' and both are given the same definition. Therefore, in the interests of consistency the Gambling Commission's guidance refers to 'licensing authorities' as opposed to 'local authorities' under part 34.

Small society lotteries are non-commercial lotteries with prescribed financial limits and are:

- *For charitable purposes or*
- *For purposes of enabling participation in, or supporting sport, athletics or cultural activity or*
- *For any other non-commercial purpose other than private gain.*

As part of the registration, the applicant will be required to inform the licensing authority for what purpose the society is established.

The licensing authority will refuse applications for registration where it considers that:

- *That the society in question cannot be deemed to be non-commercial, or*
- *A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or*
- *The information provided in or with the application for registration is false or misleading, or*
- *An operating licence held by the applicant for registration has been revoked or, an application for an operating licence made by the applicant for registration has been refused,*

within the past five years.

The licensing authority will revoke the registered status of a society if it thinks that it would have had to, or would be entitled to refuse an application for registration if it were being made at that time.

6. Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

7. Occasional Use Notices:

The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

Telford & Wrekin Council

Licensing Committee – 9th June 2015

Review of Gambling Act 2005 – Statement of Licensing Principles

Report of: Service Delivery Manager Public Protection

1. Purpose

- 1.1 The Statement of Licensing Principles for the Gambling Act 2005 is due for its 3 yearly review. Members of the Licensing Committee will need to consider the revised Statement of Licensing Principles and to approve a twelve week consultation in respect of the same.

2. Recommendations

That the Licensing Committee agrees the amendments made to the Statement of Licensing Principles and approve a consultation with all relevant organisations beginning on 22nd June 2015 and ending on 14th September 2015.

3. Summary

- 3.1 The Gambling Act 2005 came into effect in January 2007. The current Statement of Licensing Principles was written in 2012. It is a statutory requirement to review the Statement of Licensing Principles every three years. This is the third review of the Telford & Wrekin Statement of Licensing Principles since it came into effect in 2007.
- 3.2 The first Statement of Licensing Principles issued by this Licensing Authority, came into effect on 31st January 2007. Following consultation and any amendments made as a result of the consultation the revised Statement of Licensing Principles will need to be approved by Full Council on 26th November 2015 and published on 3rd January 2016. The Statement of Licensing Principles will then take effect from 31st January 2016.

4. Previous Minutes

- 4.1 LC-16 30th June 2009
LC-18 20th November 2012

5 Information

5.1 Background

5.1.1 The Gambling Act 2005 requires Licensing Authorities to review their Statement of Principles every 3 years. The current policy document came into effect in January 2013. The third review is now due, with the proposed revised Statement of Principles coming into effect on 31st January 2016.

5.1.2 The licensing objectives in the Act are:

- *Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.*
- *Ensuring that gambling is conducted in a fair and open way.*
- *Protecting children and other vulnerable persons from being harmed or exploited by gambling.*

5.1.3 The draft review of the Statement of Licensing Principles has been prepared in the light of nearly eight years' experience and also in light of the Council's Statement of Licensing Principles which was last reviewed three years ago.

5.1.4 The Gambling Commission is currently consulting on its updated Guidance to Local Authorities (5th Edition). This consultation will run until 22nd June 2015. The proposed revision to the Council's Statement of Principles will take into account the amendments to the Gambling Commission's Guidance.

5.1.5 The Licensing Authority at Telford & Wrekin Council has received 33 applications for premises licences since the implementation of the Act. However, to date, the number of licences issued under the Gambling Act has fallen to 24 premises. This is made up of:-

- *18 Betting Premises Licences*
- *3 Bingo Premises Licences*
- *3 Adult Gaming Centres*

5.1.6 Under the Gambling Act, every application that attracts valid representations must be put before a Licensing Sub-Committee for consideration. Both applicant and those making representations have a right to address the Committee. Applications for the review of licences are also heard by a Licensing Sub-Committee. To date, the Licensing Committee has only been required to determine one Betting Premises application.

5.1.7 In exercising its functions, the Licensing Committee will have regards to:-

- *Licence Conditions and Codes of Practice (LCCP)*
- *Gambling Commissions Guidance to Local Authorities (5th Edition)*
- *Four Licensing Objectives*
- *Statement of Licensing Principles published by the local authority*

5.1.8 In the event of premises giving rise for concern, interested parties or their representatives, are able to apply for a review of a licence, at any time, on the grounds that their concerns relate specifically to the licensing objectives.

5.1.9 In terms of forthcoming consultation, the review will be carried out in accordance with the Cabinet Office Code of Practice which recommends a 12 week consultation. Responsible authorities are named under Section 157 Gambling Act 2005 and Interested Parties are defined under Section 158 of the Act as:

- *Persons living close to the premise*
- *Persons with business interests that could be affected*
- *Persons representing those in the above categories.*

5.1.10 The representatives of holders of existing licences, registered clubs and those who represent businesses, residents and community groups in the Borough will be consulted. The revised Statement of Principles will also be made available at Council Offices and local libraries and a copy will also be posted on the Council's website similarly inviting representations. A full list of those organisations to be consulted as part of the Review of the Statement of Principles are listed at **Appendix A**, and the letter to consultees, response form and monitoring form are attached to this report at **Appendix B**.

5.1.11 The Revised Statement of Principles is attached at **Appendix C**. This document will see a number of key changes which include:-

- *The introduction of operators requiring a local risk assessment to accompany any new application or variation application.*
- *The introduction of 'Bet Watch Schemes' where appropriate.*
- *The requirement for gambling premises to notify the local licensing authority of any test-purchase results conducted by the Gambling Commission or their own organisation.*

5.2 Equal Opportunities

- 5.2.1 As described in the revised Statement of Principles and as part of the consultation process, a wide range of organisations, bodies and individuals concerned with Gambling will be approached and given the opportunity to make their views known in relation to the Revised Statement.
- 5.2.2 The legislation is designed through the promotion of the licensing objectives to take account of the interests of local residents and businesses and the protection of vulnerable people from harm in determining any application.
- 5.2.3 Following the formal consultation, a Communities Impact Assessment will be carried out which will be included with the report when the review of the Statement of Licensing Principles goes back before Licensing Committee in October 2015.

5.3 Environmental Impact

- 5.3.1 Not applicable for the purposes of this report.

5.4 Legal Comment

- 5.4.1 Section 349 of the Gambling Act 2005 requires a Licensing Authority before each successive period of 3 years to publish a statement of Licensing Principles that it proposes to apply when exercising its functions under the Act. The current statement of Licensing Principles ends in January 2016. The Borough of Telford and Wrekin as the Licensing Authority will need to consult on the proposed Statement of Licensing Principles.
- 5.4.2 The legal issues concerning this report are contained in the body of the report.

TS 6 May 2015

5.5 Links with Corporate Priorities

- 5.5.1 This report has links to the following Corporate Priorities:
- protect and create jobs as a 'Business Supporting, Business Winning Council'
 - protect and support our vulnerable children and adults
 - ensure that neighbourhoods are safe, clean and well maintained
 - improve the health and wellbeing of our communities and address health inequalities

5.5 Financial Comment

5.5.1 There are no financial implications as a result of this report

5.6 Risks and Opportunities

5.6.1 In proposing the decision to be made concerning the review of the Statement of Principles under the Gambling Act 2005, the Corporate Risk Management Methodology has been complied with. This approach is not intended to eliminate risks but to identify the risks and manage them. However, not all risks can be managed all of the time and some risks may not have been identified.

5.6.2 The following key risks and opportunities associated with this decision is that a failure to publish the Statement of Principles by 31st January 2016 and in a form that is too prescriptive or significantly deviates from Guidance issued to Licensing Authorities by the Gambling Commission (5th edition) could give rise to challenge by way of judicial review. Having identified this risk, processes and procedures have been put in place to ensure that the review of the Statement of Principles is carried out in a manner and within a timescale that should minimise such a risk so far as possible.

6. Ward Implications

6.1 Borough Wide Implications

7. Background Papers

7.1 Gambling Act 2005

7.2 Guidance to Licensing Authorities (5th Edition) issued by the Gambling Commission

7.3 Telford & Wrekin Statement of Licensing Principles.

7.4 Telford & Wrekin Draft Revision of Statement of Licensing Principles.

Report prepared by: Carl Phillips, Public Protection, Darby House, email licensing@telford.gov.uk, telephone 01952 383267

Appendices

Appendix A: List of consultees

Statement of Licensing Principles – Gambling Act 2005 **Consultees List**

- Responsible Authorities as defined by section 157 Gambling Act 2005
- Association of British Bookmakers
- BACTA
- GamCare
- Samaritans
- Citizens Advice Bureau
- All alcohol premises licence holders under the Licensing Act 2003 within the Licensing Authority area
- Existing licence and permit holders under the Gaming Act 1968 within the Licensing Authority area
- Existing licence and permit holders under the Gambling Act 2005 within the Licensing Authority area
- Representatives of existing licence holders
- Safeguarding Children’s Board
- Vulnerable Adults Board
- Lotteries Council
- Local residents and their representatives through the Council website.
- Town Library and Council produced publications
- Guru Nanak Darwar Sikh Temple, Oakengates
- Punjabi Cultural Society
- Place of worship and the teaching of the Quran, Tan Bank
- Regent Street Mosque
- Hadley Mosque
- New Testament Church of God, Ketley
- Black History Group
- Seventh Day Adventist Church
- Hadley Mens get together group
- The Pentecostal Church, Wellington
- Pakistani Welfare Association
- Shropshire Bangladeshi Welfare Association
- Telford Hindu Sabha
- Equal Project
- Telford West Indian Society
- South Telford Anti-Racist Committee
- Schools Multi Cultural Development Service
- Shropshire Greek School
- Telford Central Mosque
- UK Telford Chinese School

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- Chinese Christian Church
 - Telford Cultural and Leisure Centre
 - Visible Minorities Development Centre

- Asian Health Link Officer, Telford and Wrekin Primary Care trust.
- Sangat Parchar Sabha Community Organisation.
- Impact Alcohol Advisory Service, Wellington
- Telford African Welfare Association
- Age Concern, Telford Town Centre
- CARE, Telford
- CHEC Voluntary Organisation
- Children's Society, Telford
- Carer's Contact Centre, Leegomery
- Gamecare
- Listen and Care Group, Randlay
- MENCAP, Wellington
- Multiple Sclerosis Society, Wellington
- Salvation Army
- Telford and Wrekin Foster Care Association
- Wellington and District Cottage Care Centre Trust
- Young People's Support Scheme
- MIND, Telford
- Rural Stress Support Network
- Telford and Wrekin CVS
- Telford Christian Council
- Unicef, Telford
- Wellington YMCA
- Telford and Wrekin Senior Citizen's Forum
- RNIB
- RNID
- Scope
- Severn Hospice
- Sure Start Children's Centre
- Sutton Hill Family Project

Appendix B: Consultation letter, Proforma and monitoring form

Text of Consultation Letter

. Dear Sir/Madam

Re: Gambling Act 2005 Review of Statement of Principles Consultation

Telford and Wrekin Council is consulting on the review of the Statement of Principles issued under the Gambling Act 2005.

The consultation commences on Monday 22nd June 2015.

You are invited to submit any comments you have in relation to the policy **by 5:00pm on Monday 14th September 2015.**

The Statement of Principles is available on the Council's website at www.telford.gov.uk, in Darby House and Civic Offices Reception, and in local libraries. Comments can be made in respect of the review by writing, fax or by e-mailing to the details below:

Licensing,
Darby House,
Lawn Central,
Telford,
TF3 4JA
Fax; 01952 381993
Email; consultationlicensing@telford.gov.uk.

I would like to thank you for taking time to participate in this consultation exercise and look forward to receiving your comments.

Yours faithfully

Carl Phillips
Licensing Technical Officer

English

If you find the text in this document difficult to read we can supply it in a format better suited to your needs. Please ask someone who speaks English to contact the telephone number below.

Panjabi

ਜੇ ਤੁਹਾਨੂੰ ਇਸ ਦਸਤਾਵੇਜ਼ ਵਿਚਲਾ ਮਸ਼ਮੂਨ ਪੜ੍ਹਨ ਵਿਚ ਮੁਸ਼ਕਿਲ ਹੋ ਰਹੀ ਹੈ, ਤਾਂ ਅਸੀਂ ਇਸ ਨੂੰ ਤੁਹਾਡੀਆਂ ਲੋੜਾਂ ਅਨੁਸਾਰ ਬਿਹਤਰ ਢੰਗ ਵਿਚ ਸਪਲਾਈ ਕਰ ਸਕਦੇ ਹਾਂ। ਕਿਰਪਾ ਕਰਕੇ ਕਿਸੇ ਅਜਿਹੇ ਵਿਅਕਤੀ ਨੂੰ, ਜੋ ਅੰਗਰੇਜ਼ੀ ਬੋਲ ਸਕਦਾ ਹੈ, ਹੇਠਾਂ ਦਿੱਤੇ ਨੰਬਰ 'ਤੇ ਸੰਪਰਕ ਕਰਨ ਲਈ ਕਹੋ।

Urdu

اگر آپ کو اس دستاویز کا متن پڑھنے میں دشواری محسوس ہو تو ہم اسے ایسی شکل میں مہیا کر سکتے ہیں جو آپ کی ضرورتوں کے عین مطابق ہو۔ برائے مہربانی کسی انگریزی بولنے والے شخص سے درج ذیل ٹیلیفون نمبر پر رابطہ کرنے کے لئے کہیں۔

Chinese

如果您觉得这份文件中的内容不便阅读，我们可以提供更符合您需要的格式。
请安排一位会说英语的人士拨打以下电话号码与我们联系。

Please return this form to: Principal Licensing Officer, Telford & Wrekin Council, Darby House, Lawn Central, Telford, TF3 4JA

Or by e-mail Consultationlicensing@telford.gov.uk **no later than 5pm on 14th September 2015.** Any responses will normally be made available to the public.



Appendix C: Revised & Current Statement of Principles